

**TESTIMONY OF THE NEW YORK CITY DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT
TO THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
ON INTRODUCTIONS NOS. 0003; 347; 926; 1530; 1548;1549; 1550; 1551; 1556
WEDNESDAY, APRIL 19, 2017 – 10AM**

Good morning, Chair Williams and members of the Housing and Buildings Committee. My name is Vito Mustaciuolo, and I am the Deputy Commissioner for Enforcement and Neighborhood Services at the New York City Department of Housing Preservation and Development (“HPD”).

Thank you for the opportunity to testify at this hearing on a number of bills pertaining to tenant harassment. Specifically, thank you for the opportunity to testify on Intros. 3, 347A, 1530, 1548, 1549, 1550, 1551, and 1556. We would like to commend the Chair and this Committee for their continued focus on tenant harassment issues.

HPD takes the safety and habitability of all New York tenants very seriously. Each tenant has the right to reside in their home free from dangerous conditions and harassment. While most property owners respect the rights of their tenants and maintain their property in compliance with code, there are some owners that do not meet their statutory requirements. They may not provide essential services or may even harass tenants in a variety of ways. If a tenant feels harassed, then he or she can and should initiate a tenant harassment claim in Housing Court on their own behalf.

As you are aware, this administration has taken great steps in combating harassment. As you all know the Mayor recently announced with the Speaker and the Council that the City is continuing to build on our tenfold increased investment in tenant legal services creating unprecedented universal access to counsel programs for all tenants facing eviction in Housing Court in NYC over the next several years. With this step the City will become the first city in country to implement such a comprehensive program. HPD’s Housing Litigation Division also appears on most tenant initiated harassment cases as necessary parties pursuant to provisions of the NYC Housing Maintenance Code providing substantiated evidence of any claims related to housing maintenance code violations documented by the Department.

Although HPD cannot initiate harassment proceedings in Housing Court, HPD is still very active in combatting harassment. HPD enforces the NYC Housing Maintenance Code by responding to tenant complaints, conducting proactive roof-to-cellar inspections, issuing violations and when necessary conducting emergency repairs where the owner has failed to comply. These are just some of the ways in which we combat harassment and protect NYC tenants each day. HPD’s Housing Litigation Division brings cases in Housing Court against owners who do not comply with outstanding violations and, when necessary, seek findings of contempt and jail against recalcitrant landlords.

In addition to our general Code enforcement activities and litigation, HPD actively participates in the Tenant Harassment Prevention Taskforce which is a collaborative taskforce between the Office of the NYS Attorney General, NYS DHCR and City agencies. The Task Force has already led

to two major indictments of landlords one in Brooklyn and the other more recently in Manhattan. I would like to note that the Manhattan case was initiated by a referral from the Councilmember and local community based organization. HPD also participates in the City Agency Taskforce on Tenant Harassment. As of January of this year, the joint inspection team consisting of HPD, DOB, DOHMH, FDNY and DHCR Inspectors, attempted to inspect 507 buildings with 7,547 dwelling units citywide. HPD alone has issued more than 11,000 hazardous or immediately hazardous violations to these buildings. More than 100 buildings have active cases in Housing Court initiated by HPD and/or the tenants.

Lastly, HPD is participating in the Anti-Harassment Working Group formed with Council Member Lander who co-chairs the committee and includes Councilmembers legal services providers, tenant advocates, landlord trade groups, for- and non-profit real estate developers, council staff, and City and State agencies. The group has been analyzing housing data to study the effects of expanding the Certification of No Harassment program, how it could be implemented citywide, and exploring possible alternative approaches to addressing harassment.

As you can see, HPD takes the issue of tenant harassment very seriously. Again, we applaud the Council for its attention to this important issue with this hearing and the proposed bills before us.

Turning now to the bills. The City Council seeks to expand the definition of harassment under the Housing Maintenance Code in Intros 1530, 1548, 1549, 1550, and 1551 while Intro 347A seeks to allow Housing Court the ability to award damages to tenants in harassment cases.

Under the Housing Maintenance Code, the term harassment is currently defined as any act or omission done by the building owner, or on behalf of the owner that causes or is intended to cause a tenant to vacate, surrender, or waive his or her legal rights to their apartment. Harassment may include actual physical force, threats, continuous offers for buyouts, repeated interruptions and/or the discontinuance of essential services.

