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COMMITTEE ON HOUSING AND BUILDINGS

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

April 11, 2019

Start: 10:06 a.m.

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HELD AT: Committee Room - City Hall

B E F O R E: ROBERT E. CORNEGY, JR.
Chairperson

COUNCIL MEMBERS:

FERNANDO CABRERA

MARGARET S. CHIN

RAFAEL L. ESPINAL, JR.

MARK GJONAJ

BARRY S. GRODENCHIK

BILL PERKINS

CARLINA RIVERA

HELEN K. ROSENTHAL

RITCHIE J. TORRES

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COMMITTEE ON HOUSING AND BUILDINGS

A P P E A R A N C E S (CONTINUED)

Patrick A. Wehle
Assistant Commissioner of External Affairs at the
New York City Department of Buildings, DOB

Charanjeet Singh
Executive Engineer of the New York City
Department of Buildings, DOB

Donald Ranshte
Senior Vice President of the Building Trades
Employers Association, BTEA

Sean Brennan
Training Director with the Mason Tenders'
District Council Training Fund

Nadia Martin-Molina
Co-Executive Director of the National Day Laborer
Organizing Network, NDLON

Margarita Arana
WJP Workers' Right Organizer and Member Leader of
Workers' Justice Project, WJP

Ligia Guallpa
Executive Director of Workers' Justice Project,
WJP

Charlie Uruchima
Program Coordinator for the New York Committee
For Occupational Safety and Health, NYCOSH

Zach Steinberg
Vice President at the Real Estate Board of New
York, REBNY

Jim Duffy
Representing the Elevator Conference of New York

[gavel]

CHAIRPERSON CORNEGY: Good morning. Good morning everyone I'm Council Member Robert Cornegy, Chair of the Committee on Housing and Buildings. We're here today to hold a hearing on two topics that relate directly to the safety of New Yorkers, construction safety and elevator safety. 2017 saw 650 construction related accidents and 81 fatalities that same year. The Council enacted Local Law 196 which requires construction safety training for workers. At this morning's hearing we'll hear a preconsidered bill that extends the June 1st, 2019 compliance deadline required under Local Law 196 until December so that more workers can comply with the training requirements. In addition to this preconsidered bill, today we will hold a hearing about elevators. There are approximately 63,000 elevators, elevators in the city under the pre... purview of the Department of Buildings. In 2017, the DOB issued 4,816 elevator related violations. Elevators are required to be inspected twice a year by third party inspection agencies conducting inspections on DOB's behalf. When these inspections identify violations the building owners are required to correct the violations within

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2 60 days or else, they will face penalties. In 2019
3 there were two high profile elevator related
4 incidents, this past January a woman was stuck in an
5 elevator for three days before she was rescued. In
6 March a woman died when she was stuck in a homeless
7 shelter freight elevator while suffering an overdose.
8 Previously in 2015, an individual was crushed to
9 death in an elevator on a residential building in
10 Williamsburg. Although nearly half of elevator
11 related accidents involve passengers, the majority of
12 elevator related deaths involve elevator mechanics.
13 The elevator mechanic industry is not regulated.
14 Elevator mechanics are not licensed by the DOB, as a
15 result elevator mechanics who are tasked with
16 performing dangerous and important work frequently
17 put their lives in danger. One of the bills we're
18 hearing today will address the gap in elevator
19 mechanic training. Proposed Intro 788A sponsored by
20 Council Member Torres will create a licensing scheme
21 for elevator and elevator and elevator maintenance
22 companies and their directors and require
23 certification for elevator maintenance company
24 mechanics. Intro Number 786 and 787 also sponsored by
25 Council Member Torres relate to elevator brake

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2 monitors and elevator monitoring systems. An elevator
3 brake monitor is designed to identify when the
4 elevator is running through its brakes in order to
5 shut down or reset the elevator. Remote elevator
6 monitoring systems allow building owners to monitor
7 elevator systems. Intro 786 requires the DOB to
8 report on whether brake monitors and remote
9 electronic monitoring systems enhance elevator safety
10 and whether requiring installation of these brake
11 monitors and monitoring systems in all residential
12 buildings will be feasible. Intro 787 requires the
13 maintenance of breaker monitors and elevator
14 monitoring systems if they are installed in
15 elevators. Today we'll also be hearing a number of
16 other bills related to ensuring the safety of
17 elevator passengers. Intro 374 sponsored by Council
18 Member Rose would make retroactive secondary power
19 for lighting the egress paths in elevators. Intro 414
20 sponsored by Council Member Chin will require safety
21 signs in elevators, these signs would instruct
22 elevator passengers on what to do if there's an
23 elevator malfunction. Intro 565 sponsored by Council
24 Member Treyger will require certain buildings to
25 maintain elevator service outage accommodation plans

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2 and also to provide reasonable accommodations to
3 residents with disabilities while a passenger
4 elevator will be out of service for more than 24
5 hours. Finally, Intro 1508 sponsored by Council
6 Member Levine will require vented elevator hoist away
7 enclosures to be closed to prevent air leakage. This
8 will save energy and as a result, money for building
9 owners. I'd like to thank my fellow committee
10 members; Council Member Perkins and Council Member
11 Grodenchik who are present here today and acknowledge
12 any other Council Member present who are not. I'd
13 also just like to remind you that if you would like
14 to testify today please fill out a card with the
15 Sergeant, we'll be sticking to a two-minute clock for
16 public testimony and now we'll administer the oath of
17 the administration before testimony.

18 COMMITTEE CLERK: Do you affirm to tell
19 the truth, the whole truth and nothing but the truth
20 in your testimony before this Committee and to
21 respond honestly to Council Member questions?

22 PATRICK WEHLE: I do.

23 COMMITTEE CLERK: Great.

24 CHARANJEET SINGH: I do, thanks.

25 PATRICK WEHLE: Good morning.

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2 CHAIRPERSON CORNEGY: Good morning, begin
3 your testimony.

4 PATRICK WEHLE: Thank you.

5 CHAIRPERSON CORNEGY: If you could just
6 please identify yourself for the record.

7 PATRICK WEHLE: Good morning Chair
8 Cornegy and members of the Housing and Buildings
9 Committee. I am Patrick A. Wehle, Assistant
10 Commissioner for External Affairs at the New York
11 City Department of Buildings. I'm joined by my
12 colleague, Charanjeet Singh who's our Executive
13 Engineer of the Department's Elevator Division. We
14 are pleased to be here to offer testimony on several
15 bills before the Committee today related to elevators
16 and a proposed extension for complying with safety
17 training under Local Law 196. There are nearly 76,000
18 elevator devices under the department's jurisdiction
19 which represent over eight percent of all elevators
20 nationwide. Each day, millions of New Yorkers ride in
21 the city, city's elevators, which make approximately
22 38 million runs or about 500 trips per elevator per
23 day. The department now publishes on its website an
24 interactive map on all the city's elevators including
25 their location, history and current status. The

1 department's highest obligation is to protect the
2 safety of the public by enforcing laws and
3 regulation, regulations that govern the city's 1.1
4 million buildings and this important work certainly
5 includes the installation and operation of elevators.
6 In 2018, there were 45 elevator accidents, 42 of
7 which were minor in nature. This represents a
8 reduction of approximately 60 percent since 2007,
9 when there were 105 accidents. Elevators are
10 statistically the safest means of travel in New York
11 City. They are safer than elevators nationally and
12 are safer now than they have been for as long as
13 accurate records have been kept. The safety of the
14 city's elevators can be credited in part to the
15 rigorous laws and regulations that govern them. The
16 New York City Building Code requires that every
17 elevator be tested at least once and inspected at
18 least twice annually by department licensed
19 individuals with an additional in-depth inspection
20 required every five years. The results of such
21 inspections must be submitted to the department in a
22 timely manner. If defects are detected during the
23 inspections, building owners are required to submit
24 proof that an action has been carried out to correct
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1 the defect. Additionally, the Code requires owners to
2 have a current maintenance contract with a private
3 elevator inspection agency available to perform
4 elevator work. The department's elevator unit is
5 responsible for enforcing the applicable laws and
6 regulations that govern the operational safety,
7 reliability and lawful use of elevators. The elevator
8 unit does this by reviewing plans for elevators,
9 performing work and witnessing inspections and tests,
10 responding to complaints and conducting
11 investigations following elevator accidents. The
12 elevator unit primarily issues violations for failure
13 to submit an inspection and test reports in a timely
14 manner and for failure to properly maintain
15 elevators, which can be issued where defects are
16 discovered following a compliant based inspection by
17 the department. The department licenses private
18 elevator inspection agency directors and inspectors.
19 Building owners must hire licensed directors and
20 their staff of licensed inspectors who are
21 responsible for performing elevator work, including
22 installations, replacements, maintenance, repairs,
23 inspections and tests. Directors must be a registered
24 design professional with a minimum of five years of
25

1 relevant experience or must have a minimum of ten
2 years relevant experience. Inspectors must have a
3 minimum of seven years of relevant, relevant
4 experience. While the department licenses directors
5 and inspectors, there are no formal qualification
6 requirements for the mechanics working under such
7 directors and inspectors, who perform the elevator
8 work. As such, the department is supportive of
9 efforts to require enhanced training and education
10 for individuals performing elevator work and has been
11 working with the State Legislature to accomplish this
12 goal. A bill was introduced in the state legislature
13 last session and again this session that would
14 require additional training for directors and
15 inspectors and create a new elevator agency
16 technician license. Technicians, who are otherwise
17 referred to as mechanics, would be responsible for
18 performing elevator work and would be required to
19 OSHA 10 training and complete a department sponsored
20 exam and have five years of relevant experience or
21 complete a four-year apprenticeship program. Proposed
22 introductory number 788A would create an elevator
23 maintenance company director license. Directors would
24 be responsible for overseeing elevator work which
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2 could be performed by such director, by an elevator
3 maintenance company mechanic or an elevator
4 maintenance company helper or an apprentice enrolled
5 in an apprenticeship program. Directors would be
6 required to be registered design professional with
7 five years of relevant experience or have ten years
8 of relevant experience. Mechanics would be required
9 to have five years of relevant experience with 36
10 hours of additional training or must have completed a
11 three-year apprenticeship, apprenticeship program. As
12 previously mentioned, the department is supportive of
13 efforts to require enhanced training and education
14 for individuals who perform elevator work, referred
15 to as technicians or mechanics. Proposed Intro 788A
16 does not require that such individuals be licensed.
17 The bill would only require that elevator maintenance
18 company directors be licensed but not the elevator
19 maintenance company mechanics working under them.
20 This framework would create a buffer between such
21 mechanics and the department, which would prevent the
22 department from disciplining such mechanics, thereby
23 creating a safety concern for the department. The
24 department looks forward to discussing the shared
25 goal of improving elevator safety by strengthening

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2 the qualifications of individuals who perform
3 elevator work and by bringing such individuals into
4 the department's regulatory framework, further with
5 this committee and the bill's sponsor. Introductory
6 Number 341 would require that certain existing
7 buildings provide a standby power system for their
8 elevators. Further, it would require that certain
9 existing buildings provide an emergency power system
10 for exit signs and means of egress illumination and
11 emergency voice communication systems. Emergency
12 power backup systems can improve safety in the event
13 of an emergency, including a power outage. While
14 requirements to provide emergency backup power
15 systems, including standby power and emergency.. and
16 emergency power, already apply to new buildings,
17 including high rise buildings, it can be quite
18 challenging for existing buildings to comply with
19 these requirements, particularly when weighed against
20 the relative infrequency of power outages. For
21 example, installing a standby generator in an
22 existing building would require a significant amount
23 of space, including space for fuel oil storage, could
24 present constraints associated with installing
25 necessary venting and piping and could trigger

1 certain fire protection requirements as well. The
2 department is exploring this proposal further to
3 fully understand the challenges it may face for
4 existing buildings. Intro 414 would require that
5 signs be posted within elevators in new and existing
6 buildings instructing passengers on what to do in the
7 event of an elevator malfunction. The department
8 supports this bill as it would build upon our
9 existing outreach concerning how to ride an elevator
10 safely, provided existing buildings are given
11 sufficient time to comply. Intro 565 would require
12 the owners of certain residential buildings to
13 provide reasonable accommodations during outages
14 longer than a day when requested by an affected
15 resident with a disability. While the department
16 supports this proposal, which could be enforced along
17 with other similar elevator related notifications, it
18 should not be responsible for determining what a
19 reasonable accommodation for a resident with a
20 disability should be given that it does not have the
21 relevant expertise in this area. The department also
22 suggests including an additional exception where
23 there is another passenger elevator servicing the
24 building or section of the building affected by the
25

1 outage. Intro 786 and 787 are both related to
2 elevator brake monitors and brake monitoring systems.
3 Intro 786 would require the department to analyze
4 whether brake monitors and monitoring systems enhance
5 elevator safety and if so, the feasibility of
6 requiring the installation of such monitors and
7 systems on all elevators in residential buildings.
8 The department is supportive of this proposal and
9 would like to explore further... this issue further
10 through the New York City Construction Codes revision
11 process, which is currently underway. The department
12 is also supportive of Intro 787, which would require
13 owners to maintain brake monitors and monitoring
14 systems on an annual basis, where such monitors or
15 systems are installed. Intro 1508 would require
16 owners of existing buildings to partially close
17 elevator hoistway vents in their buildings to
18 mitigate air leakage and owners of new buildings to
19 install automated hoistway vents so that elevator
20 hoistway vents in such buildings remain closed to
21 prevent air leakage. The department is supportive of
22 requiring that elevator hoistway vents be closed in
23 new buildings. The department is exploring the issue
24 further as part of the New York City Construction
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2 Code revision process and looks forward to discussing
3 this issue further with the Committee and the bill's
4 sponsor. Turning now to construction safety and Local
5 Law 196. The Preconsidered Introduction before the
6 Committee amends Local Law 196 of 2017, which
7 requires construction site safety training for
8 workers on many of the city's building construction
9 projects. Construction work is inherently dangerous
10 and our goal as a department is to limit accidents to
11 the greatest extent possible. Local Law 196 was
12 crafted with the laudable intent of requiring
13 construction workers to receive comprehensive safety
14 training so they can perform their work as safely as
15 possible and at the end of their shift make it home
16 to their family safely. Furthermore, the law included
17 ambitious timetables for safety training to be
18 received so that workers can get the comprehensive
19 and effective training they need as quickly as
20 possible. Local Law 196 requires workers on building
21 construction projects that require department
22 licensed safety professionals to ultimately have 40
23 hours of site safety training. In addition,
24 supervisors on those sites will be required to have
25 62 hours of safety training. In recognition of the

1 significant number of hours proposed, Local Law 196
2 provided that the training be implemented not only in
3 phases, but with the opportunity for the department
4 to push back certain deadlines if it determined that
5 a insufficient number of workers have received
6 training. Local Law 196 required workers to have ten
7 hours of safety training by March 1st of 2018. From
8 there, the law required that by December 1st of 2018
9 workers were to have 30 hours of safety training and
10 supervisors were required to have 62 hours of safety
11 training. As previously mentioned, the law allowed
12 the department to push back the December deadline to
13 June 1st of this year if the department determined
14 that an insufficient number of workers and
15 supervisors have received the training. Following
16 consultation with the site safety training task
17 force, the department pushed back the deadline to
18 June 1st of this year. Finally, the remaining ten
19 hours of training for workers is required by
20 September 1st of 2020. Specifically, this
21 Preconsidered Introduction pushes back the June 1st,
22 2019 deadline an additional six months, to December
23 1st of 2019. The bill leaves the September 1st, 2020
24 deadline intact. Recognizing the critical importance
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1 of this issue, the department has devoted a
2 considerable amount of time and effort to the law's
3 implementation. Specifically, the department has;
4 hosted and participated in dozens of information
5 sessions for well over 1,000 industry professionals,
6 worked with the site safety training task force to
7 establish course topics and guidelines along with
8 determining the total number of hours of training
9 required for workers and supervisors, hosted
10 quarterly meetings with the site safety training task
11 force to discuss implementation of the law, we've
12 issued several service notices to industry members
13 reminding them of the law's requirements and keeping
14 them apprised of our implementation efforts and we've
15 distributed many thousands of materials including
16 palm cards in multiple languages providing
17 information to workers and their employers on the
18 law's requirements. While the department has concerns
19 with pushing the deadline back, we, like you, have
20 heard from a diverse array of industry
21 representatives expressing the challenges they face
22 in complying with the ambitious June deadline
23 provided in the law. In addition, many of our fellow
24 members on the site safety training task force, which
25

1
2 was established by Local Law 196, have expressed the
3 same concerns. As such, the department has no
4 objection to the Council's bill extending the interim
5 training compliance deadline for a period of six
6 months. That said, such an extension should not be
7 used as an excuse to delay this important,
8 potentially lifesaving training. The sooner our
9 construction workers get trained, the better, for
10 both workers and the public. Thank you for the
11 opportunity to testify and Charanjeet and I welcome
12 any questions you may have.

