



**Department of  
Housing Preservation  
& Development**

**Testimony of the Department of Housing Preservation and Development  
to the New York City Council Committee on Housing and Buildings  
Hearing: Int. No. 345-A- In relation to the Alternative Enforcement Program  
Wednesday, October 1<sup>st</sup>, 2014**

Good morning Chairman Williams and members of the Housing and Buildings Committee. My name is Vito Mustaciuolo and I am HPD's Deputy Commissioner for Enforcement and Neighborhood Services. I am joined by our Associate Commissioner for Enforcement and Neighborhood Services, AnnMarie Santiago. We appreciate the opportunity to testify regarding Council Bill 345-A related to changes to the Alternative Enforcement Program.

HPD appreciates the Council's support of the Alternative Enforcement Program since its inception in 2007. HPD worked very closely with the City Council and tenant advocates on crafting this program and on making improvements to the program since that time. AEP is one of the many instances where HPD has successfully collaborated with the Council and with tenants and their representatives to ensure the preservation of the city's housing stock. The program has addressed conditions in hundreds of distressed buildings and continues to work to improve the housing quality for thousands of New York City households. As of Round 7, which we are currently in, HPD has touched 1,187 buildings and over 15,000 units by conducting inspections, imposing fees when property owners fail to comply and performing repair work to address emergency conditions and underlying conditions.

The bill before us today proposes three major changes to the AEP program:

- The bill increases the number of buildings for selection.
- The bill allows HPD more flexibility to select and discharge properties.
- The bill requires property owners to post a notice to tenants regarding the program and providing contact information.

HPD is supportive of these changes, and will make some recommendations for changes to the language of the bill today and hope to discuss the details of these recommendations with the Council and staff after the hearing.

The Administration and the City Council continue to show their support for the program by increasing AEP's funding. Mayor de Blasio increased the baseline budget for AEP staff by \$1 million in this year's Executive Budget. The City Council has also provided \$750,000 for an expansion of the program. While we are grateful for the increased support, we do not believe that this support is sufficient to address an additional 80 buildings per year. After reviewing our budget needs, HPD supports an increase of 50 buildings per year at this time. One of our concerns is that the \$750,000 provided by the Council is not a reoccurring support item. Approximately 58% of buildings remain in AEP for multiple years, requiring emergency repair work and monitoring by AEP staff for the entire time that the buildings are in the program. Generally, buildings may remain in the program because the building has been effectively abandoned by the owners or the buildings require work that requires time for the owners to obtain financing, contract for the work and obtain permits. HPD is working on strategies to reduce the time that a building remains in the program; however, we accept that at this time it is a factor that needs to be considered for our budgeting. Based on our budget projections, the funding provided by the City Council and the Mayor in the Budget will only support 50 additional buildings in one round for up to three years. The law would require additional buildings each year, for which we may or may not have funding depending on future City Council support and on any community development block grant cuts. CDBG funds are federal funds that HPD relies on for not just AEP, but for Code Enforcement, Housing Litigation, Neighborhood Preservation and Emergency Repair as well. Cuts to these funds, which are beyond the control of HPD, may result in reduced services from these other areas if AEP was mandated to be done on an additional 80 buildings per year.

Additionally, HPD believes that, through programs like AEP, the Proactive Preservation Initiative, general improvements in our enforcement efforts, and current economic conditions, there are fewer buildings which require the type of enhanced and focused enforcement that AEP requires. For example, the number of class B and class C violations issued to buildings chosen for AEP fell from an average of 114 violations per building in the two years prior to designation for buildings selected in Round 1, to 80 violations in the three years prior to designation for buildings selected in Round 6. Also, although the number of buildings selected for the program was 187 in Round 7 (which is the first year that HPD did not select 200 buildings), that round included the second highest number of affected units, with 2,700 units in the 187 buildings. By contrast, Round 1 only affected 1,300 units in 200 buildings.

Flexibility on the criteria for selection and on discharge reasons is a significant benefit to the program. As you may know, HPD has changed the selection criteria three times since the inception of the program. This is an important component of the program, as it allows HPD to effectively identify those properties which require the type of intervention that AEP is effective at providing. We are especially pleased to see that the Council has included a specific exclusion and discharge capability for properties which are participating in loan programs through HPD or HDC. When properties which qualify for or are selected for AEP are rehabilitated through our programs and subject to regulatory agreements preserving affordability, those properties should not be immediately subject to the requirements of AEP. The timeframes for compliance with AEP requirements often are shorter than the development and rehabilitation process, so penalties would result without this exception.

The requirement for property owners to post a notice regarding AEP will assist with addressing concerns that tenants are not aware of who the property owner is. AEP already posts each building with a notice to the tenants once the building is selected for AEP, and an additional notice that must be posted and maintained while the building is active in the program only serves to ensure that all tenants are aware of the building's status in the program.

Again, we look forward to discussing the implementation of these changes with the Council. Thank you for the invitation to testify today. I would be happy to answer any questions from the Committee.



**Department of  
Housing Preservation  
& Development**

**Testimony of the Department of Housing Preservation and Development  
to the New York City Council Committee on Housing and Buildings  
Hearing: Int. No. 348-A- In relation to inspection fees  
Wednesday, October 1<sup>st</sup>, 2014**

Good morning Chairman Williams and members of the Housing and Buildings Committee. My name is Vito Mustaciuolo and I am HPD's Deputy Commissioner for Enforcement and Neighborhood Services. I am joined by our Associate Commissioner for Enforcement and Neighborhood Services, AnnMarie Santiago. We appreciate the opportunity to testify regarding Council Bill 348-A related to the creation of inspection fees for situations where apartment conditions are not being addressed by property owners after multiple inspections that result in hazardous or immediately hazardous violations.

HPD appreciates the Council's support of the code enforcement efforts by the Department of Housing Preservation and Development. We have worked together to define the requirements for inspection fees for other types of inspections in situations where poor conditions go unaddressed for some time, including the Alternative Enforcement Program and repeated instances of no heat or hot water. HPD supports this continued joint effort to ensure that property owners take seriously their responsibilities to maintain their properties while recognizing that, especially in our mostly older housing stock, owners who respond in a timely manner to correct and certify poor conditions should not be charged a fee. HPD also supports this legislation as a means of ensuring that the City is compensated for expending taxpayer resources above and beyond what should be reasonably expected for responding to complaints which go unaddressed by the responsible entity, the property owner.

My understanding of the intent of Intro 348-A is to impose an inspection fee after a third instance where violations are issued for a given apartment without compliance and certification of those violations. HPD supports this intent. Further, the intent is to continue to impose these fees on inspections for all instances beginning at the third inspection within a calendar year. Buildings active in the Alternative Enforcement Program and buildings actively being supported through an HPD 7A Action would not be subject to these fees. Additionally, heat and hot water

violations would be excluded because those violations already have their own similar inspection fee rules. HPD could designate certain violations -- such as double cylinder locks and window gates -- at its discretion by rule to not be considered when calculating whether a fee should be imposed. Finally, all fees would become liens if not paid in a timely manner. HPD supports all of these sections of the bill. Given that, we believe that the wording of the bill in its current form may require some modification to reflect this intent and look forward to working with you on addressing these technical issues. We believe that laws such as Intro 348-A support enforcement, affecting the behavior of property owners who fail to comply with the law.