HPD supports Intro 1530 sponsored by Council Speaker Mark-Viverito and Councilmembers Rosenthal and Dromm which creates a rebuttable presumption that where an owner commits one of the list of harassing acts or omissions it is harassment. We do however, have some issues with the existing language contained in Intros 347A, 1548, 1550, 1551, and 1556 that we think merit further examination and discussion. Intro 347A may raise legal questions of whether Housing Court is the appropriate jurisdiction to award damages in a tenant harassment case. We believe Intros 1548, 1550, 1551, and 1556 are too broadly drafted as is, which can potentially have the unintended consequence of diminishing the effectiveness of the harassment statute. We want to ensure that any changes to the statute will further enhance our joint efforts to combat harassment and recommend the Council and the Administration discuss these bills with the Office of Court Administration and the Supervising Judge of Housing Court to ascertain how these changes may impact tenants and the Court's ability to decide cases.

I'd now like to turn to Intro 1549. Current law already allows a tenant to sue for harassment if they have been the subject of repeated and baseless court proceeding by the landlord. Intro 1549 would allow a tenant to rely on cases brought against prior tenants previously living in that same unit, even if the current tenant didn't have repeated cases against him or her. HPD opposes Intro 1549 as we feel an unintended outcome will be more harassment cases being adjudicated in Housing Court and also do not believe this bill is feasible from a legal perspective. In order for a case of harassment to be defensible, we believe a tenant needs to establish that repeated and baseless court proceedings have been brought against his or herself. However, we agree that at trial evidence of prior and frivolous court cases against other tenants would be relevant in order to indicate a pattern of harassment by a particular landlord.

Lastly I would like to discuss intro 3, which would allow HPD to recover relocation expenses from building owners when there is a vacate order. The owner would be required to deposit into an escrow account money equal to at least 10 percent of the building's rent roll for the five years preceding the vacate order. This escrow account would name HPD as escrowee. HPD appreciates the Council's focus on the recovery of relocation expenses. Unfortunately, HPD does not think this bill is feasible from an operational perspective and would require a significant expansion of HPD resources.

Currently, HPD does try to recover relocation costs through the mechanic lien process and is exploring ways to improve our process. We do recognize the issues identified in this legislation, and we are open to working with the Council to find ways to strengthen HPD's ability to address these issues. The department takes the recovery of relocation expenses, just like tenant harassment very seriously. We are always willing to discuss best practices to ensure the best result for tenants and the agency.

Before I conclude my testimony before this committee I would like to say how proud we are to have a role in the ongoing effort to address tenant harassment. I know that we – the Mayor, the electeds and all of the agencies are all committed to identifying the most effective ways to enable tenants and the City to identify and combat harassment, and when necessary to punish landlords who engage in improper behavior. Our joint commitment to this effort was evident just last week when the Speaker and several Councilmembers joined Commissioners Torres Springer and Chandler in East Harlem in support of the Attorney General's announcement regarding his legislative proposal broadening the definition of the Class E felony offense of Harassment of a Rent regulated Tenant and by establishing a related misdemeanor offense in the penal code. Again, we fully support the concept of the bills discussed today. Our only concern is that harassment is an issue that requires careful consideration to ensure that we are keeping the issues clear and meaningful for all tenants, landlords and the courts so that everyone understands when harassment has occurred and how best to address it.

Once again, we thank the New York City Council for your continued leadership on this issue and for holding this hearing on tenant harassment. HPD is committed to fighting harassment, alongside members of this Committee. We appreciate the opportunity to testify. If there are any questions, I am happy to answer any you may have.

THOMAS FARIELLO, R.A.
FIRST DEPUTY COMMISSIONER
NEW YORK CITY DEPARTMENT OF BUILDINGS
HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING & BUILDINGS

April 19, 2017

Good morning Chair Williams, members of the Housing & Buildings Committee and other members of the City Council. I am Tom Fariello, First Deputy Commissioner of the New York City Department of Buildings (“Department”). I am joined by Assistant Commissioner for External Affairs Patrick Wehle. We are pleased to be here to offer testimony on six pieces of proposed legislation which seek to enhance protections for tenants residing in buildings under construction.

Performing construction work as a means to harass tenants is illegal. It puts the safety of tenants at risk, destabilizes families and communities, and reduces affordable housing. The Department works diligently in concert with a number of agencies to address this concern, and is committed to doing all it can to root out this illegal activity.

The Department participates in the Tenant Harassment Prevention Task Force, a partnership between multiple City and State agencies under which cellar-to-roof inspections are performed, investigations identify bad actors and enforcement is executed. Separately, the Department partners with the Department of Housing Preservation and Development (“HPD”) in performing inspections. In determining where to focus our attention we work with the Mayor’s Office of Data

Analytics to review a number of data points to determine where tenant harassment is likely to occur. When we encounter non-construction related harassment, we make referrals to the State Attorney General's Office for further investigation. Given that the data alone will not identify all instances of harassment, equally important is our work with numerous organizations and elected officials who provide us with locations to inspect. Over the past fifteen months the Department performed 2,383 inspections with HPD and in conjunction with the Task Force and issued 1,981 violations, including 288 stop work orders.