13 CHAIRPERSON CORNEGY: Thank you for your
14 testimony. We'll begin with the question period. So,
15 I'll just start. So, according to our number there
16 are approximately 63,000 elevators in the New York...
17 in New York City buildings, is that a correct number?

18 PATRICK WEHLE: It really depends exactly
19 how you want to choose to or define elevators, if you
20 define it based on active elevator devices that are
21 under the jurisdiction of the Buildings Department
22 that number is a little bit higher, it's just shy of
23 76,000 buildings... elevators rather, sorry.

1
2 CHAIRPERSON CORNEGY: I didn't realize we
3 could evaluate the definition of elevators... [cross-
4 talk]

5 PATRICK WEHLE: They're all... and by how
6 we classify they're all different types, obviously
7 there are passenger and freight elevators, some
8 people would include escalators in that as a people
9 moving device, there are dumbwaiters, there's a list
10 of several.

11 CHAIRPERSON CORNEGY: So, offline I'd
12 like to definitely kind of dive into that and tease
13 it apart so that we have the correct number and the
14 correct definition because that's kind of what we're
15 basing even this hearing on is, is that number and I
16 didn't realize there were so many different
17 variations that the Buildings Department... [cross-
18 talk]

19 PATRICK WEHLE: I have a... I have a table
20 that breaks out all the different types that I'm
21 happy to provide the Committee with at the
22 completion... [cross-talk]

23 CHAIRPERSON CORNEGY: If we can get a
24 copy of that that'd be awesome.

25 PATRICK WEHLE: No problem.

1
2 CHAIRPERSON CORNEGY: So, how many
3 buildings would you say are equipped... and this number
4 we're going to have to talk about the number but from
5 your estimation how many buildings are equipped with
6 standby power?

7 PATRICK WEHLE: So, we don't track the
8 number of buildings that have standby power, what I
9 can tell you is that with the enactment of the 2014
10 construction codes that code requires new buildings
11 to have standby power. So, since the enactment of the
12 2014 code there's been roughly 31,300 new building
13 permits that were issued but the number with standby
14 power wouldn't be quite so high because that includes
15 even smaller buildings and types of buildings that
16 wouldn't require it. So, we can look into this
17 further and get back to you with a more specific
18 number.

19 CHAIRPERSON CORNEGY: So, listen I, I
20 respect and want to get back to that number and there
21 will probably be a couple of points, I just
22 appreciate the fact that you have a number. In the
23 past we've, we've... you know in, in prior hearings not
24 just with this committee but we've heard that we
25 don't... we don't know and the fact that you're at

1 least reporting a number is, is, is laudable so I
2 really appreciate that. How many buildings again with
3 standby power have elevators and I understand based
4 on what you said earlier that its tough to define
5 that but if you could give us some range?

7 PATRICK WEHLE: Yeah, whether it be
8 standby power generally or standby power with
9 elevators the same rule holds, right, we, we don't
10 keep track of that, we receive a filing, if it
11 requires standby power we review that filing to make
12 sure it's there or inspections are performed to
13 ensure that it's there but it's the 2014 code that
14 requires this in new buildings, since 2014 we've
15 issued just over 31,000 new building permits and we
16 can go through that data in a little more detail to
17 arrive at a specific number.

18 CHAIRPERSON CORNEGY: Okay, do you happen
19 to have any idea what the cost to install a standby
20 power system in a small building and a large building
21 so two, two different costs, the... in a... in a small
22 building what the cost of standby power to be
23 installed would be and in a larger building?

24 PATRICK WEHLE: So, once again, so I
25 don't have an exact answer for you, what I can tell

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2 you is that certainly those professionals who perform
3 those installations would certainly be able to give
4 you a better idea, however, like as we mentioned in
5 our testimony installing such, such systems is more
6 challenging for existing buildings because they might
7 not have the space for them so, it's really a
8 building by building type issue and for existing
9 buildings many of whom may not have the space to
10 install this, there could very well be any different
11 number of sort of modifications that they would need
12 to make to their building to accommodate such a
13 system and depending on that building that would
14 really dictate the expense involved.

15 CHAIRPERSON CORNEGY: Okay, so, so the
16 next series of questions has to do with emergency
17 power but before I ask those questions can you define
18 for me the difference between standby power and
19 emergency power?

20 PATRICK WEHLE: For that I'll pass it
21 over to my colleague, Charanjeet to answer.

22 CHARANJEET SINGH: The requirement for
23 emergency power is that it has to once the power is
24 lost the emergency power kicks in within ten seconds
25 and the standby power kicks in within 60 seconds.

1
2 CHAIRPERSON CORNEGY: I'm sorry, just so
3 I understand, in ten seconds of a power outage
4 emergency power kicks in?

5 CHARANJEET SINGH: Right...

6 CHAIRPERSON CORNEGY: And then
7 subsequently after that 50 seconds later...

8 CHARANJEET SINGH: Yes...

9 CHAIRPERSON CORNEGY: So, the emergency
10 power is a... is a temporary powering system which is
11 overridden by standby power?

12 CHARANJEET SINGH: Not exactly, so what
13 happens is there are systems that will continue to
14 run on emergency power and that may be lighting for
15 exits and exit signs and things like, ventilation and
16 lets say in the elevator those will continue to run
17 on emergency power but standby power can go beyond
18 that, the emergency power will be maintained for
19 those essential systems so that in case of emergency
20 people can still at least see the exit sign. The
21 elevator will be required to run on standby power so
22 when the emergency respondents do come, they'll be
23 use... able to use that device on standby power.

24

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2 CHAIRPERSON CORNEGY: So, again for the
3 record, both emergency power and standby power run
4 concurrently at some... [cross-talk]

5 CHARANJEET SINGH: Yes... [cross-talk]

6 CHAIRPERSON CORNEGY: ...point during an
7 outage?

8 CHARANJEET SINGH: Yes.

9 CHAIRPERSON CORNEGY: Okay. So, how many...
10 how many buildings of the universe that we've come
11 up, the number that we've come up with actually run...
12 are equipped with emergency power? Do you know that
13 number?

14 PATRICK WEHLE: So, the same sort of rule
15 applies as for the other question as well, that's not
16 something that we track, there are... its required for
17 new construction, 31,000 roughly permits and we can
18 try and dive into that to arrive at a specific
19 number.

20 CHAIRPERSON CORNEGY: So, you said
21 earlier that you... the question about the cost of
22 installing... the cost of installing standby power
23 would be better asked of the installers, is it the
24 same for emergency, we don't have a number?

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2 PATRICK WEHLE: That's correct, that's
3 not something that we really are involved in.

4 CHAIRPERSON CORNEGY: Okay, how many
5 buildings are equipped with emergency power to light
6 egress paths?

7 PATRICK WEHLE: Once again it's the
8 requirement in new construction in the 2014 code...
9 [cross-talk]

10 CHAIRPERSON CORNEGY: Uh-huh... [cross-
11 talk]

12 PATRICK WEHLE: ...roughly 31,000 buildings
13 have been permitted, new buildings under that code
14 and we can dive into that number to, to arrive at a
15 specific.

16 CHAIRPERSON CORNEGY: So, just for the
17 record buildings that were built after 2014 are
18 required to have the emergency power for egress
19 lighting... for lighting egress ways?

20 PATRICK WEHLE: Correct, however not
21 every single new building, only certain kinds of
22 buildings. So, like a smaller, you know one, two,
23 three family home this would not be required for that
24 so... but certain types are dropped out but yes, for,
25 for many types of buildings, larger buildings in

1
2 particular this is a requirement for new construction
3 as the 2014 code.

4 CHAIRPERSON CORNEGY: Is it every new
5 building with an elevator system?

6 CHARANJEET SINGH: I think most likely
7 there would... well if it's... say... once again if it's a
8 private residence and they can have an elevator it
9 would not be required.

10 CHAIRPERSON CORNEGY: I don't know how
11 many buildings in my district have an elevator in a
12 private residence so let me... [cross-talk]

13 PATRICK WEHLE: Aren't too many of those
14 but as a general matter you're referring to multiple
15 dwellings with... [cross-talk]

16 CHAIRPERSON CORNEGY: Yes... [cross-talk]

17 PATRICK WEHLE: ...elevators, yes, the
18 answer... [cross-talk]

19 CHAIRPERSON CORNEGY: Yes... [cross-talk]

20 PATRICK WEHLE: ...to your question is yes.

21 CHAIRPERSON CORNEGY: Right, so if there
22 is... just for the record, if there's a building that
23 has an elevator that was built after 2014 it has the
24 requirement to have the emergency power that lights
25 the egress in... [cross-talk]

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2 PATRICK WEHLE: Which some very, very
3 limited exceptions you... the answer to your question
4 is yes.

5 CHAIRPERSON CORNEGY: Can you articulate
6 for me those limited exceptions?

7 PATRICK WEHLE: Again, if it happens to
8 be a private residence that happens to have an
9 elevator, I don't think that requirement would be in
10 place.

11 CHARANJEET SINGH: That's right...

12 PATRICK WEHLE: But for multiple
13 dwellings generally which represents the overwhelming
14 bulk of residential new construction, the answer to
15 your question is yes.

16 CHAIRPERSON CORNEGY: Okay, thank you.
17 So, does the administration support Intro 341?

18 PATRICK WEHLE: So, we do as I mention
19 require this for new construction. The bill provides
20 that this would be applied to existing structure...
21 construction as well. We're not in a position as of
22 yet to say that we support it because there would be
23 a lot of challenges associated with performing these
24 modifications to existing buildings to provide for
25 the standby power that may not have space for it so

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2 it's something we'll need to sort of think more, we'd
3 be curious to hear from, you know the industry and
4 what they're concerns are but it's something we need
5 to look into further to, to better understand what
6 the challenges are associated with, with providing
7 that in existing buildings.

8 CHAIRPERSON CORNEGY: Thank you, I do
9 want to recognize we've been joined by Council Member
10 Rosenthal, Rosenthal and Council Member Rivera. I
11 just want to ask one before I have other members of
12 the committee who would like to ask questions. Intro
13 414 in relation to site safety sign... to safety signs
14 in elevators, does the city collect data on how many
15 passengers are injured due to malfunction in
16 elevators and if so, how many passengers were
17 injured?

18 PATRICK WEHLE: So, we do. So, as I
19 mentioned we had 45 elevator accidents in 2018, three
20 of the 45 were considered to be serious and of those
21 three serious accidents one of which was the result
22 of a mechanical issue so a malfunction in the
23 elevator.

24 CHAIRPERSON CORNEGY: I'm sorry, how many
25 fatalities if any?

1
2 PATRICK WEHLE: In 2018 we had one
3 fatality.

4 CHAIRPERSON CORNEGY: How many in... how
5 many stalled elevator companies... I'm sorry, how many
6 stalled elevator complaints were responding... reported
7 to 3-1-1 in 2017... actually, is that the only
8 mechanism for reporting problems with elevators is
9 through 3-1-1?

10 PATRICK WEHLE: As a general matter
11 that's right.

12 CHAIRPERSON CORNEGY: Okay, so when was
13 the most common elevator... what was the most common
14 elevator complaint?

15 PATRICK WEHLE: So, last year, 2018 we
16 received 15,127 elevator related complaints and
17 predominately those complaints related to the
18 elevator not working, not being inspected or was
19 installed without a permit.

20 CHAIRPERSON CORNEGY: Do you know how
21 many of those reports were about NYCHA properties?

22 PATRICK WEHLE: Not off hand but we can
23 work to see if we can isolate that and share with the
24 committee.

1
2 CHAIRPERSON CORNEGY: Yeah, that would...
3 that would be... that would be awesome to know. In your
4 opinion, in your expert opinion would safety signs,
5 signs in elevators increase the safety of passengers.

6 PATRICK WEHLE: I think any opportunity
7 that we have to perform further outreach to those who
8 are traveling in elevators about what they should be
9 doing in an elevator in case of a malfunction would
10 certainly be helpful and such a sign and therefore
11 would be helpful and would build on our existing
12 outreach efforts, yes.

13 CHAIRPERSON CORNEGY: I just want to
14 follow up, I believe that in your testimony you said
15 that the administration supports this particular
16 bill, can you confirm or deny that?

17 PATRICK WEHLE: I can confirm that.

18 CHAIRPERSON CORNEGY: Thank you, I... my
19 colleagues have questions, first is Council Member
20 Rosenthal.

21 COUNCIL MEMBER ROSENTHAL: Thank you so
22 much Chair and great to see you Deputy Commissioner...
23 [cross-talk]

24 PATRICK WEHLE: Good morning... [cross-
25 talk]

1
2 COUNCIL MEMBER ROSENTHAL: ...Commissioner,
3 person who knows everything about Department of
4 Buildings.

5 PATRICK WEHLE: I cannot confirm that.

6 COUNCIL MEMBER ROSENTHAL: That's
7 alright. So, let me just ask real quickly because
8 there was an important exchange right now about
9 elevator complaints. In my district when there is an
10 elevator outage often the fire department is called
11 to come in and, and pick things, does that happen via
12 3-1-1?

13 PATRICK WEHLE: It can happen through 3-
14 1-1. In the situations you're describing depending on
15 who receives it first, we can get a referral directly
16 from the fire department and those types of issues
17 that you're describing we prioritize those complaints
18 and we go out there right away.

19 COUNCIL MEMBER ROSENTHAL: DOB does or
20 fire department?

21 PATRICK WEHLE: We would probably both
22 wind up there together, we would take a look as well.

23 COUNCIL MEMBER ROSENTHAL: Okay, do calls
24 ever go to the fire department directly?
25

1
2 PATRICK WEHLE: I think it depends... they
3 don't have to, no, someone might be called 9-1-1 and
4 it would be dispatched appropriately or through 3-1-1
5 and it would be dispatched appropriately as well.