Again, we look forward to discussing the implementation of these changes with the Council within the next few weeks. Thank you for the invitation to testify today. I would be happy to answer any questions from the Committee.

Zorayda Conde

Good Morning, my name is Zorayda Conde and I am a tenant of 383 Sumpter Street in Brooklyn and a member of Make the Road New York.

For the last seven years, I have lived in this same building under various owners. Time and time again, the owners who came in were negligent and refused to make repairs in my apartment. In fact, the only repairs that I've seen were Emergency Repairs made by the city itself.

In my apartment, I have leaks in my bathroom, living room and bedroom. The bathroom and bedroom are so bad that mold has started to form. In addition, my bathtub needs to be replaced, my front door needs to be changed out and my roof needs to be repaired. My apartment is no place for someone to live.

The lack of repairs in my building has caused four of the six families to pick up and leave, exactly what the landlord wants. Of the 86 violations in my building, 65 are Class B violations and 23 of the violations exist in my apartment alone – many of them for over two years.

Over and over again, I call to make complaints and HPD shows up to tell me what I already know, that my apartment is in bad shape. Today, I am here because I believe that we need to give HPD more tools to go after bad actor landlords.

Since civil penalties can only be collected after a broken court process, landlords can and do get away with not paying for their negligence. If we allow HPD to charge a \$200 inspector fee after the third complaint based violation in one year, without court intervention, it could help force landlords to comply.

As a tenant who lives with horrific conditions, I can't continue to wait for the landlord to fix on his clock.

Thank You

Buenos días , mi nombre es Zoraida Conde y yo soy un inquilina de 383 Sumpter Street en Brooklyn y miembro de Se Hace Camino Nueva York .

Durante los últimos siete años, he vivido en este mismo edificio con varios propietarios . Una y otra vez , los propietarios que vinieron fueron negligentes y se negaron a hacer reparaciones en mi apartamento . De hecho , las únicas reparaciones que he visto eran Reparaciones de emergencia realizadas por la propia Ciudad .

En mi departamento , tengo goteras en mi cuarto de baño , salón y dormitorio . El baño y el dormitorio son tan malas que el moho ha comenzado a formarse . Además , mi bañera necesita ser reemplazada, mi puerta necesita ser cambiada y mi techo necesita ser reparado . Mi apartamento no es lugar para que alguien viva .

La falta de reparaciones en mi edificio ha sido la causa p[ara que cuatro de las seis familias recojan sus pertenencias y abandonen su vivienda , que es exactamente lo que quiere el propietario. De los 86 violaciones en mi edificio , 65 son violaciones de clase B y 23 de las violaciones existen en mi apartamento solo - muchos de ellos durante más de dos años.

Una y otra vez , yo llamo a presentar quejas y HPD aparece para decirme lo que ya sé , que mi apartamento está en mal estado . Hoy , estoy aquí porque creo que tenemos que dar HPD más herramientas para perseguir a los malos propietarios actores.

Desde que las sanciones civiles solo se pueden recoger después de un proceso de corte, los propietarios pueden y salirse con la suya y no pagar por su negligencia. Si permitimos que el HPD cargue una cuota \$ 200 por inspeccion después de la tercera violación en un año , sin intervención judicial , podría presionar a los duenos a cumplir con su responsabilidad.

Como un inquilino que vive en condiciones horribles , no puedo seguir esperando a que el propietario arregle su reloj .

Gracias



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**Testimony by The Legal Aid Society before the  
New York City Council Committee on Housing and Buildings  
Concerning the Quality Housing Act.  
Wednesday, October 1, 2014**

**INTRODUCTION**

Good morning Chairman Williams and the council members of the Housing and Building Committee. I am Christine Nyamekye Appah, a staff attorney at The Legal Aid Society of New York from the Queens Neighborhood Office. Thank you for convening this hearing on the dual proposals to amend the administrative code of the City of New York with respect to the Department of Housing Preservation and Development's Alternative Enforcement Program, (Proposed Int. No. 345-A) and to further amend the administrative code with regard to inspections, re-inspections and penalties for violations of the housing maintenance code, (Proposed Int. No. 348-A).

The Legal Aid Society appreciates this opportunity to testify at this hearing to express support for these proposals. We believe that these changes will enhance accountability of landlords to complete repairs properly and on schedule. Securing repairs in a timely and efficient manner is integral to preserving housing security and environmental health for tenants. By enhancing accountability, we can take steps to ensure healthier living spaces for New York tenants. We believe that these amendments would have far reaching effects on the quality of life for tenants all over New York City.

The Legal Aid Society is the oldest and largest legal services provider for low income families and individuals in the United States. Annually, the Society handles more than 300,000 cases and legal matters for low income New Yorkers with civil, criminal and juvenile rights problems, including some 46,000 individual civil matters benefiting nearly 116,000 New Yorkers as well as law reform cases which benefit all two million low-income families and individuals in New York City.

Through a network of 16 neighborhood and courthouse-based offices in all five boroughs and 23 citywide and special projects, the Society's Civil Practice provides direct

legal assistance to low-income individuals. In addition to individual assistance, The Legal Aid Society represents clients in law reform litigation, advocacy and neighborhood initiatives, and provides extensive back up support and technical assistance for community organizations.

Our citywide Housing Unit is the largest single unit within the Civil Practice and is staffed by 101 staff attorney and paralegal case handlers. Last year alone, the Housing Unit handled more than 20,000 individual housing matters citywide, and represented tenants in private as well as public housing. We also receive volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program for the entire Society. Some of the *pro bono* attorneys who work on housing matters handle a significant number of Housing Preservation, or HP actions, in which repairs are the central issue. The Legal Aid Society assists and co-counsels *pro bono* attorneys with these matters.

The Legal Aid Society has been at the forefront in the struggle for tenants rights in New York City's housing courts for decades. Our experience puts us in a unique vantage point to discuss the need to promote greater accountability for the problems that our clients face through legislative changes.

#### **THE CURRENT PROBLEM**

According to the most recent Housing and Vacancy Survey, there are 3,352,041 apartments in New York City, renters live in 2,172,634 apartments or 64.8% of the housing stock.<sup>1</sup> In a 2011 study by the NYU Furman Center of Real Estate and Urban Policy, found that "the number of serious housing code violations issued by the City has remained roughly steady over the past several years. In every year from 2005 to 2011, the City issued between 52 and 58 new serious housing code violates per 1,000 rental units."<sup>2</sup> The study also showed that "the total number of violations, which includes less serious infractions, issued per 1,000 rental units has declined steadily since 2005."<sup>3</sup> While the decrease is laudable, our daily work reveals that many of our clients are still facing with chronic repair issues.