The Department is working with our prosecutorial partners, including the State Attorney General and the District Attorney's Offices to bring criminal and civil actions against landlords for endangering and harassing tenants. Resulting from our investigations, cases involving several owners have been referred to the State Attorney General's Office and are in various stages of prosecution.

Additionally, the Department has disciplined professionals who use construction to harass tenants. One example is MD Ashraf Ali, a licensed engineer whose filing privileges we have revoked for routinely providing false statements on filings submitted to the Department, including that work was exempt from having to obtain a certificate of no harassment.

Administratively, the Department has put several reforms in place to help identify bad actors and ensure construction work does not proceed without appropriate protections in place for tenants.

When construction documents are filed with the Department, an owner needs to certify whether the building has any occupied dwelling units, and if so, whether they are subject to rent regulation. If they are subject to rent regulation, the owner is required to notify New York State Homes and

Community Renewal (“HCR”) of their filing with the Department and that they intend to comply with HCR regulations. Additionally, applicants are required to file a Tenant Protection Plan (“TPP”) with the Department whenever they are performing an alteration to a multiple dwelling in which any unit is occupied. The TPP provides the means and methods by which the health and safety of tenants will be protected.

The Department now has a process in place by which we use data provided to us by HCR to determine the accuracy of occupancy and rent-regulation status information submitted on construction documents filed with us. Plans will not be approved and permits not issued if this information is not accurate.

The Department now also now posts TPPs on our web site. This provides tenants and other interested parties with the means to understand what protections are being put in place to keep tenants safe. Applications will not be approved and construction will not proceed without a TPP that meets the Department’s satisfaction.

I will now comment on the proposed legislation before this Committee.

Introductory Number 936 seeks to reform the TPP and would require the Department to conduct proactive inspections of buildings that are required to provide TPPs. The bill would require the means and methods for protecting tenants to be explained with greater specificity, and adds to the required items of TPP compliance with laws related to mold and the maintenance of essential services such as heat and hot water. The bill would require the TPP to be made available on the Department’s web site, require owners to provide a copy to tenants upon request, and requires notification to be posted in the building stating that a copy of the TPP is

available upon request, the contact information of the construction safety professional, and where to file complaints. Finally, the bill would require owners to notify the Department in writing at least seventy-two hours before commencing work requiring a TPP, in order for the Department to perform an inspection within seven days of the commencement of such work.

The Department supports much of this bill, including requiring greater specificity in the TPP and making it more comprehensive, and would like to propose several suggestions.

The Department has performed a holistic examination of the entire TPP process with an eye towards determining which construction professional is best suited to provide the means and methods for protecting tenants in the first place.

Currently, a licensed architect or engineer is responsible for preparing the TPP and including it with the plans they file with the Department. However, determining the means and methods for protecting tenants is outside a design professional's expertise. This responsibility is far better suited for contractors, and, as such, the Department proposes making the contractor responsible for preparing and submitting the TPP. Permits would not be issued to a contractor until the TPP meets the satisfaction of the Department.

Furthermore, means and methods for protecting tenants that are outside the Department's expertise, such as compliance with laws related to mold, should be reviewed by the appropriate agency. As an alternative to requiring the Department to perform compliance inspections, we also propose requiring TPPs to be subject to what we call a special inspection, meaning a third party inspection agency would be responsible for monitoring TPP compliance throughout construction. Should the inspection agency observe any violations, the Department would stop

work until compliance is achieved, and take whatever additional enforcement actions are appropriate.

Introductory Number 938 would require the Department to create a watch list of contractors who have performed work without a permit within the prior two years. Contractors would remain on the watch list for two years during which time the Department would be required to perform at least one proactive inspection of each site they are working on.

The Department agrees that contractors who have previously broken the law deserve extra scrutiny, and we have procedures in place to ensure that it happens. Using the wealth of data at our disposal, the Department targets bad actors for heightened enforcement, including contractors. While the proposed legislation is well-intentioned, we doubt this proposal would successfully capture problem contractors. Most work without a permit violations are issued long after the work is completed, and are typically issued to the building owner, for the simple reason that the contractor has long since departed the site. Thus, it is likely that the Department would be unable to identify the contractor in these cases, which would impede our ability to place them on a watch list and perform proactive inspections.

Introductory Number 960 would amend the Housing Maintenance Code to require owners of multiple dwellings to post notice in multiple locations throughout the building with information about the construction work being performed. This posting would include a description of the work, locations within the building where the work is occurring, hours of construction, projected timeline for completion, a description of the amenities and essential services anticipated being unavailable and how disruption will be minimized, contact information, and the TPP.