6 COUNCIL MEMBER ROSENTHAL: The only
7 reason I ask if, if we want to get our arms around
8 the, the demand the amount of times this happens it
9 would be helpful maybe to get the information about
10 FDNY as well. In the situations that I'm aware of I
11 haven't heard about DOB coming out, it's really just
12 the fire department.

13 PATRICK WEHLE: So, you know as a general
14 matter when it comes to out, outages or any elevator
15 related issue the department does go out to take a
16 look, this kind of situation you're describing is, is
17 something we prioritize and we get out there right
18 away.

19 CHAIRPERSON CORNEGY: Wait one second,
20 so, I do want to, to piggy back off of Council Member
21 Rosenthal's question, the, the fire safety directors
22 role in an outage is what exactly because I know that
23 there is... the fire safety director is called, the
24 fire department is called, DOB is called, I'm
25 wondering if the, the fire safety director who has

1
2 purview in buildings obviously when there's a fire
3 but sometimes when there's outages what role do they
4 play in an outage and when are they called?

5 CHARANJEET SINGH: The fire safety
6 director is not required in all buildings.

7 CHAIRPERSON CORNEGY: I'm sorry, I didn't
8 hear you.

9 CHARANJEET SINGH: The fire safety
10 director is not... [cross-talk]

11 CHAIRPERSON CORNEGY: Is your mic on...
12 [cross-talk]

13 CHARANJEET SINGH: ...required... I'm sorry?
14 Oh, is it... okay, I'm sorry, can you hear me now?

15 CHAIRPERSON CORNEGY: Yes, yes, okay.

16 CHARANJEET SINGH: So, fire safety
17 directors are not required in all buildings.

18 CHAIRPERSON CORNEGY: Okay, so... [cross-
19 talk]

20 CHARANJEET SINGH: And usually in case of
21 emergency I think everybody just calls 9-1-1 and
22 depending on the severity of the incident fire
23 department obviously respond and if... maybe if there's
24 a stuck passenger they'll get them out and in that
25

1
2 process they always refer back to us so that we can
3 come... [cross-talk]

4 COUNCIL MEMBER ROSENTHAL: They do...
5 [cross-talk]

6 CHARANJEET SINGH: ...out and inspect the
7 device and make sure that it is safe for passenger
8 use before it is returned back to service.

9 CHAIRPERSON CORNEGY: So, generally how
10 quickly is DOB notified of an outage or, or the
11 absence of the use of an elevator because obviously
12 they're calling F... if somebody dials 9-1-1 the fire
13 department comes out, they realize that there's no
14 one stuck in the elevator, the elevator is down,
15 what's usually the next... the process next?

16 CHARANJEET SINGH: The first thing
17 obviously the fire department is going to do is
18 safety of passenger, they have to get the passengers
19 out, I think and once they're done with that
20 procedure, you know that's the time that they would
21 usually defer it to us and we handle that as an A
22 type complaint, urgent and we respond right away.

23 CHAIRPERSON CORNEGY: Is there... is there
24 a timeline internal to DOB that triggers like for
25 example, you know obviously we have timelines around...

1
2 with legislation, you got 30, 60, 90 days that you
3 have to report, is there a... is there an amount of
4 time that DOB has to come out on site to inspect an
5 elevator outage?

6 PATRICK WEHLE: So, the, the situation
7 that you're describing as Charanjeet mentioned we
8 prioritize as an A complaint and so our service level
9 for A complaints is to get out within 24 hours, given
10 the service level... given the severity of this type of
11 complaint we, we arrive on scene close to
12 immediately, we leave right away.

13 CHAIRPERSON CORNEGY: How many... how many
14 DOB elevators, elevator inspectors do you have?

15 CHARANJEET SINGH: The total team I think
16 consists of 51, it includes chiefs, supervisors and
17 inspectors.

18 CHAIRPERSON CORNEGY: I'm sorry Council
19 Member.

20 COUNCIL MEMBER ROSENTHAL: Thank you very
21 much for that follow up. So... and I just want to
22 clarify that I heard you say that you could
23 currently, or would it take some time to go back,
24 click a button and identify how many calls from NYCHA
25 buildings versus everyone else?

1
2 PATRICK WEHLE: Certainly, happy to, to,
3 to try and get back to the Committee as soon as
4 possible with that information.

5 COUNCIL MEMBER ROSENTHAL: About whether
6 or not it's possible or with that number?

7 PATRICK WEHLE: Both but we should be
8 able to get the number.

9 COUNCIL MEMBER ROSENTHAL: Okay, and then
10 similarly do you track by address repeat calls? I
11 have a building or 12 in my district where every... it
12 feels like every other week the elevator is going out
13 and people are stuck and what do you do with those
14 locations where there are repeat calls?

15 PATRICK WEHLE: So, we do keep track of
16 repeat calls and again depending on the circumstances
17 surrounding that it may be the kind of building where
18 we'd be giving more attention up to including
19 performing proactive inspections to ensure that those
20 elevators are running properly.

21 COUNCIL MEMBER ROSENTHAL: Why... just from
22 a resident's... if you could... if you could think about
23 it from a resident's point of view and I don't quite
24 know how to frame this question but one lives in a
25 building where there are frequent calls, FDNY comes

1
2 out gets somebody out and that's happening every
3 couple of weeks; A should a resident feel like
4 they're living in a dangerous building, should a
5 resident... is there... does this mean a band aid is
6 being put on for a fix and not a... you know a real
7 structural fix, what... and lastly, do you know again
8 click of a button today or at some point where you
9 could find oh, at these X number of buildings we get
10 calls once a month?

11 PATRICK WEHLE: So, we can prepare such a
12 list for you. As it relates to, you know repeat
13 complaints about sort of let's just say for the sake
14 of argument bad actor buildings, we do maintain
15 records and we sort of put them into a, a separate
16 universe where we give them extra attention as I
17 mentioned perform inspections to the extent that
18 there are in fact outages in elevator service with
19 great frequency or just an elevator outage that
20 they're not taking the proper due diligence to
21 correct. We have tools in place to help ensure that
22 that work happens up to and including a recently
23 enacted law that puts elevators into the HPD's
24 emergency repair program so in the event that an
25 owner is not taking proper steps to bring their

1
2 elevator back to service we have the ability now to
3 make referrals to HPD that they will take... go through
4 a series of steps to consider for inclusion in their
5 emergency repair plan, plan and I think since that
6 law has been in effect it's been somewhat successful
7 not so much in bringing these building and their
8 elevators into that program but the mere threat of
9 that happening has been somewhat convincing as a
10 general matter to these bad actor landlords to do a
11 little bit of a better job to get their elevators
12 back online faster than they otherwise would.

13 COUNCIL MEMBER ROSENTHAL: But in
14 response to my first question, like as a resident
15 living in those buildings what is... regular outages is
16 that something where they're lives in danger, where
17 potentially... like I don't know what the reasons are,
18 I'm not a mechanical engineer, is that like worrisome
19 or just like oh yeah it's like a little scratch, just
20 put a band aid on it, it's fine or is it like oh, no
21 this is an indicator that, you know this elevator
22 could really crap out and somebody could plunge to
23 their death and I'm sure its somewhere in between
24 but...

25 [off mic dialogue]

1
2 PATRICK WEHLE: Okay. So, you know the
3 situation you're describing it, it runs the gambit,
4 it could be a serious problem, it could be something
5 relatively insignificant with that said as mentioned
6 in our testimony elevators go through several
7 inspector... inspections every single year and part of
8 that inspection is our inspectors be it DOB
9 inspectors or private inspectors have a very long
10 checklist of things that they look for and in the
11 event they see something there that's not right be it
12 a simple maintenance issues like poor lighting or
13 maybe perhaps its something more significant like a
14 problem with the door they will go ahead and issue a
15 violation depending on the severity, ask that the
16 elevator be... require that the elevator be ceased use
17 until its fixed. So, the city in a number of ways has
18 its eyes on elevators and we look at these elevators
19 putting aside complaints of which we receive many,
20 many times throughout an individual year through all
21 the elevators throughout the city under our
22 jurisdiction.

23 COUNCIL MEMBER ROSENTHAL: Let me put it
24 a different way, for some... for an elevator to plunge
25 that wouldn't be because the doors don't open, it'd

1
2 be because the cables are broken or near broken, how
3 many times... I'm, I'm assuming, how many times... in the
4 course of a year how many buildings do you see that
5 are in that very severe situation?

6 CHARANJEET SINGH: I think that's only a
7 fear because we have multiple levels of safety in an
8 elevator to prevent that from happening so even...
9 that's an extreme case if you lost all... first of all
10 there's a safety factor of ten basically I can tell
11 you that ten, eleven that you know we have back up
12 ropes. Even in the worst-case scenario I'm saying if
13 you, you know lose all the ropes you still have
14 safety that would apply and prevent the elevator
15 from, from a freefall so... but I... of course most
16 people don't know that.

17 COUNCIL MEMBER ROSENTHAL: Sort of want
18 to just clarify that for people... [cross-talk]

19 CHARANJEET SINGH: Yes... [cross-talk]

20 COUNCIL MEMBER ROSENTHAL: And how many
21 buildings most recently have you referred over to the
22 AEP program?

23 PATRICK WEHLE: So, last year we made 162
24 referrals to HPD.

1
2 COUNCIL MEMBER ROSENTHAL: And are they
3 all unique addresses?

4 PATRICK WEHLE: Good question, don't know
5 the answer, most if not all are, I would say.

6 COUNCIL MEMBER ROSENTHAL: And were any
7 of those 162 NYCHA buildings?

8 PATRICK WEHLE: No idea but I can follow
9 up on that.

10 CHAIRPERSON CORNEGY: So, I just want to
11 say that we've asked for follow up on a lot of
12 different things, I don't know if you made notes of
13 it or you... or you... oh, okay, never mind.

14 COUNCIL MEMBER ROSENTHAL: Trust these
15 guys. Okay, hang on one second. Thank you, I'm done.

16 CHAIRPERSON CORNEGY: No problem. So,
17 I'm, I'm curious we're going to move on... do we have
18 other... anybody else? We're going to move on to Intro
19 565 which is in relation to elevator service outage
20 accommodations. My first question is, is there an age
21 or date of elevator usage that triggers a
22 recommendation for replacement of an elevator?

23 PATRICK WEHLE: So, I think I'd answer
24 the question by saying, you know the average age of
25 an elevator varies greatly, we actually have

1
2 elevators in this city that are functioning just fine
3 that have been doing so for 100 years. The important
4 thing is that they be maintained properly, alright,
5 that said as a general matter around 15 to 20 years
6 is about the lifespan of an elevator where it
7 requires major modifications.

8 CHAIRPERSON CORNEGY: I just want to
9 point out that we've been joined by Council Member
10 Gjonaj and now Council Member Torres. How many
11 buildings in your estimation would be impacted by
12 Intro 565?

13 PATRICK WEHLE: So, the bill would impact
14 the residential buildings with elevators, and I think
15 we're going to need a little bit of time just to sort
16 of again drill down into what that number is and
17 we'll be able to get that information for the
18 Committee.

19 CHAIRPERSON CORNEGY: Is it possible not
20 today but in the future to provide us with a
21 breakdown per Council District on where these
22 buildings are located, so that number, the overall
23 number and then to further drill down on where
24 they're located? Again, I think one of the questions
25 for this Council is, you know the maintenance of

1
2 elevators in the NYCHA development, I would like to
3 assume that they're not excluded from the number that
4 we're talking about and there's not a separate
5 treatment for those elevators and the service of
6 those elevators. I'd, I'd like you to answer that
7 part now, like is there a... is there a certain... is
8 there a separate methodology for treatment of
9 elevators in the NYCHA system and if so we'd like to
10 know how that... how that's dealt with?

11 PATRICK WEHLE: So, the city has a
12 memorandum of understanding with NYCHA that's been in
13 place for quite some time whereby NYCHA is
14 responsible for the maintenance of their own
15 elevators. Clearly if there is an, an incident or
16 some kind of an accident we'll report... we'll arrive
17 to investigate but the NYCHA is responsible for their
18 own elevator maintenance per this MOU.

19 CHAIRPERSON CORNEGY: So, so let me be
20 clear, the, the, the general maintenance of elevators
21 in a NYCHA system are... is NYCHA's responsibility so
22 NYCHA's engineers and architects and... are responsible
23 for that, is there any time that the Department of
24 Buildings is called in to either review those

1 systems, shut those systems down, give
2 recommendations on the maintenance of those systems?

3 [off mic dialogue]

4 PATRICK WEHLE: Okay, so based on
5 complaints we go out and check installations, we go
6 out and check and periodic inspections as well. So,
7 we do have a presence at NYCHA buildings... [cross-
8 talk]

9 CHAIRPERSON CORNEGY: On NYCHA buildings...

10 PATRICK WEHLE: Correct, yes.

11 CHAIRPERSON CORNEGY: Okay, so... and
12 listen this is not an indictment of DOB per se but,
13 but the line or share of the complaints I get in my
14 district about elevator operations or failed
15 operations is in the NYCHA system and so I'm very
16 concerned that, you know there are two... there are two
17 separate systems and we can't pin down what like we'd
18 like to as a body the safety and concerns of NYCHA
19 residents versus the safety and... the, the, the safety
20 of the general residents of the city of New York and
21 if they are two different systems you... it'd be great
22 to know that now, we would certainly like to see DOB
23 have purview as well and have the same steps
24 associated. So, if a NYCHA resident calls 3-1-1 about
25

1
2 a downed elevator is directed to the NYCHA system and
3 not DOB?

4 CHARANJEET SINGH: We, we do go out. So,
5 once again they... the... they are no different, they are
6 in our jurisdiction and they have to comply with the
7 same safety rules that are applicable to everybody,
8 they're not exempt from that.

9 CHAIRPERSON CORNEGY: No, no, no, I, I, I
10 don't believe that they're exempt I just believe that
11 they're on another track meaning, meaning the calls,
12 meaning... I think it was alluded to by the
13 Commissioner that there is a certain degree of
14 maintenance that, that falls under the purview of
15 NYCHA and is responsible to NYCHA so my belief would
16 be that people who making those complaints are not
17 making them to the Department of Buildings but
18 making them to NYCHA... [cross-talk]

19 [off mic dialogue]

20 PATRICK WEHLE: So, just to be clear,
21 sorry, we do perform inspections on complaints
22 related to elevators in NYCHA buildings, I think the
23 distinction that I was getting at is NYCHA has its
24 own staff who are responsible for the maintenance of
25 those elevators. Okay... [cross-talk]

1
2 CHAIRPERSON CORNEGY: Yeah and
3 unfortunately, we've seen some scandals recently
4 around that but that's a whole another story... [cross-
5 talk]

6 PATRICK WEHLE: Understood... [cross-talk]

7 CHAIRPERSON CORNEGY: ...that's a... that's
8 an issue for another hearing but I, I just want to
9 make sure though that we're clear and that this body
10 is clear about the purview... I don't... I don't want to
11 turn this into a NYCHA hearing but that the
12 responsibility of the maintenance and safety of
13 individuals riding elevators in the NYCHA system is
14 not separate from Department of Buildings.

15 PATRICK WEHLE: Correct, the Buildings
16 Department does have oversight over that work and
17 just to get to the other part of your question that
18 you had asked, the Buildings Department has this
19 really cool interactive map on our website relative
20 to elevators so you could actually search by
21 community board district and get a thorough
22 understanding of all the elevators that are in there
23 and what their status is and their history so that's
24 a resource for the public and the Council to utilize.