The process is the same citywide. Tenants are routinely directed to report their concerns and complaints to the City by dialing 311. When they call, their complaints are recorded by HPD which then dispatches inspectors. These inspectors record violations (if present) and then notice of these violations is sent to the landlord. If the landlord does not correct the violations, then they are supposed to be fined. This should be straightforward. The problem is that as we have observed, the process does not operate as the legislature intended. This is because the fines are rarely collected. In practice, the current regulations require additional court hearings in order for violations that have not been addressed to result in a fine on the landlord. Although the City has enacted an enforcement mechanism

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<sup>1</sup> Dr. Moon Wha Lee, City of New York Department of Housing Preservation and Development, New York City Housing and Vacancy Survey (HVS), at 23.

<sup>2</sup> NYU Furman Center for Real Estate and Urban Policy, State of New York City's Housing & Neighborhoods in 2012, at 28.

<sup>3</sup> *Ibid* at 28.

that creates financial consequences, the enforcement mechanism needs to be strengthened. As a result, we hear similar complaints throughout all of the boroughs: that the recorded violations are not being corrected fast enough and violators are not being held accountable.

When these repairs are not addressed, the tenants often chose a number of less than favorable options that can amount to costly consequences. A few more common scenarios are detailed below:

1. “Repair and Deduct”: This approach is often impracticable for several reasons. The tenants that we serve often do not have the resources to hire professional contractors to address the repairs that are needed in their apartments. More importantly, the ability to deduct such repairs from their rent requires the tenant to obtain formal written consent from their landlord. Most tenants have to take matters into their own hands to address repairs precisely because they have not been able to reach their landlords. If this process is not completed properly, and the tenant plans to deduct the amount of the repairs from their rent, the tenant may have to fight to get their money back and to protect themselves for being sued for the balance of the rent that they used to secure the repairs.
2. Withholding Rent: It is a popular misconception that holding the rent, absent a court order to do so, is a viable way to get redress for repairs. Many tenants believe that by being sued, they will finally have a forum where they can address their repair issues. What eventually happens is that the tenant’s name and information is compiled in a database, and they are effectively “blacklisted” for being sued in housing court, which may have a tangible effect on their credit history and tenant screening reports. In addition, the tenant may even risk eviction unless all of their back rent money is available once their landlord secures a judgment for the arrears.
3. Abatement Hearings: While this seems like the normal course of business, this is not always the case for our clients. With abatement hearings, tenants and their advocates are routinely told that they should have all of the rent money ready and available before they go before the judge. The key reason is that if they are in fact awarded an abatement, they will have a short time to pay, commonly explained to them by landlord’s attorneys as the “five days to pay” rule. This is impracticable for our clients who are seeking rent arrears from NYC Human Resources Administration, or additional financial and/or charitable sources. It is simply not possible to ensure that the arrears can and will be paid in full in that very short time frame. Oftentimes tenants who are not equipped to make such a payment in that time frame and normally settle for the time to pay the arrears instead of the abatement that they would have preferred to receive. They end up paying the full rent arrears without any deductions for the incomplete repairs simply because they fear being evicted.

### **THE PROPOSALS INCENTIVIZE COMPLIANCE**

Ultimately, securing repairs can be difficult for tenants unless there is sufficient court and administrative support to ensure that the repairs actually happen. In New York City buildings with the worst records, the NYC Department of Housing and Development’s

Alternative Enforcement Program is assigned to assist tenants to obtain repairs in situations where the landlord is unable or unwilling. Instituted in 2008, this program has helped hundreds of buildings that were designated as “in distress”. HPD chooses buildings based on violation count and Emergency Repair Program charges. HPD then give the landlords a 4-months ultimatum to make comprehensive repairs. If landlords default, HPD places the buildings into AEP and undertakes the repairs and bills the landlords. Make the Road NY issued a report in 2013 which found that AEP substantially transformed conditions in buildings that entered AEP<sup>4</sup>. The key points in Proposed Int. 345-A would help to address many pre-existing problems.<sup>5</sup> At present, the program provides for the identification of “no fewer than two hundred” buildings per year. However, we believe that the City Council’s proposal to increase the number of buildings to identify for participation in the program to a total of 400 per year would help to expand and speed up the process of neighborhood preservation. What we have seen is that distressed buildings form blighted neighborhoods and blighted neighborhoods can lead to social ills. It is very likely that by increasing the number of buildings allowed in this program per year, we will able to address these issues and help more families faster and more efficiently. The Legal Aid Society supports the expansion of this program.

In addition to increasing the number of buildings that are able to participate in the program, the proposal also increases the notice requirements for tenants. This would be very helpful for tenants who have to deal with a lack of repairs and a lack of information about who is ultimately responsible for them. We also appreciate that the proposal expands language access by ensuring that this information is made readily available in English, Spanish, and any other language that the department may prescribe. Oftentimes, limited formal information coupled with limited language access can be a barrier for tenants to have their concerns and issues addressed. This demonstrates a willingness to conduct more effective community outreach.<sup>6</sup>

We also strongly support the amendments proposed to NYC Code §27-2115 through Proposed Int. 348-A. By increasing the penalties for uncorrected violations will lead to more severe consequences for failing to file, or failing to timely file, a certificate of correction of violation with the City. When the repairs are not addressed, the City then has to re-inspect. The proposal would incentivize landlords to provide solutions by avoiding a re-inspection fee. The proposal also addresses repeat offenders by imposing a fee on any person who fails to correct an “immediately hazardous violation of any kind within the same year for the same dwelling”, making it clear that repeat offenders will be penalized.<sup>7</sup>

## **ENVIRONMENTAL CONSEQUENCES OF NON-COMPLIANCE**

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<sup>4</sup> Make the Road NY, The Roof Over Our Heads: The Case for Stronger Enforcement of New York City’s Housing Maintenance Code. October 2013.[http://www.maketheroad.org/pix\\_reports/MRNY\\_Report\\_Roof\\_Over\\_Our\\_Heads\\_Oct\\_2013.pdf](http://www.maketheroad.org/pix_reports/MRNY_Report_Roof_Over_Our_Heads_Oct_2013.pdf)

<sup>5</sup> Council of City of NY Intro No. 345-A, proposing amendment to Administrative Code § 27-2153 (May 14, 2014)

<sup>6</sup> Council of City of NY Intro No. 345-A, proposing amendment to Administrative Code § 27-2153 (May 14, 2014)

<sup>7</sup> Council of City of NY Intro No. 345-A, proposing amendment to Administrative Code § 27-2115 (May 14, 2014)

Our work has shown that delays in repairs can have not only financial but also health consequences. At the center of many repair issues are matters of environmental health. Research has demonstrated that there are apartment and building conditions that could aggravate a child's respiratory health fueling the asthma epidemic in New York City's young population.

Failure to correct repairs can have an impact on public health. "Because poor housing quality has been found to be associated with the presence of indoor asthma triggers, it may be possible for health disparities to arise in certain types of housing where residents may lack the resources both economic and political, to improve housing quality."<sup>8</sup> Asthma triggers may come from many sources, for example, the dander that comes from the fur of vermin and the presence of cockroaches have all been shown to exacerbate asthma in children.<sup>9</sup>

Mold is another large problem. This has been particularly problematic since the City suffered from the effects of Hurricane Irene and then Superstorm Sandy. Many of our clients in the more heavily affected areas were still reporting that they were being affected by unabated mold growth in their homes several months after the storms made landfall. The longer the exposure to mold spores, the greater the risk of injury to respiratory health. According to health officials and experts, "Lasting effects from mold, dust and other environmental hazards generally require long-term, continuous exposure [...]"<sup>10</sup> This is a large and persistent problem. "Indoor exposure to mold has been linked to upper respiratory tract symptoms, cough, and wheeze in otherwise healthy people, and with the exacerbation of symptoms in people with asthma".<sup>11</sup>

Our work has also revealed that the classification system for violations may also have an impact on accountability. Violations are distinguished in severity by an alphabetical system from "A" to "C", with "C" being reserved for the most problematic conditions. At the moment, vermin, cockroaches, bedbugs and mold are listed as "B" violations. Given their potential impact on human health, we propose that the harsher penalties that are being proposed also be assigned to certain "B" violations as well. These violations also require urgent attention and we feel that many of our clients dealing with these problems would appreciate having the enforcement mechanisms designed to assist them strengthened.

#### **ADDITIONAL SUGGESTIONS**

While Intros 345-A and 348-A are an excellent start to begin to address the conditions crisis that tenants face, we have two additional solutions to further confront this crisis. In 2013, the City Council enacted Intro 967 (Local Law 6 of 2013) which enabled HPD to issue an order to correct an underlying condition which caused a violation of the Housing Maintenance Code. This law holds a landlord accountable not only for the

<sup>8</sup> The Role of Housing Type and Housing Quality in Urban Children with Asthma, J. Urban Health: Bulletin, Vol. 87(2) 211-24 (2010) The New York Academy of Medicine, Claudio, L, et.al.

<sup>9</sup> Determinants of Allergens Concentrations in Apartments of Asthmatic Children Living in Public Housing, J. Urban Health: Bulletin, Vol. 84 (2) 185-97 (2007) The New York Academy of Medicine, Peters, JL, et.al.  
<sup>10</sup> Storm Victims, in Cleanup, Face Rise in Injuries and Illness, Anemona Hartocollis and Julie Turkewitz, The New York Times, November 19, 2012. Last visited, September 24, 2014.

<sup>11</sup> The Long Road to Recovery: Environmental Impacts of Hurricane Sandy, John Manuel, Environmental Health Perspectives, Vol. 12, No. 5.

cascading leak which causes a ceiling to collapse but also for the problem with the pipes which causes this condition to return time and time again. However, unlike other violations of the Housing Maintenance Code, only HPD can bring such a case seeking an order to correct. Local Law 6 of 2013 should be amended to provide that tenants may bring underlying conditions cases before the Housing Part in Housing Court. Additionally, while the HPD database of housing code violations is an excellent resource for tenants and interested members of the public, the largest New York City landlord is missing from the database. The New York City Housing Authority's housing code violations are not public. NYCHA should be held to the same standard as the private landlords and have their violations made public. Public Housing residents have the same right to live in safe and decent conditions as do the tenants of private landlords. We respectfully request that this committee consider our suggestions for additional legislation.

## CONCLUSION

The Legal Aid Society supports these proposals. Expanding the Alternative Enforcement Program would help many more families. Allowing the City to attach stiffer penalties to the violations would not only motivate landlords into action, it would lead to great improvements in the environmental health of some of the most vulnerable New Yorkers. Since a significant amount of our housing work is on behalf of families with minor children or the elderly, we see how greater accountability would increase the quality of life for the children of our clients and the elderly who have to live in poor housing conditions.

We are all aware that substandard housing is a citywide problem. When we are not discussing the problem, it only sits and worsens. But when we are only discussing the problem and not taking steps to properly address it, we are only enabling the very issues that we as advocates endeavor to correct. Let us take bolder steps to strengthen the enforcement mechanisms that will help New Yorkers to live in safer, healthier homes. We encourage you to take steps to pass these proposals. Once again, I appreciate this opportunity to impart the concerns of The Legal Aid Society on these very important issues.

Respectfully Submitted,  
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TESTIMONY

ON

**QUALITY HOUSING ACT BILLS  
INT 0345-2014 AND INT 0348-2014**

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL

PRESENTED BY:

Harvey Epstein

DIRECTOR  
URBAN JUSTICE CENTER  
COMMUNITY DEVELOPMENT PROJECT

OCTOBER 1, 2014

Good afternoon. My name is Harvey Epstein and I am speaking on behalf of the Community Development Project (CDP) at the Urban Justice Center. We support Int 0345-2014 and Int 0348-2014, two bills in the Quality Housing Act that affect HPD's Alternative Enforcement Program (AEP) and HPD's ability to charge inspector fees for repeat violations, respectively. Thank you for the opportunity to testify this afternoon.

The Community Development Project formed in September 2001 to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities by winning legal cases, publishing community-driven research reports, assisting with the formation of new organizations, and providing technical and transactional assistance in support of their work towards social justice. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

For more than 10 years, CDP has offered legal services and support on housing issues to community non-profits, group cases, and individuals in low-income NYC neighborhood. This work goes hand in hand with our core values. We worked with the City Council to create the AEP program in 2006 and helped secure its passage in 2007. We knew that AEP would be an additional tool for advocates and the City to improve housing quality standards. In our work, we have seen countless cases of landlords failing to make apartment repairs and avoid meaningful financial penalties, making tenants feel powerless in substandard living conditions. Programs like the Alternative Enforcement Program allow residents to feel empowered again and we are excited to be able to support its expansion.

Through the AEP, the city already highlights and pressures the worst landlords in the worst buildings to address substandard living conditions—for example, according to HPD's five year report, the AEP brought 357 of the most distressed buildings in the city back into compliance with the Housing Maintenance Code, corrected over 67,000 hazardous violations in 800 city buildings, and collected \$20 million in AEP charges and fees from building owners and management companies.