1
2 CHAIRPERSON CORNEGY: And, and that's not
3 teased out by general buildings... general private
4 buildings as opposed to... [cross-talk]

5 PATRICK WEHLE: It includes... [cross-talk]

6 CHAIRPERSON CORNEGY: ...NYCHA... [cross-
7 talk]

8 PATRICK WEHLE: ...all... it includes all
9 buildings in our jurisdiction, all elevators in our
10 jurisdiction.

11 CHAIRPERSON CORNEGY: So, before I go on
12 is... do... is there anymore question? Yeah, no wait,
13 Council Member Gjonaj. What a... what a gentleman.

14 COUNCIL MEMBER ROSENTHAL: You know
15 that's great to hear, sounds like its sort or an open
16 data thing. Is it and I'll, I'll go back to the
17 office and work on this but is it information that is
18 sort of downloadable and... where you could analyze the
19 information or is it moment in time?

20 PATRICK WEHLE: Quite honestly I, I don't
21 know, I'd have to go back and check and see how that
22 data is, is, is kept and stored and categorized but I
23 think we can probably do some work to isolate what it
24 is you're looking for.

1
2 CHAIRPERSON CORNEGY: Wait, to expound on
3 her question, I know that NYCHA has a system where
4 you can virtually actually go on and check the
5 operation of a boiler in real time... [cross-talk]

6 PATRICK WEHLE: Uh-huh... [cross-talk]

7 CHAIRPERSON CORNEGY: ...so you can see on
8 the screen that a boiler is working, not working,
9 what's happening, is it the same with the elevator
10 system that you're saying?

11 PATRICK WEHLE: I don't think that's
12 right but again I'll need to go back and, and take a
13 look because I'm not too familiar with it.

14 CHAIRPERSON CORNEGY: Okay, because that
15 would obviously be awesome if we could have that same
16 type of virtual system that was connected that you
17 could actually see the elevators operating, not
18 operating in all developments across... [cross-talk]

19 PATRICK WEHLE: Pretty sure... [cross-talk]

20 CHAIRPERSON CORNEGY: ...the city... [cross-
21 talk]

22 PATRICK WEHLE: ...that does not exist but
23 again let me get, get familiar and I'll get back to
24 the committee.

1
2 COUNCIL MEMBER ROSENTHAL: Thank you and
3 similarly for the calls into NYCHA given that they
4 have their own complaint line, how does DOB get
5 notified of that? So, the call does not go into 3-1-1
6 in NYCHA it goes to their own NYCHA complaint line?

7 CHARANJEET SINGH: So, what will happen
8 is a... in any case when there's a serious complaint we
9 do get involved and in some instances if it's a... an
10 accident even a minor one, anybody gets injured or
11 anything like that we will be looped in and we will
12 have to respond to those.

13 COUNCIL MEMBER ROSENTHAL: I'm asking a
14 different question, it's simply a matter of
15 communication between the NYCHA complaint hotline and
16 DOB.

17 CHARANJEET SINGH: If it's a simple
18 outage and 3-1-1 is not called then maybe we will not
19 be called.

20 COUNCIL MEMBER ROSENTHAL: So, simple
21 outages can last hours and days, but DOB wouldn't
22 know it sounds like.

23 CHARANJEET SINGH: I would have to look
24 into that, the... how that is defined but we, we get
25

1 notified by 3-1-1 and in... as I said in serious
2 incidents NYCHA always informs us.

3
4 COUNCIL MEMBER ROSENTHAL: And then...
5 [cross-talk]

6 CHAIRPERSON CORNEGY: Wait, wait, so
7 there seems to be... [cross-talk]

8 COUNCIL MEMBER ROSENTHAL: Yeah... [cross-
9 talk]

10 CHAIRPERSON CORNEGY: ...for the record
11 there seems to be maybe a gap and the gap is if
12 someone from NYCHA calls... doesn't call 3-1-1 and
13 calls their internal complaint system it could
14 inadvertently not intentionally leave out the input
15 of DOB and if that's true then we should do something
16 as a body to close that gap is I think what the
17 Council Member is alluding to. So, again not an
18 indictment on DOB but there seems to be in this line
19 of questioning we're all finding for the first time
20 perhaps that there may actually be a gap in service
21 and if so and you don't have to confirm or deny this
22 because I think we, we understand that there is a gap
23 we should work together to close that gap so that
24 citizens who are... who are residents of NYCHA receive

1
2 the same service whether they're calling 3-1-1 or
3 their internal complaint system from DOB.

4 PATRICK WEHLE: Understood and what we'll
5 do on our end is, is work to better understand the,
6 the extent of that gap to one... to the extent one
7 exists, and we'll of course follow up with the
8 Committee on that as well.

9 CHAIRPERSON CORNEGY: Yep, just for the
10 record I want to point out that this is... this is what
11 we anticipate would happen when you have a thorough
12 hearing, that you'll find opportunities to better the
13 service both between the council and whatever the
14 administrator body is and, and I think that's what
15 we've uncovered today, this is actually how this is
16 supposed to work so just for everybody this is not a
17 gotcha, this is... this is what we're supposed to be
18 able to do in open dialogue in a hearing setting is
19 find opportunities to be better as a city and better
20 as an agency and better in collaboration for the
21 safety of residents so...

22 COUNCIL MEMBER ROSENTHAL: Last question,
23 do you... are you familiar with the training for the
24 elevator maintenance workers at NYCHA?

1
2 PATRICK WEHLE: I am not, Charanjeet do
3 you?

4 CHARANJEET SINGH: I'm sorry?

5 COUNCIL MEMBER ROSENTHAL: Are you
6 familiar with the training requirements for elevator
7 maintenance workers at NYCHA?

8 CHARANJEET SINGH: Sorry, I don't know.

9 CHAIRPERSON CORNEGY: So, it... so, that's
10 a very good question because if they... if they're not
11 subject to the same DOB training possibly, the, the,
12 the NYCHA elevator maintenance and or engineers that
13 could be another potential gap and, and it could be
14 an opportunity for standardization of those training,
15 right, so even if... even if they're being trained on
16 another track maybe there should be an opportunity to
17 standardize that training so that potentially, you
18 know the, the hundreds of thousands of, of NYCHA
19 residents aren't getting a less service because
20 they're not trained in the same DOB way... [cross-talk]

21 COUNCIL MEMBER ROSENTHAL: Or with the
22 same criteria...

23 CHAIRPERSON CORNEGY: ...or with the same
24 criteria.

1
2 PATRICK WEHLE: Under, understood, what,
3 what I can... and we'll of course follow up with... to,
4 to provide more information but... so, the department
5 licenses, agency directors and inspectors there are
6 licensed agency directors and inspectors who work
7 within NYCHA, we also know that NYCHA does have its
8 own in house training program for the folks who are
9 doing the work and the inspections but again we'll,
10 we'll work to follow up with the Committee.

11 CHAIRPERSON CORNEGY: Thank you. Yeah,
12 Council Member Gjonaj.

13 COUNCIL MEMBER GJONAJ: Thank you Chair,
14 this... these are really important topics that are
15 being discussed today and have wide range impacts but
16 I, I don't want to make this about NYCHA, but I will
17 go back to NYCHA for a moment. So, currently a
18 private owned property if they're not performing
19 their... first of all, is NYCHA required to have the
20 same tests done as any other residential building in
21 New York City, the annual test, the three year test,
22 the five year test, all those different tests and,
23 and monthly inspections by their own service
24 provider?

25

1
2 PATRICK WEHLE: So, in terms of the
3 inspections that applies across the board, whether
4 it's a NYCHA property or a non-NYCHA property.
5 Monthly inspections, do you... I'm not sure what
6 you're... [cross-talk]

7 COUNCIL MEMBER GJONAJ: There's a
8 required maintenance agreement that's supposed to be
9 done when an elevator company.. on a monthly basis,
10 that elevator company is supposed to come out and
11 evaluate the elevator.

12 PATRICK WEHLE: So, as I mentioned NYCHA
13 has its own staff of elevator mechanics who are
14 responsible for maintaining those elevators.

15 COUNCIL MEMBER GJONAJ: But DOB oversees
16 that staff?

17 PATRICK WEHLE: We oversee those we
18 license, and those licensees will have mechanics who
19 report to the licensees.

20 COUNCIL MEMBER GJONAJ: So, is DOB aware
21 if those inspections are being done monthly or not?

22 [off mic dialogue]

23 CHAIRPERSON CORNEGY: I have to advise
24 you that when you're in consultation you should
25 probably turn your mic off.

1 PATRICK WEHLE: So, it's, it's fine. So,
2
3 there is... you... perhaps you could explain.

4 CHARANJEET SINGH: Yes so, there, there
5 is a requirement to verify the fire service that its
6 functional and the maintenance personnel are also
7 supposed to keep a maintenance log on site and there
8 are strict... by the requirement ASME requirement
9 they're also supposed to follow the maintenance
10 control program by the manufacture of the elevator
11 which they... [cross-talk]

12 COUNCIL MEMBER GJONAJ: Uh-huh... [cross-
13 talk]

14 CHARANJEET SINGH: ...have to keep up with
15 and if, if it requires frequent inspections, more
16 than annual then they're supposed to do it so when we
17 go out and we check those logs to make sure that
18 those are being done.

19 COUNCIL MEMBER GJONAJ: So, are those
20 logs being verified though by DOB?

21 CHARANJEET SINGH: Only if it's a
22 complaint and things like that, when we go out, we do
23 check that, yes.

24 COUNCIL MEMBER GJONAJ: So, there is no
25 oversight, it's only if there's a complaint that

1
2 triggers you to inspect and verify that those logs
3 are being maintained?

4 CHARANJEET SINGH: That is not different
5 for NYCHA properties, for any property, I don't think
6 we go out on every property and verify those logs, I
7 mean they, they are required to keep them there but
8 the annual and periodic do catch that if they're not
9 being done... [cross-talk]

10 COUNCIL MEMBER GJONAJ: Uh-huh... [cross-
11 talk]

12 CHARANJEET SINGH: ...and those are
13 reported back to us.

14 COUNCIL MEMBER GJONAJ: Okay, so I just
15 want to touch on a couple of proposed bills. You're
16 familiar with brown outs, that's when we don't have a
17 black out but it's brown out... [cross-talk]

18 CHARANJEET SINGH: Right... [cross-talk]

19 COUNCIL MEMBER GJONAJ: ...may have power...
20 [cross-talk]

21 CHARANJEET SINGH: Yes... [cross-talk]

22 COUNCIL MEMBER GJONAJ: ...most elevators
23 operate on 220 electric and it triggers our safety.

24 CHARANJEET SINGH: Okay...
25

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2 COUNCIL MEMBER GJONAJ: This is nothing
3 that a property owner can do to prevent, this is the
4 flow of electricity that's provided by a third party,
5 has serious wear and tear on elevators and also shuts
6 them down, brown out half phase, elevator will just
7 shut in place and everybody can be trapped. Some of
8 the proposed bills are going to have impacts, I'm
9 going to follow up with the question that will... we
10 both... we have experienced total blackout in New York
11 City, how would you see a property owner whether it
12 be NYCHA or privately owned property could possibly
13 anticipate a brown out or a black out to be able to
14 implement some of these regulations from helping
15 those with disabilities to proper notice, to... and we
16 don't know the extent of a brown out or a black out,
17 the duration, how is this going to be managed in your
18 opinion?

19 PATRICK WEHLE: Well I think I'll say
20 what the bill requiring a reasonable accommodation
21 plan the bill doesn't speak to the specifics of the
22 plan per se, it speaks to having a plan in place in
23 the event of an outage and what they're going to be
24 able to do to accommodate those folks who need the
25 accommodation.

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2 COUNCIL MEMBER GJONAJ: But I believe
3 Intro 565 says elevators down more than 24 hours
4 should provide those that are disabled with
5 accommodations. You can't prepare in advance for a
6 brown out or a black out let's just use the worst
7 case scenario, how would a property owner be able and
8 if its citywide, first of all the resources wouldn't
9 be there for a third party provider to accommodate
10 all of the disabled in the city of New York at the
11 same time for the same needs?

12 PATRICK WEHLE: Yeah, I mean I hear... I
13 hear what you're saying in the event of a citywide
14 black out where everyone is facing the same
15 challenges that would certainly be a challenge, not...
16 my sense of things is that the bill was written more
17 in the mind... more in lines with the idea of an
18 individual outage in that building and what
19 accommodations are going to be made for those folks
20 in that building.

21 COUNCIL MEMBER GJONAJ: And then also the
22 understanding of the definition of disabled and we
23 have various degrees of disabled and how does a
24 property owner know that there's a disabled person
25 living in the apartment versus visiting someone in an

1
2 apartment, does that... does this bill even look at the
3 matter of visiting or visitors of those that are
4 maybe staying overnight?

5 PATRICK WEHLE: Yeah, I mean I could tell
6 you that... all good questions the bill contemplates a
7 role for the Mayor's Office of People with
8 Disabilities and presumably they'd be providing some
9 sort of guidance that provides direction on what
10 you're seeking.

11 COUNCIL MEMBER GJONAJ: Okay. One of my
12 issues and my own experience is elevator replacement,
13 the long period of time it actually takes to redo an
14 elevator and for various reasons DOB is part of that
15 problem because of the inspections that have to be
16 done at phases and the notices for the inspections
17 that have to be done and you're very familiar with
18 this I'm sure, the replacement of a new elevator and
19 what it means that you can have an elevator down for
20 six months up to a year through no fault of the
21 property owner, through no fault of the contractor
22 it's just the way things happen, can you elaborate
23 more about why it takes six to 12 months to have an
24 elevator rebuilt?

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2 PATRICK WEHLE: So, I wouldn't describe
3 our role in the process as being part of the problem,
4 I think it's an integral part of the process to
5 ensure that the elevator or the modernization is
6 performed appropriately and safely. I think it's a
7 little outside the range to say six months to a year,
8 modernizations do unfortunately can take quiet a bit
9 of time, I think up to a year is, is, is excessive,
10 part of the reason why these modernizations can take
11 certainly longer time than any of us would like is
12 they often require new parts and new parts need to be
13 fabricated outside of the city and it takes time to
14 order those parts and install those parts, that
15 sometimes is part of the reason why modernizations
16 take longer than any of us would like.

17 COUNCIL MEMBER GJONAJ: But I also
18 understand there's a process by which... as the work is
19 being done there is inspections that are needed for
20 the next phase which also delays the project?

21 CHARANJEET SINGH: We usually are called
22 only at the end, once the work has completed and
23 that's when we go out and verify that the elevator is
24 safe for passenger use and it can be returned back to
25 service.

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2 COUNCIL MEMBER GJONAJ: So, this is
3 strong... this is solely on the shoulders of the
4 contractors... [cross-talk]

5 CHARANJEET SINGH: Once... [cross-talk]

6 COUNCIL MEMBER GJONAJ: ...the delay,
7 there's no delay whatsoever due to inspections, sign
8 offs that delay the project?

9 CHARANJEET SINGH: That is true, once
10 they have obtained their permits, they are free to
11 work on the device and once the work is completed,
12 they will call us for an inspection.