However, Make the Road New York's October 2013 report, "The Roof Over Our Heads," found that a significant number of AEP tenants surveyed did not know what the program was or how it worked. This feedback is addressed with the bill Int 0345-2014: the proposed bill will expand the coverage of the AEP by 40% and requires landlords to post notices in the building disclosing the contact information for HPD and the mortgage holder. This additional information provided to tenants and increased capacity of AEP will empower AEP tenants by providing them information about the AEP program, who their landlord and the building's financier are, and where to call to present complaints. Int 0345-2014 only strengthens the AEP, giving more information to residents in distressed buildings and helps ensure that they see proper, timely improvements of their living conditions. Moreover, with limited government resources, we would encourage the Council and HPD to exclude or severely limit the number of building that have fewer

than 6 units from entering into the AEP program at all. Why these units are important in New York City, we do not believe it is a good use of our tax dollars improve building that have no rent protections and do not add to the affordable housing stock.

We also support Int 0348-2014 in expanding HPD's ability to charge inspector fees for repeated violations. Currently, landlords can avoid being penalized for violations on the front end. True, civil penalties begin to accrue against a landlord from the moment HPD places a violation, but the penalties are enforceable only after a landlord is taken to housing court and a judgment is entered. Oftentimes housing court judges will issue an order to correct against the landlord, but without any monetary judgment, meaning that landlords can actually get away with not paying any financial penalty even after they become involved with the judicial system.

Current law provides that upon the third heating violation in the same winter season or the third hot water violation within a year HPD can assess an inspector fee of \$200 and Int 0348-2014 hopes to expand those parameters. Int 0348-2014 will allow HPD to charge inspector fees for repeated Class B or C violations, allowing HPD's to charge fees automatically without court intervention for a larger scope of repeated violations. These fees are allowable because they are already calibrated to HPD costs. By expanding the fees that HPD can automatically charge, HPD increases its ability to hold landlords financially accountable for substandard living conditions.

Int 0345-2014 and Int 0348-2014 are two essential parts of the Quality Housing Act. By expanding the AEP, we increase HPD's ability to find and fix substandard conditions for the most vulnerable tenants. And by increasing HPD's ability to levy inspector fees on landlords for repeated violations, we hold landlords accountable for making repairs. With these two parts of legislation, we can address major shortfalls in enforcing and incentivizing repairs and we have the opportunity to create a culture of compliance among landlords and management offices. The proposed legislation strengthens New York City's commitment to support its residents from unjust and uninhabitable living conditions.

Once again, thank you for the opportunity to testify.

Cathy Dang, Executive Director, CAAAV Organizing Asian Communities  
55 Hester Street New York, NY 10002  
(212) 473-6485, cdang@caaav.org

Good morning. Thank you for allowing me to share this testimony on behalf of our tenants who are constantly fighting to remain in their homes and to demand greater accountability from their landlords for improved living conditions. My name is Cathy Dang and I am the Executive Director of CAAAV Organizing Asian Communities. We are a citywide organization with the mission to organize and build power of low-income Asian immigrants and refugees for racial, gender, and economic justice. We organize on two issue areas – housing and police accountability.

Our Chinatown Tenants Union project organizes rent-stabilized tenants in Chinatown for the right to remain in their homes, to improve living conditions and to rezone Chinatown to protect it from further community displacement. We have lost 20% of the Asian residents in Chinatown according to the last U.S. Census and have lost nearly 15,000 affordable housing units in the Lower East Side and Chinatown since 2006. Landlords and developers use an array of tactics to drive tenants out of their homes – sending tenant relocation specialists to force buyouts, frivolous court proceedings, verbal threats, and refusing essential services and repairs.

Landlords have left many buildings in distress as a means of tenant harassment to drive them out so that they can flip units to market-rate. These are buildings with unsafe staircases, illegally formed units by the landlord, hanging wires, rodent infestation, and holes in the ceilings and floors. These are apartments with children.

In Chinatown, we don't have enough organizers to keep up with the pace of DOB and HPD vacate orders that seem to happen almost every single month because of unsafe living conditions. These landlords are negligent and put families' lives in jeopardy and should be held responsible. We are here to say that the Quality of Housing Act is a step forward and one measure to complement the organizing we are doing in our communities to fight for just living conditions. We have always thought AEP taking on only 200 buildings isn't enough when it seems like we are losing 200 rent-regulated units a day to landlords who want to flip our city for the rich. We hope that the fines imposed on landlords by HPD will also be aggressively collected. We thank all the Council Members who introduced bills 345-A and 348-A.

**FOR THE RECORD**

**FOR THE RECORD**

**Associated Builders and Owners of Greater New York**

We have no objection to Int. No. 345-A.

ABO believes Int. 348-A should be amended to exempt owners from additional fees where the hazardous violations are tenant-caused, such as removed smoke detector batteries or illegal gates and locks, or where the owner has not been granted access for repairs.

## IRANIA SANCHEZ

My name is Irania Sanchez; I am a resident at 76 George Street, a rent-stabilized building in Bushwick and a member of Make the Road New York.

For nine years, I have lived in this apartment with my mother whom is disabled and my two daughters who both suffer from asthma.

In October 2012, things took a turn for the worse. My building was sold and the new owner intimidated and pushed tenants out. We were the only family who stayed – we had nowhere else to go.

Not caring that we still lived in the building, the new landlord started demolition of the other five units. The boiler was removed, walls were torn down, water leaked through our roof and windows were covered with plywood.

Here are some pictures of my apartment before repairs – no one should live like this.

With the support of Make the Road, I filed a case in housing court to improve my living conditions but got nowhere. The court process moved slowly and the landlord continued his terrible ways.

Finally in January 2014, my building was added to HPD's Alternative Enforcement Program. AEP Inspectors came to my building on a regular basis and issued fines each time they came out. All of a sudden, the landlord was very responsive—he wanted to fix things right away to avoid more fines.

It took almost two years to see repairs after first going to court but it could've taken much longer had it not been for the pressure of the Alternative Enforcement Program:

Here are pictures of my apartment after repairs were made through AEP.

While my family is now in a good place, there are still too many families across this City battling neglectful landlords who often care more about money than people.

If there is a program that works to support those vulnerable families and is aligned with our city's goal of preserving affordable housing, we should invest every penny that we have into its growth.

Our recommendation is a simple one; grow the Alternative Enforcement Program, a good program with a proven track record by 50%. The impact that this program will have on the hundreds of additional families that it would cover is priceless.

Thank You



## TESTIMONY OF EZRA KAUTZ, STAFF ATTORNEY AT MAKE THE ROAD NEW YORK, REGARDING INTROS 345 AND 348

New York City Council  
Committee on Housing and Buildings  
October 1, 2014

My name is Ezra Kautz and I am a Housing Attorney at Make the Road New York (MRNY), a non-profit organization based in the communities of Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond and Midland Beach, Staten Island; and Brentwood, Long Island. MRNY builds the power of immigrant and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services, which includes legal services. Our organization consists of more than 15,000 members, most of whom are immigrants and many of whom live in substandard housing. Our legal services department routinely represents low-income tenants in buildings that are or have been in the Alternative Enforcement Program. I submit this testimony on behalf of MRNY and I thank the Committee for the opportunity to participate in this hearing.

I work primarily with tenants and tenant associations in Bushwick, a neighborhood where chronic problems with code enforcement have been compounded in recent years by a rapid increase in property values and displacement, leaving low-income tenants caught in the middle. Current economic conditions encourage owners to ignore violations of the Housing Maintenance Code in affordable apartments, in the hope that tenants will be forced to move out. The owner can then “renovate” the apartment and double or triple the rent.

Meeting the City’s goals for affordable housing must include preserving units that are currently affordable; otherwise, we will lose far more than we will be able to build. There is a direct connection between code enforcement in gentrifying neighborhoods and helping low-income families stay in homes that they can afford. Because of market forces and vacancy decontrol laws, once these families leave, it is a safe bet that the apartment will no longer be affordable for any other low- or middle-income tenants.

Therefore, MRNY welcomes these proposals to expand HPD’s code enforcement tools. My colleagues and I have seen in our cases that placing a building in the Alternative Enforcement Program results in improved living conditions and helps to change the course of displacement. In particular, we encourage the program to prioritize buildings with six or more units. This would be a more cost-effective way to reach more units. HPD’s report found that landlords of larger buildings are more likely to comply with AEP. And, critically, these units are likely covered by the Rent Stabilization Law and will be affordable for the long term for tenants who are able to stay.

In addition, we support granting HPD the authority to charge inspector fees for repeat violators, even outside of AEP. Currently, HPD cannot collect civil penalties without bringing a lawsuit in housing court and obtaining a judgment. Many landlords have learned that they can ignore multiple violations for months or years before being taken to court, and even then, they can delay the process and end up paying pennies on the dollar in exchange for another empty promise to

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repair.

For example, when a private equity company bought 121 Irving Avenue last fall, the new owners refused to speak to the tenants about repairs. The owners were only interested in discussing buy-outs. The tenants organized, and called 311 to report violations. Over the next several months, HPD issued almost 100 violations. The landlord still ignored them. The tenants started an HP action in housing court, and the landlord's attorney agreed to a schedule for repairs—which was still ignored. It was only when the tenants' contempt motion was approaching trial that the landlord saw the potential for significant financial penalties, and began to make repairs in the building.

Few tenants are as organized as the tenants at 121 Irving. Only a small proportion of tenants living in substandard conditions start cases in housing court, and of those, only a few are willing or able to push those cases to the end.

By giving HPD the authority to assess inspector fees against repeat violators, without having to go to court, this law will give owners an immediate, non-negotiable financial incentive to act, thus helping to create a culture of compliance outside of court.

We thank the Council for giving attention to these important issues.

Delsenia Glover, Rent Regulation Lead Organizer  
New York State Tenants & Neighbors  
*Testimony as Prepared*  
Wednesday, October 1, 2014  
New York City Council Committee on Housing and Buildings  
Re: 0345-2014 and Int 0348-2014

Good morning. Thank you to Chair Williams and to the members of the Housing and Buildings Committee for the opportunity to testify today.

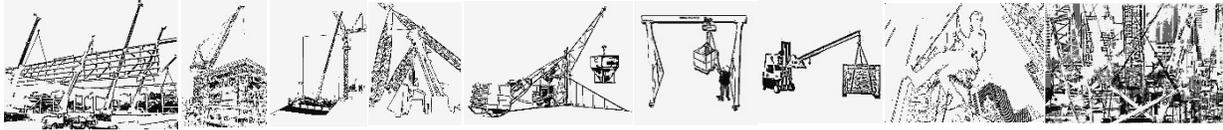
My name is Delsenia Glover and I am the Rent Regulation Lead Organizer for New York State Tenants & Neighbors Information Service and New York State Tenants & Neighbors Coalition, two affiliate organizations that share a common mission: to build a powerful and unified statewide organization that empowers and educates tenants; preserves affordable housing, livable neighborhoods, and diverse communities; and strengthens tenant protections. The Information Service organizes tenants in at-risk rent regulated and subsidized buildings, including Mitchell-Lama and project-based Section 8, helping them preserve their homes as affordable housing. We also organize administrative reform campaigns. The Coalition is a 501c4 membership organization that does legislative organizing to address the underlying causes of loss of affordability. Our membership organization has over 3,000 dues-paying members.

In the buildings where we organize, the story is the same. Low and moderate income tenants in New York City are regularly experiencing the pressure of displacement. New York City has lost an immense amount of affordable units. Rents continue to go up, and conditions are worsening. Tenants struggle to both stay in their homes as their rents become unaffordable, and their building fall into disrepair.

Tenants & Neighbors is in support of the Quality Housing Act Int 0345-2014 and Int 0348-2014. Poor conditions and lack of services are forms of harassment, that lead to the displacement of rent regulated tenants and the growing unaffordability of the rent regulated housing stock. The predatory equity model that has targeted affordable housing at overleveraged prices has led to buildings suffering in terms of maintenance and services. In the predatory equity model, loopholes in the rent laws provide increased incentive to get tenants out and can lead to maintenance and services being deferred so owners can get tenants out of the buildings.

The Alternative Enforcement Program (AEP) has a proven strong track record, and has helped to repair some of New York City's most substandard buildings. Expanding this program would have a significant impact in many communities, and posting increased information for tenants is an important strategy of tenant education to ensure that tenants are able to access resources.

We agree strongly with the importance of having significant inspector fees to deter bad actors from continuing with lack of maintenance and services. Financial penalties are an important deterrent to correcting bad behavior. We are in support of both pieces of legislation, and encourage their swift pass through the Council. Tenants need as many tools as possible to use to ensure that they are living in safe, secure, habitable, and affordable housing. Thank you for the opportunity to testify today.



## NYC MASTER RIGGERS ASSOCIATION, Inc.

The New York City Council  
Hon. Melissa Mark-Viverito, Speaker  
City Hall & 250 Broadway  
New York, NY 10007

Committee on Housing & Buildings  
Hon. Jumaane D. Williams, Chair

Public Hearing Testimony on Int. 0298-A-2014  
Monday, September 22, 2014, 1:00PM

Good afternoon, my name is Greg Galasso. I am New York City licensed master rigger and professional engineer. I am here today to speak to the improvements Int. 298 makes to the impending enactment of LL 141.

Everyone agrees construction sites are far safer places when the tasks are manned by skilled labor who have the proper amount of training for their trade and work. There are a handful of activities at a construction site that require highly specialized workers. One of those tasks in particular is the hoisting and rigging of complex and heavy equipment used to make these structures come alive. These are items that provide the electrical power, the heating, cooling, and circulation of air, and its water supply. Over time this equipment has become larger, geometrically more complex, and heavier. The code for close to 50 years has recognized the importance of assigning only those workers qualified and competent to oversee hoisting and rigging activities. Back then, critical items were mainly large boilers and equipment containing tanks or vessels. Over time, owners, construction managers, safety professionals, and general and sub-contractors have adapted to the design evolution of this infrastructure equipment by requiring their sites to involve licensed riggers in the handling and setting process. As a result, today's licensed riggers oversee the installation of emergency back-up generators, electrical switch-gear, cooling towers, boilers, and much more.