13 COUNCIL MEMBER GJONAJ: What's the time
14 frame between the moment you get notified on average
15 if you even know the answer to the moment an
16 inspector comes out evaluates the... how long does it
17 take to evaluate the entire installation by DOB?

18 CHARANJEET SINGH: The number of days
19 that we respond to that... their request for the
20 inspection or when we go out and do the full
21 inspection?

22 COUNCIL MEMBER GJONAJ: Both, so the
23 amount of time to request an inspection, the amount
24 of time it takes to do a full inspection, the amount
25

1
2 of time it takes to get a sign off to get the C of O
3 to operate the elevator?

4 CHARANJEET SINGH: So, I think we are
5 typically doing the service level for about three
6 days for inspection requests, that data is mentioned
7 on our website to inform an applicant what that
8 service level is and when we go out there depending
9 on scope of work typically for... I will give you an
10 example, for a new installation, six story building
11 which is very typical it will take about four to five
12 hours for all inspectors to completely verify that
13 all the safety features are working fully.

14 PATRICK WEHLE: And to highlight one of
15 the things that Charanjeet just said we, we have a
16 three day service level on performing these
17 inspections and the service level is published on our
18 website, right, so if you're... if you're installing
19 this elevator and you go on our website and you see
20 it's going to take three days for me to get my
21 inspection you should be requesting that inspection
22 two or three days in advance to ensure that when I'm
23 done, you know our elevator people are showing up to
24 perform the inspection.

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2 COUNCIL MEMBER GJONAJ: No, I, I, I
3 believe that you can't order an inspection until you
4 know that the work has been completed and I think
5 that's part of the provisions that... under no
6 circumstances do you request an inspection until the
7 work has been completed and to avoid an inspection
8 being done and the work not being completed.

9 PATRICK WEHLE: No, part of the reason
10 why we've placed... we made this information of... on our
11 service levels publicly available is to afford folks
12 the opportunity to save as much time as possible so
13 they... this inspection can be requested in advance.
14 Are there occasions when we show up and the work
15 isn't completed, absolutely, that's unfortunate but
16 this gives folks the opportunity to build in as
17 little cushion as possible between the time in which
18 their work is done to the time that the elevator is
19 put back in service.

20 COUNCIL MEMBER GJONAJ: Let's, let's go
21 back to that, three days for an inspection, one day,
22 four to five hours on average, right?

23 PATRICK WEHLE: Right...
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25

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2 COUNCIL MEMBER GJONAJ: Then walk me
3 through the next step, what happens, then the
4 inspector...

5 CHARANJEET SINGH: When the inspector has
6 verified that everything is fully functional on the
7 spot, we give a certificate of compliance and the
8 device can be put back in service.

9 COUNCIL MEMBER GJONAJ: Okay, then what
10 does the contractor have to do to be able.. can he at
11 that moment flip the switch?

12 PATRICK WEHLE: Yes.

13 CHARANJEET SINGH: Yes.

14 COUNCIL MEMBER GJONAJ: At that very
15 moment?

16 PATRICK WEHLE: Yes.

17 COUNCIL MEMBER GJONAJ: Okay..

18 CHARANJEET SINGH: And I would also like
19 to point out that in case of single elevator
20 buildings where we see a hardship, we always expedite
21 those inspection requests.

22 COUNCIL MEMBER GJONAJ: Okay, my next
23 question is on door locks, are you concerned that
24 there'll be enough supply for the actual equipment
25 and the qualified labor to install these door locks

1
2 by the end of the year and for you to inspect that
3 work I would imagine, right?

4 PATRICK WEHLE: So, to your... that's
5 separate from these bills but you're referring to the
6 elevator door lock monitoring devices that are
7 required, this was put into effect six years ago and
8 owners of buildings have had six years to comply, for
9 new construction the law require that these devices
10 be put in immediately, you know as you had mentioned
11 it's coming into effect soon and our expectation is
12 that these devices will be in, in place. As we had
13 mentioned previously there are periodic inspections
14 that are require of these elevators, in the event the
15 elevator does not have one of these monitoring
16 devices which, you know certainly are quite crucial
17 and important for safety purposes, the department
18 will be alerted of that deficiency and they'll be
19 given an opportunity to correct.

20 COUNCIL MEMBER GJONAJ: Okay, without
21 fine or penalty?

22 PATRICK WEHLE: If they fail to do so
23 within that period of time, they will be issued a
24 violation, absolutely for which they've had six years
25 to get these installed.

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2 COUNCIL MEMBER GJONAJ: Do you think our
3 properties will be ready by the end of the year and
4 in compliance?

5 PATRICK WEHLE: I can tell you that, you
6 know over the past six years certainly a large number
7 of them have had these devices installed not just new
8 construction but for modernizations as well so many
9 building throughout the city thankfully now
10 incorporated this important technology, sitting here
11 I don't know to what extent currently there's a gap
12 that exists but they have an obligation, they've had
13 this obligation for six years to install these
14 devices.

15 COUNCIL MEMBER GJONAJ: And you haven't
16 heard contrary to them... the, the properties being
17 ready, you haven't heard complaints from large
18 groups... [cross-talk]

19 PATRICK WEHLE: Oh, we certainly have,
20 yes.

21 COUNCIL MEMBER GJONAJ: What were their
22 complaints?

23 PATRICK WEHLE: Their complaint is that
24 they, they are... they don't have enough time to meet
25 the deadline, however they've provided no evidence to

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2 support such a claim and we have not heard from those
3 who installed these devices and these folks, the
4 installers and trade associations and the like they
5 were part of the process that established this very
6 important safety provision six years ago.

7 COUNCIL MEMBER GJONAJ: Will NYCHA be
8 ready?

9 PATRICK WEHLE: Offhand I don't know to
10 what extent... I, I don't know, we can look into that
11 and get back to you, we can check with NYCHA.

12 COUNCIL MEMBER GJONAJ: Wouldn't that be
13 a good gauge? I would imagine that if NYCHA
14 properties were ready by the end of the year with
15 this requirement that should be able to tell us that
16 across the board all privately owned buildings should
17 be ready as well but if they're not wouldn't that be
18 the proof that you need that perhaps six years
19 although it's six years by the time the property
20 owners were informed, by the time the installations
21 could be done and by the time we can find those
22 qualified to do the installations, wouldn't that be a
23 clear indication?

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2 PATRICK WEHLE: I'm not so sure it would
3 be a clear indication, but we can certainly check in
4 with NYCHA.

5 COUNCIL MEMBER GJONAJ: I'd really like
6 to hear... Chair that would be a good follow, that
7 would be a gauge for us to decide whether or not the
8 end of the year is possible to meet the deadline
9 before we start penalizing and in that event if a
10 NYCHA property is not compliant by the end of the
11 year, do they receive a fine from DOB?

12 PATRICK WEHLE: They would... I'm pretty
13 sure they would receive a violation but there'd be no
14 monetary penalty associated with that violation
15 obviously.

16 COUNCIL MEMBER GJONAJ: So, basically
17 time to cure, no problem, we understand we just put
18 you on notice and when you get around to it get it
19 done?

20 PATRICK WEHLE: I don't want to speak for
21 NYCHA but I'm pretty sure they recognize the, the
22 sort of... the enormous value in having these door
23 monitoring devices so I, I'm pretty sure they're,
24 they're working hard to comply if they haven't
25 complied yet.

1
2 COUNCIL MEMBER GJONAJ: But we don't
3 know?

4 CHAIRPERSON CORNEGY: Just, just for the
5 record one of the... [cross-talk]

6 PATRICK WEHLE: Listen here... [cross-talk]

7 CHAIRPERSON CORNEGY: ...one of the...
8 [cross-talk]

9 PATRICK WEHLE: ...I don't work at NYCHA
10 so... but I, I'm happy to check with them.

11 CHAIRPERSON CORNEGY: One, one of the
12 things that we're trying to make sure that this
13 committee has the capacity to do which is to make
14 sure that there are not two separate set of rules and
15 regulations for general residential privately owned
16 buildings and... you know and NYCHA, right, so while
17 this is not a NYCHA hearing as we can see there are...
18 there are some inconsistencies potentially that we
19 want to be able to regulate a lot better so... [cross-
20 talk]

21 PATRICK WEHLE: Understood... [cross-talk]

22 CHAIRPERSON CORNEGY: ...so I, I understand
23 and I don't want DOB to get frustrated with this line
24 of questioning as it relates to NYCHA, this is just
25 us realizing that there are some inconsistencies with

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2 the way the city is regulating its affordable housing
3 units as opposed to the privately owned units and
4 that, that can't be the case because what it does is
5 it represents a perception that hundreds of thousands
6 of residents are less... their safety is, is less
7 valuable than... and, and, and as a city that's a
8 narrative that... and as a Chair I, I can't have that
9 be a narrative that I'm associated with so, we're
10 going to... we're going to go forward but... you know
11 we're going to try to draw these parallels as often
12 as we can in an effort to remedy them.

13 PATRICK WEHLE: Understood.

14 CHAIRPERSON CORNEGY: So, thank you for
15 responding and I understand it may be a little bit
16 frustrating because you... this is not a NYCHA hearing
17 but these inconsistencies as we find them and as they
18 come up we're going to try to eradicate and remedy
19 going forward so...

20 PATRICK WEHLE: Thank you.

21 COUNCIL MEMBER GJONAJ: Thank you Chair.
22 My last question, do any of these bills or codes have
23 an impact on landmark buildings that would prevent
24 them from fulfilling their obligation to meet the
25 standard, is there a... is there another set of

1
2 approvals that are needed when it comes to elevators
3 in landmarked buildings?

4 CHARANJEET SINGH: In specific to the
5 door lock monitoring requirement, DLM, door, door
6 lock monitoring that we were just discussing right
7 now...

8 COUNCIL MEMBER GJONAJ: In, in... across
9 the board, do you have policies and procedures that
10 are in place for elevators citywide... [cross-talk]

11 PATRICK WEHLE: Right... [cross-talk]

12 COUNCIL MEMBER GJONAJ: ...when it's a
13 landmarked building if there is a change that needs
14 to be made or door locks or any other provision for
15 compliance, does... do landmarked buildings have a
16 different issue, does any of these requirements
17 prevent a property owner from having the work done
18 without or with or without landmark approval?

19 CHARANJEET SINGH: So, any safety
20 requirements, any safety devices those... there's no
21 compromise but those are, I don't think effect that
22 if the building is older do... you know if the elevator
23 is in a landmark building or if it's not because this
24 is a electrical mechanical equipment that is not
25 usually within the site and adding these requirements

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2 or, or installing this type of equipment doesn't
3 affect them in any way and they, they have been
4 complying fully. The only work that I can think of
5 typically it may be cab work which is not directly
6 related to any safety that... I wouldn't think so and
7 if they needed to do that, they would have to get
8 permission from the landmark... [cross-talk]

9 COUNCIL MEMBER GJONAJ: Sorry, I think
10 there's a bill in here that, that calls for emergency
11 lighting, would that need landmark approval or the
12 cab door?

13 CHARANJEET SINGH: The emergency lighting
14 and standby power requirements they would be in a
15 separate room where the generator would sit and the
16 fuel storage would be... so, I'm not sure if that, that
17 affects... [cross-talk]

18 COUNCIL MEMBER GJONAJ: I'm not sure
19 either that's why I'm asking the question, landmarks
20 is... [cross-talk]

21 PATRICK WEHLE: And furthermore nearly
22 all landmarks throughout the city are exterior, not
23 interior landmarks and all the work that these bills
24 speak to inside the building so there might be some
25 challenges for landmark buildings just in... be... due to

1
2 like space constraints but those, those challenges
3 are met by, you know buildings that have the same
4 situation that may not be landmarked.

5 COUNCIL MEMBER GJONAJ: I believe there
6 are elevators that fall subject to landmark
7 protections based on their age and interiors in some
8 properties do fall under landmarks it's just not
9 exterior.

10 PATRICK WEHLE: Yeah, again I didn't say
11 all, nearly all, certainly there are interior
12 landmarks and there might be escalators or elevators
13 that are... that are antiquated that are under
14 landmarks jurisdiction and those very, very rare
15 exceptions there might be additional hurdles that
16 would need to be overcome through the landmarks
17 preservation commission.

18 COUNCIL MEMBER GJONAJ: But we're not
19 aware if any of these rules or even any of the DOB
20 rules have an impact on elevators that would create a
21 contradict to landmark status, we're not aware of?

22 PATRICK WEHLE: Nothing amongst this
23 package that we see, no...

24 [off mic dialogue]

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2 PATRICK WEHLE: So, nothing within this
3 package though.

4 COUNCIL MEMBER GJONAJ: Are you aware of
5 anything that impacts those properties that...

6 PATRICK WEHLE: Certain types of
7 modifications to a building might require approval
8 from the landmarks preservation commission but that's
9 separate and apart from elevators, I'm talking about
10 general construction work.

11 COUNCIL MEMBER GJONAJ: Right, okay.
12 Thank you, sir. Thank you.

13 PATRICK WEHLE: Thanks.

14 COUNCIL MEMBER ROSENTHAL: Thank you.
15 Sorry, were you finished? Oh, okay, this... the Chair
16 had to step away and asked me to fill in and... sorry,
17 Council Member Rivera, questions?

18 COUNCIL MEMBER RIVERA: Yes, thank you
19 Madame Chair. Just a quick question, Assistant
20 Commissioner you've been with DOB for a while now,
21 right? I'm not trying to date you, but you've been
22 here... [cross-talk]

23 PATRICK WEHLE: A little over... [cross-
24 talk]

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COUNCIL MEMBER RIVERA: ...for years...

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[cross-talk]

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PATRICK WEHLE: ...four years.

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COUNCIL MEMBER RIVERA: Four?

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PATRICK WEHLE: Four... yeah, a little over

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four.

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COUNCIL MEMBER RIVERA: In all that time

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considering, I mean I think in... it, it goes a little

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bit back to, to NYCHA but in all that time, you know

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considering that DOB has jurisdiction over the

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buildings but not the 3,200 plus elevators has there

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ever been a conversation in your tenure to revisit

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the MOU that exists between NYCHA and DOB?

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PATRICK WEHLE: No.

15

COUNCIL MEMBER RIVERA: This... you know

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that, that's the, the one thing that's incredibly

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frustrating, there's this MOU that exists between

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NYCHA and all these agencies and, and we hold you to

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such incredible standards and it's really difficult

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to, to figure out why we can't serve 400,000 families

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but... okay, I just wanted to know whether that had

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ever been broached and I... and I appreciate your

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honesty and that, that's it that was my question

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Madame Chair.

25

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2 COUNCIL MEMBER ROSENTHAL: Thank you,
3 colleagues, any other questions? Alright, thank you.
4 If I could just continue a little bit. I want to ask
5 you about 788A. If you could let me know your
6 thoughts?

7 PATRICK WEHLE: Oh, I'm sorry, did you
8 have a question, I apologize, I'm...

9 COUNCIL MEMBER ROSENTHAL: If you could
10 expound a bit on your concerns with 788A.

11 PATRICK WEHLE: Certainly, so I, I think
12 as we understand the intent of the bill certainly
13 based on the introduction that the Chair provided, we
14 would agree that there, there needs to be more
15 oversight over mechanics, those folks who are
16 performing the actual work on the elevator and as
17 such we're advancing legislation with the state to do
18 a number of things including requiring specific
19 qualifications for mechanics along with a license.
20 This bill, Intro 788A we... does not provide a license
21 for mechanics, it creates a new license for
22 businesses that do a number of things including
23 maintenance work who mechanics work for and that
24 creates this buffer between the Department and its
25 oversight and the actual folks performing the work.

1
2 So, while we, we appreciate the intent of what this
3 bill seeks to accomplish we think a more direct way
4 to get at this issue is to focus specifically on the
5 mechanics who are doing the work.

6 COUNCIL MEMBER ROSENTHAL: And, and so
7 where are you in your negotiations with the state,
8 what's the likelihood of that bill going through?

9 PATRICK WEHLE: I, I... [cross-talk]

10 COUNCIL MEMBER ROSENTHAL: And the
11 timing?

12 PATRICK WEHLE: There has been talk about
13 doing this for quite some time, several sessions now,
14 I'd say from my perspective I think the chances are,
15 are very good that we'll see something happening
16 during this session and that's our hope.

17 COUNCIL MEMBER ROSENTHAL: And that ends
18 in June?

19 PATRICK WEHLE: Correct.

20 COUNCIL MEMBER ROSENTHAL: And would
21 passage of this bill get in the way of what you're
22 looking for at the state level or is your concern it
23 would be duplicative, or could it be woven in
24 together?
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2 PATRICK WEHLE: It has the potential
3 perhaps to be woven, certainly I think what happens
4 at the state would sort of preempt what it is we're
5 trying to do here and for a number of reasons
6 included just sort of simplicity sake focusing on a
7 single track would be... would be beneficial and what
8 we've shared with the state and what we're hopeful
9 that they're going to be agreeing to seeks to
10 accomplish appropriate oversight for, for a
11 mechanics, technicians.

12 COUNCIL MEMBER ROSENTHAL: So, if the
13 state session ends and your bill has not moved
14 through would you be more interested in 788A as a
15 fallback?

16 PATRICK WEHLE: Yeah, I mean obviously
17 we're happy to continue having conversations with the
18 Committee and the sponsor about what it is they're,
19 they're seeking to do as it relates to additional
20 oversight for mechanics, happy to have that
21 conversation of course.

22 COUNCIL MEMBER ROSENTHAL: Great. Thank
23 you. Lastly, I just want to ask you about an Intro
24 that is Pre-considered that has to do with the
25 definition of site safety training full compliance,

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2 the date and the site safety training second
3 compliance date. Does... do you support the extending
4 the deadline for site safety training for the full
5 compliance date and the second compliance date?

6 PATRICK WEHLE: So, the bill seeks to
7 extend that second date by six months from June to
8 December of this year and the Department has no
9 objection with, with the legislation.

10 COUNCIL MEMBER ROSENTHAL: Okay, do you
11 have any other concerns with this bill?

12 PATRICK WEHLE: You know I think broadly
13 speaking obviously this is extremely important, the
14 Department has been working very hard trying to
15 implement this legislation and you know in every
16 forum that we have publicly we take the opportunity
17 to stress that the need to get this training,
18 comprehensive, effective safety training and to get
19 it as soon as possible.

20 COUNCIL MEMBER ROSENTHAL: Can I just ask
21 you... as a reminder its Small Business Services that's
22 responsible for have... keeping the list of the
23 training trainers or is that... do they have a role in
24 that?

1
2 PATRICK WEHLE: That's the Buildings
3 Department. So, the way the law works and all of our...
4 [cross-talk]

5 COUNCIL MEMBER ROSENTHAL: Right... [cross-
6 talk]

7 PATRICK WEHLE: ...train... no problem, all...
8 and all the... all of our training works, you have to
9 be an approved course provider by the Buildings
10 Department. So, the Buildings Department is
11 responsible for approving those who are qualified to
12 provide this training and we maintain a list that's
13 publicly available of who is qualified to provide
14 this training.

15 COUNCIL MEMBER ROSENTHAL: So, just as
16 something that's of particular interest to me, do you
17 know if any of those trainers are worker cooperative
18 model?

19 PATRICK WEHLE: We have 58 approved
20 course providers who are... who are providing site
21 safety training, offhand I don't know to the extent
22 any of them fit that model but I'm happy to take a
23 look and follow up.

24

25

1
2 COUNCIL MEMBER ROSENTHAL: Thank you, I
3 appreciate it, hang on one second. Do you have any
4 concerns about Intro 1508?

5 PATRICK WEHLE: Oh, oh venting. So, we're
6 planning on requiring this for new construction,
7 okay, as it relates to existing construction. Similar
8 to the other bill that requires standby and backup
9 power in existing buildings, we certainly get the
10 intent and the importance of the intent to, you know
11 save money and improve sustainability but it's
12 something we need to sort of talk more about with our
13 code committees to better understand what challenges
14 if any are associated with existing buildings.

15 COUNCIL MEMBER ROSENTHAL: It sounds like
16 we have a plan. Thank you so much for your testimony
17 today, thank you for coming by and answering our
18 questions. We do have a number of follow up questions
19 that we hope you'll get back to the committee on as
20 quickly as possible.

21 PATRICK WEHLE: Certainly, thank you very
22 much.

23 CHARANJEET SINGH: Thank you.

24 COUNCIL MEMBER ROSENTHAL: Thank you,
25 anyone? Okay, next we're going to hear from Donald

1
2 Ranshte; Nadia Martin-Molina and Sean Brennan I think
3 and please have a seat, please give a copy of your
4 testimony to the Sergeant at Arms so will... share that
5 with us and anyone... whoever sits down first can start
6 and just state your name and your... the organization
7 you represent for the record. Thank you very much.

8 DONALD RANSHTE: Good morning, thank you
9 Madame Chair. My name is Donald Ranshte and I'm the
10 Senior Vice President for the Building Trades
11 Employers' Association, a trade... 116-year-old trade
12 organization that represents 26 contractor
13 associations and 1,200 contractor companies in New
14 York City doing 50 billion dollars' worth of business
15 in New York. In the interest of making sure that the
16 most important parts of my testimony this morning are
17 up front, I want to cut to the chase, and I'll bring
18 you in on some background second. This bill is not
19 about delaying construction worker safety training.
20 We are still in agreement that the need for more
21 enhanced training is necessary. This bill is about
22 accurately assessing the scope and magnitude of what
23 we optimistically set out to do with Local Law 196
24 back in 2017. When we were working on the drafting of
25 the legislation everyone involved was acutely aware

1 of the need for safety training but less aware of the
2 fact that we were asking 120,000 construction workers
3 to find a 30 hour training class or in some cases 62
4 hours of safety training that was acceptable under
5 the law, fit into a work life schedule, evenings and
6 weekends for most workers, needed to be paid for,
7 ultimately needed to be certified, that it met all of
8 the training requirements that were set forth in
9 Local Law 196. On the professional training industry
10 side of the equation, classes needed to be quickly
11 ramped up, more seats were needed, increased training
12 capacity, courses and training hour curriculum needed
13 to be submitted to DOB for approval. And all this
14 amounted, amounted to a logistical nightmare for a
15 project of this scale. On the regulatory side there
16 were implementing details that needed to be ironed
17 out as well, the devil is always in the details. The
18 legislation left many open questions which needed to
19 be implemented through rules by DOB. Not... we're not
20 pointing any fingers but some of the questions were
21 what would the LSST cards look like, which portions
22 of the 100 hour training program that were spelled
23 out in the bill would be applicable and what is... and
24 in what cases would supervisor or competent person
25

1
2 need the 62 hour training and not the 30 hours of
3 training? Some of these are still... need to be
4 answered. We were up against a hard deadline written
5 into the legislation and the clock was ticking. For
6 our part, we surveyed a, a number of our largest
7 contractors this past March 212 to be exact, we found
8 that on average nearly 65 percent of our union
9 workforce had undergone, undergone the training. In
10 no way is this foot dragging as some would like to,
11 to accuse us of. This means that 78,000 workers had
12 actually undergone the required training, there's no
13 procrastination there. On the flip side, it also
14 meant that 42,000 workers still required the
15 necessary training with only two months to do so.
16 This isn't a time to point fingers and it should be
17 about assisting an entire industry to accomplish a
18 very worthwhile goal. There remains to be an
19 opportunity to raise the bar for safety in
20 construction work in New York City and let's take
21 that step in that direction together and make sure
22 that all of our workers get trained appropriately and
23 not rush to do so inadequately, thank you.

24

25

1
2 COUNCIL MEMBER ROSENTHAL: Thank you and
3 we'll continue but can I just ask you a really quick
4 question?

5 DONALD RANSHTTE: Of course.

6 COUNCIL MEMBER ROSENTHAL: Do you think
7 that... what do you think the reasons are for the... I
8 forget your number, 40 something thousand workers who
9 did not get training, do you think it's because of
10 lack of access to trainers or, or you know waiting
11 lists or what do you think it was?

12 DONALD RANSHTTE: I... simply I would say
13 it's a combination of many different factors. There
14 was a need to increase capacity on the training side
15 and that couldn't be done quickly, it just... it worked
16 out where more classes needed to be added, more
17 seats, more training. Many of the course providers
18 that the Assistant Commissioner mentioned earlier
19 that are approved by DOB were not in the early stages
20 approved to teach some of the courses and that needed
21 to be done, whether or not they had to put together a
22 curriculum and submit that to DOB and DOB then had to
23 approve all of that takes time. On... and, and we're
24 not without blame as well, of course there's always
25 some built in procrastination in human nature,

1
2 everyone says oh I have 12 months to do this or six
3 months or two months, whatever the case may be but
4 also we... what we didn't understand was we were asking
5 workers to take time away from work, unpaid or fit
6 this into a schedule where you have to go in the
7 evenings, you have to go on weekends, you know not
8 everyone has the ability to do that so there's no
9 finger pointing here. What we're saying is there... it
10 was a... it was...

11 COUNCIL MEMBER ROSENTHAL: I'm not asking
12 about... [cross-talk]

13 DONALD RANSHTTE: Right... [cross-talk]

14 COUNCIL MEMBER ROSENTHAL: ...don't... I'm
15 not implying anything; do you think there's enough
16 capacity now to meet the demand?

17 DONALD RANSHTTE: If we extend the
18 deadline until December then yes.

19 COUNCIL MEMBER ROSENTHAL: Thank you very
20 much, please?

21 SEAN BRENNAN: Thank you, Madame
22 Chairman. My name is Sean Brennan, I'm the Training
23 Director with the Mason Tenders Training Fund, I'm
24 also the Chairman of the Building and Construction
25 Trades Council Health and Safety Committee as well as

1 an Appointee to the Site Safety Training Task Force.

2 I want to apologize before I even begin be in my
3 haste this morning to put together my, my prepared
4 remarks for your review, my new copy machine decided
5 to copy two pages of the front page and not the
6 second page so if you'd like I'll happily get it to
7 you electronically later.

8
9 COUNCIL MEMBER ROSENTHAL: Please,
10 exactly, we'll make sure you have an email address so
11 you can submit it... [cross-talk]

12 SEAN BRENNAN: Great, thank you... [cross-
13 talk]

14 COUNCIL MEMBER ROSENTHAL: ...for the
15 record, thank you.

16 SEAN BRENNAN: I can speak
17 extemporaneously though on what I think are the two
18 most important points. You asked Donald what's the
19 reason and again not to point fingers but, but... so
20 that everyone understands, when the law was passed
21 and went into effect on March 1st, prior to March 1st
22 there was an approval process for those 58 approved
23 training providers to be able to deliver the course
24 work on any given city course. We would.. the city
25 would, would develop requirements for those courses

1
2 and we as responsible training providers would follow
3 those requirements, we simply checked the boxes that
4 says yes, we'll... this is how we'll do it and the city
5 would then randomly and on occasion audit those
6 classes to make sure that we were... we were doing the
7 right thing and it worked. With the advent of this
8 bill however, or this, this law they changed their
9 approval process and with all the best of intentions
10 and we applauded it actually because they wanted to
11 make sure that the training that was being provided
12 was good, quality training. The process became so
13 onerous, so burdensome, so time consuming that it was
14 taking months and months for approvals to come
15 through to the point where at a task force meeting in
16 September there were no approved training providers.
17 In fact, the first approved training provider was our
18 training fund and that was October 23rd of last year.
19 So, now we're in a constraint already we know we
20 can't get it done by December 1st, we pushed the date
21 back. Thankfully and, and to their credit the
22 Department has decided to revert back to the old way
23 of, of approving and, and monitoring training so now
24 we're able to do what we need to do. Just to give you
25 an idea of how, how much training can get done in a

1
2 short period of time, we at the Mason Tenders have
3 been able to train over 1,000 people in just one
4 course over the last... since March 1st. So, the
5 capacity really is there we just need the time to get
6 all the people in that need the training in. We've,
7 we've noticed there's a tremendous response since
8 we've been able to offer the courses. The other issue
9 is a, a, a non-definition within the law, there are
10 five roles that require supervisory training. The
11 construction superintendent, the top dog on the job;
12 the site safety manager, the top safety person on the
13 job; the site safety coordinator and the construction
14 safety manager... or the... I'm sorry, the concrete
15 safety manager, these are all the top echelon people
16 on any construction site and then there is this, kind
17 of a vague term, competent person. The competent
18 person isn't a job, its not a title, it's an
19 assignment, it's a designation and it... there are
20 several designations within the code that require a
21 competent person, 16 different places in fact, that's
22 caused such confusion with the contractor base and
23 with the workforce because nobody knows who needs to
24 have this supervisory training, who can be the
25 competent person, any worker on... at any given time

1
2 can be assigned as the competent person and therefore
3 they feel they need this training. If the... if the,
4 the definition of the competent person isn't narrowed
5 and we would recommend that you narrow it to the, the
6 requirements within Local Law 81 of 2017 where the
7 superintendent assigns one competent person per job
8 site that they're responsible for. That would
9 certainly reduce the number of people that need that
10 supervisory training, without doing that I, I, I
11 don't agree that we have the capacity to get all the
12 supervisors done even by December 1st.