Rarely do we get an opportunity to propose legislation that would require very little adaptation as result of its institution. The primary portion of this bill simply codifies what has already been generally accepted and is common practice. Impact on stakeholders is minimal. This is sensible code development.

This proposal will secure and solidify the need for licensed riggers in the construction process. This proposal pushes back against forces that attempt to make the building process more "commercially friendly" by watering down safety measures that together as an industry we have introduced and enacted in a manner that is unprecedented anywhere in the world. That speaks to the uniqueness of New York City and the industry's commitment to safety. Years ago, impacts from construction accidents were calculated into the project's

expectations. Deaths per floor was an actual ratio used by industry. Thankfully, great strides in safety have been made since. In 2006, we have made further advances in rigging safety regulations specific to the New York City marketplace through initiatives that updated rigging reference standards. In 2008, new tower crane regulations were passed with overwhelming support. Unfortunately, it took a few major accident to propel that support and focus it in on regulatory action. The proactive approach this proposal takes aims to averts that type of reactionary legislation.

As mentioned before, this proposal secures the licensed riggers' role in the construction workplace. This will also help to develop an expanded pool of licensed riggers who reflect the diversity of New York City. Licensed riggers employ many certified rigging foreman who act on their behalves. These foremen implement the hoisting and rigging plans developed during the planning process. As they direct crews through the work process, they accrue experience to be applied to the prerequisite 5 years practical experience needed to qualify for Master Rigger status. This is a direct track to becoming a master rigger. A growing number of these licensed rigging foremen, regulated by the Department of Buildings, are members of minority groups and are poised to expand the diversity of our industry as they gain experience. For example, at my company, 8 of 12 of the licensed rigging foreman are members of minority groups and several of these foremen are working toward taking their master rigging test. We are training the next generation of highly skilled, expert master riggers and this legislation will ensure that this important role continues on the job site.

Specifically this proposal further strengthens new requirements appearing in LL 141 that all workers engaged in these activities have at least some stated level of training. We all know the City is a unique, densely populated urban environment. The enhancements proposed give the City the unilateral ability to vet and approve the individual training and certification courses rather than, as currently stated in LL 141, the automatic acceptance of a nationally accredited course. There is already well documented precedence that credits for previous experience outside NYC or courses offered for training and certification within that specialized trade account for this City's uniqueness.

By defining a climber crane as a "crane", new technologies present in the market place and currently unregulated are brought into the fold of safety regulations will now fall under the control and oversight of the Department of Buildings. By modernizing the code to call out the equipment posing complex hoisting and/or rigging challenges and requiring the involvement of the licensed rigger for solutions, we advance safety, while promoting and protecting jobs.

And finally, by delineating between standard typical building material and more complex equipment, we protect the trades who have jurisdiction over hosting and rigging and provide much needed clarity.

I thank you for your time and this opportunity to speak with you. I hope you consider moving Int. 298 forward.

Thank you.



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**CHIP Testimony on Intro. 345-A of 2014  
October 1, 2014**

Good morning. My name is Joseph Condon and I am providing this testimony on behalf of the Community Housing Improvement Program (CHIP), a trade association of 3,500 New York City multifamily building owners and/or operators with approximately 300,000 rental units amongst them. Most of these units are rent-regulated and located outside of core Manhattan. Further, many of these owners are long-term owners with the property having been passed down for generations.

CHIP is committed to the ensuring that safe and well-maintained housing is provided for the residents of New York City, and we commend the Council's intentions to provide the Department of Housing Preservation and Development (HPD) with more effective means to address negligent or absentee owners. Proposed Intro. 345-A of 2014 will expand the HPD's Alternative Enforcement Program (AEP) by requiring that 280 buildings be put into the program every year. Currently, the AEP's annual limit is 200 buildings, and if there are not enough "distressed" buildings that qualify for the AEP, the HPD is not required to bend the rules to meet the maximum number of buildings allowed. However, the proposed legislation would require that 280 buildings be entered into the program, regardless of whether they are truly distressed or not. Essentially, the proposed legislation requires that HPD meet a quota of distressed buildings, allowing the agency to redefine what is considered to be a "distressed" building in order to meet that quota rather than having a consistent application of the AEP's eligibility criteria.

In conjunction with this proposed legislation, the HPD is also proposing new eligibility requirements for the program, lowering the violation ratio threshold and increasing the look-back period. This suggests that the HPD is having difficulty identifying buildings for entry into the program. However, rather than celebrate the success of the program, the council and the agency see fit to create a need where none exists.

Building conditions in New York City are getting better, and are currently the best they have been since the NYC Housing Vacancy Survey (HVS) began keeping data on the topic. The 2011 HVS indicates that 99.7 percent of renter-occupied units were in structurally decent buildings, meaning that only 0.3 percent of buildings in the city are considered to be physically distressed.

Rather than allocating additional resources to expand the AEP, perhaps the Council and the HPD would be better served by focusing those resources to provide assistance to struggling small building owners. The HPD has reported that many of the buildings identified for

inclusion in the AEP were small buildings, between 3 and 10 units. Further, HPD also recognizes that the AEP is not effective in bringing these smaller buildings into compliance with the housing maintenance code for various reasons. Resources should be focused on working with small building owners, as well as owners of 1- and 2-family homes, to address compliance issues. Instead, the Council is proposing to expand a program that does not effectively address the needs of this extremely important, yet extremely vulnerable, sector of building owners.

In addition, the legislative intent of the AEP was to reach the core of the physical problems in distressed buildings and “to alleviate the serious physical deterioration of those buildings by forcing the owner to make effective repairs or have city government do so in a more comprehensive fashion so that emergency conditions are alleviated and the underlying physical conditions related to housing code violations are addressed.” The data suggests that the AEP’s intentions are being met, so much so that eligibility parameters have to now be expanded in order for enough distressed buildings to be identified for inclusion in the AEP. The most significant factor about the AEP is that it required the underlying physical conditions relating to the code violations to be addressed. In other words, if plaster and paint were cracking and bubbling from water infiltration, the AEP would require that owners not simply re-plaster and re-paint the area, but cure the water infiltration. However, the AEP is no longer unique in this regard, as Local Law 6 of 2013 authorized the HPD to issue orders to correct underlying conditions. Thus, the proposed AEP expansion cannot be justified based on the unique tools afforded to HPD when dealing with buildings in the program, as those tools are now available on a city-wide basis, whether a building is in the AEP or not.

We also object to the sign-posting requirement that this proposed legislation would add for buildings in the AEP. The HPD already publicly releases much of this information. Further, the statute authorizing the AEP requires the HPD to establish a process to provide the occupants of buildings participating in the AEP with information regarding the status of the building during participation in such program. Despite that the statute clearly places such notification requirements on the agency, the proposed bill would duplicate the notification requirement and place unnecessary additional obligations on already burdened owners.

The content of the notice is also problematic, as it only further exacerbates the lack of communication between owners and tenants that already exists and includes unnecessary information about financial institutions which hold mortgages on the property. Such financial information is already available to the public, if tenants were interested in finding out.

Respectfully Submitted By:

Joseph Condon  
Counsel  
Community Housing Improvement Program



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Andrew Pap  
**Program Associate**

**CHIP Testimony on Intro. 348-A of 2014  
October 1, 2014**

Good morning. My name is Joseph Condon and I am providing this testimony on behalf of the Community Housing Improvement Program (CHIP), a trade association of 3,500 New York City multifamily building owners and/or operators with approximately 300,000 rental units amongst them. Most of these units are rent-regulated and located outside of core Manhattan. Further, many of these owners are long-term owners with the property having been passed down for generations.

CHIP is committed to the ensuring that safe and well-maintained housing is provided for the residents of New York City, and we commend the Council's intentions to provide the Department of Housing Preservation and Development (HPD) with more effective means to address negligent or absentee owners. However, we are concerned about the unintended impacts of this bill. The bill fails to recognize that there may be several reasonable explanations as to why a violation has not been certified. We are also concerned that this bill will have a disproportionate impact on smaller buildings. HPD has itself documented that small buildings are disproportionately affected by foreclosure, meaning that they are without the resources to respond with either violation correction or payment of open charges and liens; smaller buildings have smaller profit margins and lower reserves; and that smaller buildings often have less staff, as well as less sophisticated ownership and management.

The impact on smaller buildings is even more concerning because the proposed legislation permits the inspection fee, if unpaid, to become a lien on the property. The placing of a lien significantly jeopardizes the ability of an owner to access financing, including capital financing needed for repairs. Issues of improperly issued violations, tenant caused violations, inefficient "no-access" procedures, and other concerns with violation clearance become much more severe when they can result in a lien to be placed on the property.

Some specific concerns with the bill are listed below:

- The language of the bill does not contemplate instances where B or C violations have been issued within the last 12 months but which are being contested. Challenging the issuance of a violation can be a lengthy process, and violations that may be ultimately dismissed after the process has concluded can still count

towards the inspection fee threshold.

- The bill does not provide exception for tenant-caused violations. A commonly issued violation is for the existence of a double-cylinder lock on an apartment door, despite the lock having been installed by the tenant. Such a violation would count towards the inspection fee threshold. Another common example is the removal of a smoke alarm, or the alarm's battery.
- The bill does not contemplate no-access issues, where either the tenant does not provide access to an owner to correct a condition, or does not provide access to HPD inspectors to verify the correction of a condition. Further, the no-access process is extremely lengthy.
- The bill does not specify that the violation issued must be related to the particular dwelling unit of the complaining tenant, only that the same dwelling unit must be inspected based upon tenant complaint. It is well know that inspectors do not confine themselves to the single dwelling unit of the complaining occupant. Under the current language, a tenant can make a complaint with HPD, have their apartment inspected without a violation issued for that apartment, but if there happens to be a light out in the hallway, or the elevator, the inspector can issue a violation that would count towards the inspection fee threshold simply because it was a complaint-based inspection and a violation was issued at some point during the inspection.

*Improve the no-access violation clearance process.* Although the HPD does provide a “no-access” violation dismissal procedure, it is limited to only a certain set of circumstances and is fraught with impractical requirements. The time limitations and documentary proof requested from the owner on the no-access violation form are and unrealistic. Regarding documentation, the no-access procedure requires that either a tenant-signed return receipt or the returned certified mail envelope be attached to the no access form. There are instances where neither the return receipt nor a returned envelope is sent back to the owner. HPD seems to apply this requirement inflexibly, refusing to also accept proof of mailing (i.e., the post-marked certified mail receipt) from the owner to illustrate compliance with the “notice to tenant” requirement of the no-access procedure. By only accepting a return receipt or returned envelope the “notice to tenant” requirement of the double no-access procedure can be impossible to comply with.

Regarding the time frame in which the owner must submit the no access for to HPD, 10 days is also unrealistic. It regularly takes longer than 10 days for an owner to receive either a return receipt, or a returned envelope, if they receive them at all. But again, the HPD does not accept other forms of proof of mailing from the owner to satisfy the “notice to tenant” requirement of the no-access process.

*Legislation for unverified complaints.* We believe that there should be legislation which would charge a tenant an inspection fee after multiple inspections have occurred within a stated time frame that have not resulted in the issuance of a B or C violation.

Respectfully Submitted By:

Joseph Condon  
Counsel  
Community Housing Improvement Program

**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: Aquarius Goodridge

Address: 702 Rockaway Ave

I represent: 702 Rockaway

Address: 702 Rockaway Ave Brooklyn NY 11212

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 345A Res. No. \_\_\_\_\_

in favor  in opposition <sup>348A</sup>

Date: 10/1/14

(PLEASE PRINT)

Name: Christine Appah

Address: 120-46 Queens Blvd.

I represent: Legal Aid Society

Address: 120-46 Queens Blvd.

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0348-204 Res. No. 0345-204

in favor  in opposition

Date: 10/1/2014

(PLEASE PRINT)

Name: DeSenia Glover

Address: 236 W 27 St

I represent: Tenants & Neighbors membership

Address: 236 W 27th St

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. 345+345 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ann Marie Santiago

Address: 100 Gold

I represent: HPD

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345+345 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Vito Mustacino

Address: 100 Gold

I represent: HPD

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345/348-7 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/1/14

(PLEASE PRINT)

Name: Cathy Dang

Address: 55 Hester St. NY NY 10002

I represent: CAAAV organizing Asian Communities

Address: \_\_\_\_\_

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. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/1/2014

(PLEASE PRINT)

Name: Gar men Peneiro

Address: 230 Park Place

I represent: Brooklyn / FAC / NHW

Address: 621 DeGraw St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345+348 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ezra Kautz

Address: 301 Grove St. Brooklyn

I represent: Make the Road New York

Address: 301 Grove St. Brooklyn

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345/348 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/01/14

(PLEASE PRINT)

Name: Hilary Klein

Address: 301 Grove St.

I represent: Make the Road New York

Address: 301 Grove St.

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. 345348 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10-2-14

(PLEASE PRINT)

Name: Irania Sánchez

Address: 76 George St. Apt. 2L B'klyn.

I represent: Make the Road NY

Address: 301 Grove St. B'klyn NY 11237

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345/348 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/1/14

(PLEASE PRINT)

Name: Harvey Epstein

Address: 172 E 4th St

I represent: Urban Justice Center

Address: 123 Williams St

**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: Zoraida Conde

Address: 383 Sumpter St 112 Brooklyn 11233

I represent: Make the road NY

Address: 301 Grove Street  
Brooklyn NY 11237

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