13 COUNCIL MEMBER ROSENTHAL: Got it but if
14 we were to do as you suggest do you... [cross-talk]

15 SEAN BRENNAN: Uh-huh... [cross-talk]

16 COUNCIL MEMBER ROSENTHAL: ...think the
17 suggested timetable is a good one?

18 SEAN BRENNAN: Yes.

19 COUNCIL MEMBER ROSENTHAL: Thank you very
20 much, appreciate it. Thank you.

21 NADIA MARTIN-MOLINA: Good morning, my
22 name is Nadia Martin-Molina, I'm testifying on behalf
23 of NDLO, which is the National Day Labor Organizing
24 Network and I'm bringing together some of the
25 concerns from our organization but also from some of

1
2 our member organizations which include NICE, New
3 Immigrant Community Empowerment, Workers Justice
4 Project, La Colmena and also Catholic Charities in
5 the Bronx and New York Committee for Occupational
6 Safety and Health, NYCOSH which have all worked on
7 training day laborers and have actually.. and actually
8 are participants in the site, site safety training
9 under SBS which you had asked a question about. So,
10 the details are, are in our.. in our written testimony
11 but I'm going to skim through a series of problems
12 that we see in the implementation of this training
13 requirement and then some of our proposed solutions,
14 it's a lot but we see a lot of problems in that there
15 have been specific to low wage mostly immigrant
16 workers, day laborers and construction workers. So,
17 the, the first is that day laborers and other
18 construction workers right now are being fired by
19 their employers in advance of the, the deadline so as
20 the, the training deadlines have come up workers are
21 hearing from their employers either get the training
22 yourself, figure out how you get it or don't come
23 back and that happens whether.. you know even if the
24 deadline has not yet come, right, June 1st for the 30
25 hours, employers are starting to make those

1 requirements where subcontractors are hearing from
2 their general contractors and so they're imposing it
3 so as this... as these deadlines come forward workers
4 are already getting fired in advance. Some employers
5 are illegally buying cards so that their workers will
6 have the cards but the... they don't get training so
7 they're just getting cards so that there will be some
8 semblance of compliance with the legislation. So,
9 instead of creating a climate of safety on the job,
10 its creating a climate of fear for workers who are
11 not able to access enough trainings yet. Meanwhile,
12 the site safety program... training program hasn't even
13 started so the City Council created a five million
14 dollar pool to train day laborers specifically, SBS
15 selected, you know went through a process, selected
16 organizations in each area to do the trainings but
17 there have been no contracts finalized, no funding
18 has been provided at all and the current target start
19 date is June 1st which is the same as the current,
20 you know deadline. The... and, and worse the
21 organizations have trainers who are capable of doing
22 OSHA 30 trainings and have had them ready since
23 before, you know any of this happened but we're not
24 allowed to do those trainings under this grant
25

1 because SBS was creating online trainings which they
2 thought would be done more quickly than they are and
3 so there's been delays because of that. The
4 organizations are sort of working with them on that
5 but meanwhile they could have been doing OSHA
6 trainings for months that they have not been able to
7 do. In addition, the restrictions on site safety
8 training providers mean that outside of OSHA 10 and
9 OSHA 30 trainings there are other trainings, right,
10 and that Department of Buildings has very strict
11 restrictions on who is able to offer those trainings,
12 none of the organizations are allowed to give
13 anything other than OSHA 10 and OSHA 30 trainings and
14 this means that organizations for example like NYCOSH
15 which has been doing training for, you know 40 years
16 cannot get... cannot, cannot give these, these
17 trainings much less the other organizations which are
18 also very experienced in trainings with day laborers.
19 And the list in case you want to see it is... the... I
20 put the link in the testimony but right now there are
21 unions, there are colleges, there are for profit
22 training schools basically on those 58 providers but
23 there's no nonprofit organizations or much less
24 worker centers that are able to do those trainings.
25

1 So, and then the last thing is the task force, we...
2 Ligia Gualpa from Workers Justice Project is a day...
3 from a day laborer organization is on the site safety
4 task force but they don't seem to have the authority
5 to really oversee the implementation so the
6 experience there has been that these concerns have
7 been brought up in the task force meetings by
8 multiple stakeholders, all of these different
9 concerns have been brought up and the way that the
10 task force is being treated is like... sort of like an
11 information session like here's the information, this
12 is the update and then when there are concerns about
13 workers being fired the argument is DOB's mission is...
14 you know that goes beyond the scope of the task
15 force, it goes beyond the scope of our work, there's
16 nothing that we can do and so we're telling you this
17 as organizations that have worked closely and tried
18 to use the channels that exist which is why we're
19 bringing these concerns here and now. The proposed
20 solutions that we have first would be to mandate
21 clearly that employers are the ones who should be
22 required to provide trainings for these workers
23 rather than having the burden go to, to the workers
24 themselves so that they're not, you know requiring
25

1
2 the workers to go out and buy the cards or to get the
3 training on their own or firing them much less,
4 mandating cultural competency training for Department
5 of Buildings staff and site safety inspectors focused
6 on working with vulnerable communities like day
7 laborers providing access like I said for nonprofit
8 centers to be able to do these trainings, some sort
9 of alternative, obviously you want certification of
10 some kind but there should be some alternative path
11 to do it, allow SBS to advance 100 percent of the
12 funds so that the training can get off the ground
13 immediately even though obviously it's been delayed,
14 create an additional oversight body that is specific
15 to the concerns of the... you know the vulnerable
16 population which is the, the entire reason that the
17 legislation was created, right, day laborers and
18 immigrant workers, it could be an interagency body
19 that would look at those concerns and, and help in
20 the implementation process, increase transparency,
21 the task force meetings have been held regularly but
22 we don't have minutes from those meetings, I don't
23 imagine that you all have received minutes from the
24 task force meetings so there's no way for you or for
25 the public to know what the concerns have been and

1
2 how they've been raised all along and then detailed
3 data of the enforcement activities which is already
4 required within the... within the legislation and then
5 last but not least is the implementation deadlines,
6 while obviously its good to... you know we support the...
7 an extension but our, our opinion is that it should
8 be at least 12 months and that there needs to be some
9 kind of evaluation process to see how it's really
10 working and how it's working with this particular
11 group of workers.

12 COUNCIL MEMBER ROSENTHAL: Thank you so
13 much for your testimony. I see that representatives
14 from the Department of Buildings are here, I'm sure
15 they're... they've got your recommendations and they'll
16 take them back and consider doing some of the things
17 without the requirement of legislation like cultural
18 competency, you know just making sure that... I'm
19 getting some nods for the record, I'm getting some
20 nods, making sure that, you know there are multiple
21 languages that are spoken, and trainings are given in
22 multiple languages. Thank you for these suggestions,
23 I am... I have recommended to the City Council staff
24 that they meet with you and you know follow up on
25 some of these... on your ideas, it's incredibly

1 important that you were here today to represent them,
2 we really appreciate your testimony, thank you very
3 much and thanks to everyone who came today, we
4 learned a lot. I'm going to call up the next panel.
5 Okay, we'd like to hear from Margarita Arana; Ligia
6 Guallpa, again apologies for butchering your name and
7 Charlie Uruchima. Thank you. Thank you so much for
8 coming, feel free to start.

10 MARGARITA ARANA: [Spanish dialogue]

11 TRANSLATOR: Good morning honorable
12 Robert Cornegy and distinguished members of the
13 Housing and Building Committee of the city. My name
14 is Margarita Arana, I am the mother of a one-year old
15 girl named Zoe, I'm a construction worker and member
16 of the Workers' Justice Project.

17 MARGARITA ARANA: [Spanish dialogue]

18 TRANSLATOR: I'm here today with so much
19 pain, sadness and also with anger because this week
20 two families have lost a father and a son. This week
21 Mr. Nelson Salinas and the young Erick Mendoza were
22 murdered by irresponsible contractors who put a price
23 on their lives and their health. How many more
24 workers have to die before New York City can take
25 action against these criminal contractors? How many

1
2 more workers have to die before making contractors
3 responsible for training workers on health and safety
4 training and making them responsible for a safe
5 workplace? For how long more are we going to let
6 these criminal contractors continue to build in our
7 city and continue to kill more workers?

8 MARGARITA ARANA: [Spanish dialogue]

9 TRANSLATOR: I understand that today you
10 will be proposing to extend the deadline for the
11 second implementation phase of Local Law 196, which
12 requires workers to have 30 hours of training on
13 health and safety by June 1st, 2019. However, it is
14 important for you all to know that the problem is not
15 only the limited access to the health and safety
16 trainings, but there are other issues such as
17 discrimination, long hours of work with low wages and
18 fear of losing the job when we speak up for the right
19 to have a safe workplace.

20 MARGARITA ARANA: [Spanish dialogue]

21 TRANSLATOR: The law has generated a lot
22 of confusion, concern, misinformation and fear. I'm
23 very grateful for your support so that my
24 organization, Workers Justice Project could train 805
25 day laborers, including myself in the OSHA 30

1 construction in the, the past nine months but there
2 are still thousands of workers who do not have this
3 training yet, many are being dismissed from their
4 jobs, sometimes their employers take advantage asking
5 them to work and pay for their own training, which
6 results in employers deducting the cost of the
7 training from the worker's salaries.

9 MARGARITA ARANA: [Spanish dialogue]

10 TRANSLATOR: In this situation there is
11 much more fraud with false cards and also many are
12 working in fear that an inspector can arrive at their
13 workplace and that they're going to be fired because
14 they don't have a OSHA 30. The worry has become an
15 odyssey and the fear is real. In my organization,
16 Worker Justice Project every day there are calls and
17 text messages from workers who need to take the OSHA
18 30 training free. We have a list of 800 workers who
19 are on a waiting list and every day 60 people sign up
20 for more classes but since there's a lack of funds
21 and resources the classes are limited, and we can't
22 with all the... with all the applications day to day.
23 This is why we want to ask for more time and funds so
24 that people are able to do their training without
25 running against the clock, they're able to obtain

1 COMMITTEE ON HOUSING AND BUILDINGS

2 their training and that they'll be able to learn
3 about the dangers to which they're exposed, that they
4 deserve dignified conditions and safe conditions in
5 the workplace and that they have the right to have
6 their protective equipment that's necessary to take
7 care of their lives and their health.

8 MARGARITA ARANA: [Spanish dialogue]

9 TRANSLATOR: It is time to not, not one
10 more death, it is time to criminalize these
11 irresponsible contractors and it is also time to make
12 these contractors responsible for providing us the
13 trainings in health and safety that they should. On
14 April 28th at three p.m., more than 100 workers will
15 be taking the streets of Brooklyn in Sunset Park to
16 remember those who have died, reclaim justice and
17 keep fighting for safer jobs.

18 MARGARITA ARANA: [Spanish dialogue]

19 TRANSLATOR: We hope to count on you to
20 ensure there's not one more death in the construction
21 industry and that you continue to support day
22 laborers' centers as part of your priorities during
23 this year's budget process and we look forward to
24 continuing to work closely with you, thank you.

1 COMMITTEE ON HOUSING AND BUILDINGS

2 COUNCIL MEMBER ROSENTHAL: Gracias, thank
3 you so much.

4 MARGARITA ARANA: Thank you.

5 LIGIA GUALLPA: Oh, yeah, so thank you so
6 much for allowing me to speak and so I'm here on
7 behalf of Workers' Justice Project, always need to
8 talk in regard to the construction safety law 196.
9 WJP is... Workers' Justice Project, it's a Brooklyn
10 based workers' rights organize... organization that
11 addresses the racial and economic injustice that day
12 laborers and their families face by building
13 collective power and creating solutions to the
14 problems our members experience at work in
15 communities where they live. So, on behalf of
16 Workers' Justice obviously I'm here to support the
17 extension of the deadline of Local Law 196, ideally,
18 we will... we would want to see a one-year extension
19 not six months to address the implementation and
20 enforcement challenges of Local Law 196. I also
21 currently serve on the site safety task force that
22 was created under Local Law 196 and actually find it
23 extremely problematic the implementation process that
24 its currently undergoing at the moment and the
25 concerns come from one... you know I appreciate so much

1 COMMITTEE ON HOUSING AND BUILDINGS

2 the work that DOB is doing but my concern is that
3 the... this Local Law that is aimed to protect workers'
4 rights and worker safety is given to an agency who is
5 not chartered to do that and that's problematic and,
6 and, and I have seen some of the challenges has been
7 a lot about failing to develop effective outreach to
8 workers and employers in advance deadline and I think
9 has a lot to do with a lack of understanding of what
10 our workforce really looks like. I think the other
11 one is it... there needs to be a real understanding of
12 the situation that day laborers and immigrant
13 construction workers are currently facing in that
14 industry. There is about 30,000 or probably more that
15 do not have access to OSHA 30 trainings or any type
16 of trainings and there is thousands of workers who
17 have... are being retaliated with potentially being
18 fired from their workplaces because do not have
19 access to OSHA 30 and the concern really is here... so,
20 the... so, we need a better, stronger bill, this is
21 what this is about. Local Law 196 actually there has
22 no clear language that holds employers accountable...
23 responsible for providing and paying 40 hours of
24 health and safety training and that's an issue. And
25 the reason I'm, I'm saying that this is an issue it's

1 COMMITTEE ON HOUSING AND BUILDINGS

2 because the employer, it's putting all the training
3 in health and safety responsibility on community
4 organizations, on the public and on the worker while
5 at the same time who's reaping off the profits of
6 safe... of having a safe... a, a, a trained workforce is
7 actually employers, corporations who are profiting
8 out of New York City who's making billions of dollars
9 but at the same time it's putting price on the lives
10 of workers. So, our recommendations are the following
11 that the law... the recommendations is that the law
12 should mandate actually employers to provide and
13 actually pay for this training; we mandate that the
14 Department of Buildings, the senior staff and site
15 and safety inspectors undergo 40 hours of cultural
16 competency trainings, we really want to make sure
17 that the inspectors are interacting with workers are...
18 one, really understand, are educating workers and not
19 creating more fear than what already is happening in
20 the industry and obviously the other challenge is we
21 are... the reason we are requesting a one year
22 extension its because the promise of that five
23 million dollars that was promised to make sure that
24 there is equal opportunity access, it's been a year
25 and the funds have not been released yet. So, we

1 COMMITTEE ON HOUSING AND BUILDINGS

2 have... WJP has a list of 800 people as it said that
3 are waiting to be trained but we cannot do that
4 because there's no... lack of funds. So, we... I'm going
5 to cut off there because I know NYCOSH and NDLO is
6 going to continue to highlight the issue but I just
7 want to highlight again that this is becoming
8 extremely... an extreme concern for like not only
9 worker centers, for workers themselves who are
10 potentially at threat of being fired from there,
11 their workplaces who are anxious and desperate
12 because do not have internet, nowhere to take those
13 OSHA 30 trainings and at the end of the day who's
14 benefiting and who are ripping off workers are
15 contractors and the private training industries who
16 are charging over 500 dollars just to access these
17 trainings so we hope to count with your support not
18 only to add the extension but to actually amend Local
19 Law so we hold responsible specifically employers and
20 contractors to actually for them to provide and pay
21 for this training. Thank you.

22 CHARLIE URUCHIMA: Thank you, Madame
23 Chairman. My name is Charlie Uruchima, I'm from the
24 New York Committee for... New York Committee for
25 Occupational Safety and Health. I am going to be

1 COMMITTEE ON HOUSING AND BUILDINGS

2 reading a prepared statement written by our Executive
3 Director Charlene Obernauer and myself and Charlie
4 Uruchima. The New York Committee for Occupational
5 Safety and Health supports the extension of the
6 deadline for Local Law 196 due to issues in the law's
7 implementation. NYCOSH is an independent nonprofit
8 health and safety organization with offices in New
9 York City and Hauppauge, Long Island. Approximately
10 175 local unions and other labor and community-based
11 organizations in the metropolitan area are members of
12 NYCOSH, as well as several hundred individual
13 workplace safety and health activists, healthcare and
14 legal professionals and concerned New Yorkers. NYCOSH
15 has been providing technical assistance and
16 comprehensive training in environmental and
17 occupational safety and health for.. to unions,
18 employers, government agencies and community-based
19 organizations for nearly four decades. NYCOSH is an
20 expert on construction safety and health, trains
21 7,000 construction workers annually and coordinates
22 the Manhattan Justice for Workers' Collaborative,
23 which increases reporting of wage and hour violations
24 and health and safety violations among day laborers
25 in New York City. NYCOSH authors an annual report on

1 COMMITTEE ON HOUSING AND BUILDINGS

2 construction fatalities, Deadly Skyline, which has
3 been cited by numerous publications, including the
4 New York Times. Local Law 196 was created to protect
5 the lives of construction workers in New York City
6 and is a significant... and is a significant step
7 forward... step forward for New York City. NYCOSH was
8 and continues to be an avid supporter of construction
9 safety training and Local Law 196, as training has
10 proven time and time again to save workers' lives.
11 However, if this law is not properly implemented, it
12 threatens to do more harm than good for vulnerable
13 workers, particularly undocumented immigrants. There
14 have been significant delays from the New York City
15 Department of Buildings on the law... on the law's
16 implementation, which has prevented providers from
17 getting their curricula approved and providing
18 training; deadlines have been extended with little
19 to no outreach to workers; and mass confusion
20 permeates the masses. Whether union or non-union
21 workers... whether union or non-union workers, workers
22 do not know what training they need to take and by
23 what date; New York City's construction workers are
24 confused and frustrated and they do not know what
25 training will be required for them to work and this

1 COMMITTEE ON HOUSING AND BUILDINGS

2 confusion is, is exacerbated when workers are already
3 vulnerable; such as... such as immigrant workers.

4 Further, low raid... low road employers are taking
5 advantage of this confusion to exploit immigrant
6 workers as has been mentioned by Workers' Justice

7 Project and the National Day Laborers Organizing
8 Network. NYCOSH's Manhattan Justice for Workers

9 Collaborative has had cases of employers threatening
10 to fire workers for not having... for not having 30

11 hours of training; employers selling workers illegal
12 fake and real but unearned cards directly to workers
13 without providing trainings and workers being

14 targeted by fake trainers and being provided with
15 fake cards. Workers are desperate to work and have

16 little options other than to be placed on a two-month
17 waiting list at their local worker center like WJP or

18 pay an exorbitant amount of money to receive

19 trainings; which is often not possible for low wage

20 workers. Workers who have... who have trouble accessing
21 trainings are often immigrants.. are often immigrants,

22 two of whom have died in the construction this past
23 week alone like Nelson Salinas and Erick Mendoza,

24 this is an outrage. How is the New York City Council
25 going to act to protect these workers who are being

1 COMMITTEE ON HOUSING AND BUILDINGS

2 treat... retaliated against? How is the New York City
3 Council going to go after these bad employers who are
4 giving out fake cards? These are the questions that
5 need to be answered and fast because workers are
6 paying the price for this fumbled roll out. Finally,
7 the root of this issue is the health and safety of
8 our workers in our city. The New York City Council
9 needs to make sure trainings are accessible or the
10 black market will only grow, and workers will
11 continue to die because of lack of training. We
12 support Local Law 196 and have always supported
13 trainings for workers because we know that trainings
14 save lives. However, the implementation of this law
15 has been truly disappointing. We need to do better.
16 The next implementation phase, June 1st, 2019, is, is
17 rapidly approaching and New York City's workers are
18 not ready. We need to extend this date, we would
19 recommend at least by one year, in order to meet the
20 need for workers. Further, we need to extend
21 deadline... the deadline for the implementation of the
22 full forty hours of training by a similar amount of
23 time. Thank you all for your time and consideration
24 of our comments, and for working to create safer and
25 healthier jobs in New York City.

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COMMITTEE ON HOUSING AND BUILDINGS

COUNCIL MEMBER ROSENTHAL: Thank you so much, I, I'm just looking up, there is a program... I know I'm not supposed to do this, but there is a program that's done in Spanish at the Murphy Institute that's OSHA 10 training program that they do every month and then there's another program that... I can get you the information on that does training in Spanish. Thank you so much for testifying, really appreciate your coming here, we're taking all of this very seriously and there's one more panel. So, thank you very much, thank you for coming, we heard everything.

CHARLIE URUCHIMA: Thank you

COUNCIL MEMBER ROSENTHAL: Appreciate you. The last panel we have James Duffy; Robert Martin; Michael DiMattia and Zach Steinberg.

[off mic dialogue]

COUNCIL MEMBER ROSENTHAL: Can I ask you to pause for one minute, thank you.

[off mic dialogue]

COUNCIL MEMBER POWERS: I'm not Helen Rosenthal, I am City Council Member Keith Powers and I think... I think I'm filling in here so thank you

1 COMMITTEE ON HOUSING AND BUILDINGS

2 everybody for being here today. Do we... do you want to
3 go ahead?

4 [off mic dialogue]

5 COUNCIL MEMBER POWERS: Okay, great. Why
6 don't we begin? Why don't we start to do something?
7 Start on my left but your right, yes.

8 MICHAEL DIMATTIA: Alright... [cross-talk]

9 COUNCIL MEMBER POWERS: Can you... can you
10 just identify yourself.

11 MICHAEL DIMATTIA: Yes, my name is
12 Michael DiMattia, I'm with the Law Firm of McGuire
13 Woods and with me on my left is Robert Martin which
14 is the President of the Elevator Industries
15 Association.

16 COUNCIL MEMBER POWERS: Alright, go
17 ahead.

18 MICHAEL DIMATTIA: Alright, so I wanted
19 to thank the members of the Committee for the
20 opportunity to testify this morning. The Elevator
21 Industries Association represents contractors that
22 maintain, repair and modernize elevators and
23 escalators in residential and commercial buildings
24 throughout the city of New York. All of the elevator...
25 all the EIA contractors are parties to a collective

1 COMMITTEE ON HOUSING AND BUILDINGS

2 bargaining agreement with the Elevator Division of
3 Local three IBW. We are here today in support of the
4 bill 788A, this bill will one, update the
5 requirements for elevator company and director
6 licenses in New York City and two, it will establish
7 new safety training requirement for all new and
8 existing elevator employees. These new requirements
9 will mandate initial and continuous safety training
10 which will keep all workers up to date on the best
11 industry safety practices and the latest technology.
12 We thank Council Member Ritchie Torres for sponsoring
13 this important legislation. Responsible employees
14 such as our members already provide some safety
15 training. For example, the Elevator Industries
16 Association contractors under the terms of Local
17 three collective bargaining agreement already provide
18 annual OSHA training to their employees.
19 Unfortunately, there are many companies that are not
20 as proactive about safety as the Elevator Industries
21 Association contractors. Many of these companies
22 provide just the bare minimum of safety training or
23 worse yet, none at all. This bill will use the
24 industries best practices to establish required
25 safety training standards for the New York City

1 COMMITTEE ON HOUSING AND BUILDINGS

2 Elevator industry. The new safety training will apply
3 to existing and new employees alike. While industry
4 veterans may be skilled in repair and in modernizing
5 elevators, some can become complacent about always
6 working in a way that ensures safety for workers and
7 the riding public. As to new employees, the bill will
8 mandate that regardless of skill level or formal
9 training or whether they work for a small or large
10 company all employees will have meaningful
11 instruction about how to perform their work safely.

12 This bill for the first time requires that all
13 employees will be, be provided with 36 hours of
14 initial training. The mandate will include training
15 on safe work practices concerning the use of jumpers,
16 fall protection, electric safety, lockout and tagout
17 procedures and product specific safety applications.

18 It will also provide training on New York City's
19 specific codes, rules, commissioner's orders
20 bulletins and it will also provide training regarding
21 new technology in the elevator industry. In addition
22 to that initial training, every three years in order
23 to remain qualified each employee must complete at
24 least seven hours of a continuing education. The
25 Elevator Industries Association believes the

1 COMMITTEE ON HOUSING AND BUILDINGS

2 provisions of this bill can be quickly implemented by
3 the Department of Buildings with little or no
4 additional cost. Likewise, these requirements will
5 not be burdensome for responsible employers. For
6 example, all Elevator Industries Association
7 contractors already keep track of existing employee
8 safety training requirements under their existing
9 contract with Local three and regular report various
10 degrees of information to DB.. to the DOB already. In
11 addition, there has been some questions about the use
12 of the term supervision in connection with elevator
13 work regulated by this bill. In our view, the term
14 supervision should have the same working meaning as
15 that term has been used in other New York City
16 construction laws. Another words the license
17 companies are responsible for their employees who
18 work under the company's general direction. We
19 believe that interpretation of the term supervision
20 that would require a supervisor to be on the premises
21 to direct the work on every elevator that is being
22 maintained, repaired, or modernized is to put it
23 mildly, unworkable. The ongoing training mandate
24 provided by this bill will keep both those work and
25 those who ride elevators safe and secure. We

1 COMMITTEE ON HOUSING AND BUILDINGS

2 appreciate the City Council's willingness to hold a
3 hearing on this bill and look forward to continuing
4 to work with the sponsor, Council Member Torres,
5 Chair Cornegy and other members of the Council to see
6 this bill passed. In regard to the other bills on
7 today's agenda, we support Intro 786 that would
8 require the DOB to report on the efficacy of elevator
9 brake monitors and remote elevator monitoring
10 systems. In regard to Intro 787 we fully support the
11 goal of ensuring that the brake monitors and elevator
12 monitoring systems are maintained annually. However,
13 the Council should be aware that many of these
14 systems operate on proprietary software, owned by the
15 initial manufacturer of the elevator. If a building
16 owner decides to change elevator maintenance
17 companies the elevator company... the successor
18 elevator company will not be able to access this
19 critical maintenance information to comply with this
20 bill. Therefore, we encourage the Council to modify
21 the bill to enable the successor elevator company to
22 access this critical information from the prior
23 elevator company's software system. Thank you again
24 for giving us the opportunity to testify today and we
25 are happy to answer any question you may have.

1 COMMITTEE ON HOUSING AND BUILDINGS

2 COUNCIL MEMBER POWERS: Great, thank you.
3 I think you're next.

4 ZACH STEINBERG: Good morning Council
5 Member Powers. My name is Zach Steinberg, I'm a Vice
6 President at the Real Estate Board of New York and we
7 appreciate the opportunity to provide comments at the
8 hearing. We agree with the Council that there's a
9 continued need to assess elevator regulations and
10 ensure the safety of residents and some of the bills
11 being heard today including Intros 414 and 786 work
12 towards that shared goal. However, we have concerns
13 about the potential consequences of other proposals
14 under consideration. Specifically Intro 341 would
15 require owners of existing buildings to install
16 secondary power sources to power elevators and egress
17 paths during emergencies. Unfortunately, many of our
18 members who have considered the option of installing
19 a secondary power source with the ability to power an
20 elevator have found that doing so in existing
21 structures incredibly challenging. That's the case
22 because on the structural side the weight and space
23 required to install a generator is significant and
24 many older buildings do not have the space to do so.
25 Regulatory issues also complicate the ability to do

1 COMMITTEE ON HOUSING AND BUILDINGS

2 so and in some older landmark buildings for example,
3 a device would have to clear regulatory layers to
4 ensure compliance with zoning, landmark and safety
5 regulations. Our members have found that the approval
6 process for this can take as much as three years to
7 complete. Finally, the cost to install these systems
8 can easily reach into the six or seven figures posing
9 a real burden for many buildings. As an alternative
10 we would urge the Council to allow the Department of
11 Buildings the opportunity to engage technical experts
12 to determine a more practical course of action as
13 part of its revision of these existing building and
14 construction codes. Given the hearing's focus on
15 elevators, we also want to call your attention to
16 another important issue that is not being covered in
17 the hearing but it was discussed earlier in questions
18 about the building codes requirement that all
19 automatic passenger and freight elevators be equipped
20 with a system to monitor and prevent movement of
21 elevators with open doors by January 1st, 2020. We
22 are concerned that reaching full compliance with this
23 deadline is not practical and should be addressed by
24 the Council and the Department. This is the case
25 primarily because the existing workforce is not able

1 COMMITTEE ON HOUSING AND BUILDINGS

2 to perform all of the work required to bring the
3 city's elevator stock into full compliance over the
4 next eight months. We have contrary to what you may
5 have heard earlier submitted evidence to both the
6 Department of Buildings and the City Council
7 documenting this challenge facing the workforce.
8 We've also provided evidence stating that the, the
9 six year require... timeline for compliance that was
10 discussed earlier was not actually a full six years
11 because product on it was not available on the market
12 for a number of years following the imposition of the
13 requirement. Therefore, we think bringing this... all
14 of the elevators in the city to this standard require
15 far more hours of work than those... than the labor
16 force can actually complete by the end of this year.
17 We also understand from the Department of Buildings
18 that an owner's ongoing work to modernize an elevator
19 or elevator fleet is not going to be considered to be
20 proof of compliance with the requirement. Elevator
21 modernizations are lengthy projects and buildings
22 that are in the process of modernizing their elevator
23 fleet may have some individual elevators that are not
24 in compliance with the requirement by the end of the
25 year. We do not believe it is in the city's interest

1 COMMITTEE ON HOUSING AND BUILDINGS

2 to penalize owners who are making significant
3 investments to modernize their elevators in this way.
4 Therefore we believe that extending the compliance
5 deadline is warranted and in the case of elevator
6 fleets undergoing modernizations we believe it would
7 be appropriate for DOB to allow permit applications
8 of elevator modernizations filed before the
9 compliance deadline to be proof of compliance as long
10 as the owner submits regular compliance reports to
11 the city until the full elevator is brought into
12 compliance with the full provision. Finally, we would
13 like to reiterate comments we had provided previously
14 to the Council on the construction safety act. We are
15 fully supportive of regulations that improve
16 construction safety and our members are working hard
17 to meet the training requirements imposed by the
18 bill. We have consistently raised the concern of the
19 training capacity challenges especially for day
20 laborers, MWBEs and others. Therefore, we support the
21 Council's decision to extend the compliance dates and
22 we urge that the Council carefully consider whether
23 this extension alone will be sufficient to ensure
24 that the estimated 180,000 construction workers can
25 meet the requirements of that act. Thank you for the

1 COMMITTEE ON HOUSING AND BUILDINGS

2 opportunity to testify and our full testimony is
3 submitted in writing as well.

4 COUNCIL MEMBER POWERS: Alright, thank
5 you.

6 JIM DUFFY: Hi, my name is Jim Duffy and
7 I'm representing the Elevator Conference of New York
8 and I'm obviously outclassed here because I'm really...
9 I'm speaking specifically to Intro 341 and the
10 emergency power of lighting for egress in elevators.
11 Currently when they do a modernization right now,
12 we're required to put in an... a backup power supply
13 for the lighting itself. As far as the emergency
14 generator back up power, that's between as far from
15 the industry between the, the DOB and the building
16 ownership. As far as 414 and... what was it... I'm sorry,
17 oh, 414 and 565, it's not an elevator industry issue,
18 it's more of a building owner's issue, okay and then
19 going on to Intro 786 about brake monitoring, I think
20 this is a big misconception presently in the elevator
21 industry, a brake monitor is a... we, we actually know
22 with a contact closure that the brake is set or its
23 disengaged, okay. As far as monitoring and what
24 specifics that would have to be explained further and
25 that could be a very expensive situation and again,

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COMMITTEE ON HOUSING AND BUILDINGS

we look forward as an industry to the outcome of the
DOB study. In 787, the listing there, there with the
brake, we currently do a lot of this maintenance,
we're tasked with the fact of doing it as a test but
prior to this we were doing this as part of our
maintenance control program, okay and the last part
of that, elevator monitoring. This would have to be
explored, as someone put it could be a very, very
expensive thing, this system.. usually you see this
type of thing in big, big complexes as opposed to say
six story buildings and stuff like that. Thank you.

COUNCIL MEMBER POWERS: Great, thank you.
Thank you for all your testimony, I think we have
written copies as well. Okay, thank you this Chair..
this hearing is adjourned as your fill in Chair.
Thanks.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

May 15, 2019