Enforcement of this posting would be performed by the Department and HPD and both agencies support this proposed legislation.

Introductory Number 931-A would revise the types of buildings whose unpaid judgments for certain Building Code violations constitute liens. Specifically, the bill would remove this enforcement mechanism for 1-3 family homes, and would add residential buildings with twenty or more units, and all non-residential buildings, with judgments totaling \$60,000 or more. The bill would also add residential buildings with between six and nineteen units, with judgments totaling \$15,000 or more.

As a general matter, the Department supports broadening the types of buildings whose unpaid judgments for Building Code violations constitute liens. However, the City's authority in this area was granted by State law, and amending the provision by local law may give rise to a challenge. Further discussion is necessary to determine the City's ability to change this enforcement mechanism.

Introductory Number 926 would establish a Construction in Occupied Buildings Task Force. This thirteen member Task Force would be comprised of the Commissioners of the Department and HPD serving as Co-Chairs, Commissioners of the Department of Health and Mental Hygiene and Department of Environmental Protection, five Council Members appointed by the Speaker, and four members appointed by the Mayor. The proposed Task Force would be tasked with consulting with tenants who reside in buildings under construction to determine the issues they face and what can be done to address them. The Task Force would hold monthly hearings during most of the year, complete an evaluation of current practices within six months of the first

hearing, and issue an annual report for three years making recommendations to improve inter-agency coordination and sharing of information.

As detailed earlier in my testimony, the Department participates in two task forces with our agency partners whose purpose is to target tenant harassment. As part of this important work we regularly interact with tenants, elected officials, and each other, receiving referrals of buildings to inspect, and suggestions to enhance our enforcement. We recognize collaboration throughout government and interaction with tenants to discuss broad policy issues is an important part of this process, but we have concerns about the frequency of meetings and reporting provided in the bill.

Introductory Number 1523 would establish the Office of the Tenant Advocate within the Department. The proposed duties of this office include approving TPPs, Site Safety Plans, receiving comments, questions and complaints concerning these documents, monitoring buildings with TPPs, and communicating with tenants so that they have notice of construction work, understand these construction documents, and their rights as tenants. The bill also would require the office to report quarterly on complaints received, time to respond, number of TPPs and Site Safety Plans reviewed, instances where these documents were deficient and actions taken, and a description of efforts to communicate with tenants.

There are a number of ways tenants, and the entire public, can interact with the Department. They can contact our Customer Service or External Affairs Divisions, specific Borough Offices, complaints can be filed through 311, they can review the wealth of information made available on our website, and of course elected officials offices and community boards serve as important intermediaries as well. Creating a new office as described in the bill will not improve service,

can create more distance between tenants and the information they seek, and captures work already performed by the Department. TPPs and Site Safety plans are already evaluated by plan examiners in the borough offices and by our Engineering and Safety Operations Division. Additionally, a system to receive comments, questions and complaints already exists. Furthermore, as this Committee is aware, the Administration has committed significant resources to attending to the pressures tenants face. This includes the creation of a Tenant Protection Unit within the Mayor's Office that performs outreach to tenants in neighborhoods facing re-zonings and addresses issues related to tenant harassment, and the creation of an Office of Civil Justice within the Human Resources Administration that administers the Anti-Harassment Tenant Protection Legal Services Program. Some of what this proposed legislation requires is more in keeping with the work of these offices.

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

RANKING MINORITY MEMBER

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**Testimony of State Senator Brad Hoylman Before the New York City Council
Committee on Housing and Buildings in Support of Proposed Intros 0003-2014, 0347-
2014, 0926-2015, 0931-2015, 0936-2015, 0938-2015, 0960-2015, 1523-2017, 1530-2017, 1548-
2017, 1549-2017, 1550-2017, 1551-2017 and 1556-2017**

April 19, 2017

Thank you for the opportunity to testify today in support of legislation to strengthen and expand tenant protection in New York City. My Senate District includes Clinton/Hell's Kitchen, Chelsea, Greenwich Village, the Upper West Side, Midtown/East Midtown, the East Village, and Lower East Side. The residential parts of my district are mixed income and composed largely of tenants, thousands of them rent-regulated, both in small buildings and iconic rental complexes, including Stuyvesant Town-Peter Cooper Village, London Terrace Gardens, Westbeth, and Phipps Plaza. While New York has always struggled to protect tenants and tenancy from unscrupulous actors, the last several years have been marked by a dramatic uptick in flagrant tenant harassment, abuse and neglect in my district and across the city. I cannot think of anything more important than putting all of our energy behind the effort to reverse this trend and hold responsible parties accountable. As such, I thank Council Member Jumaane Williams, Chair of the Committee on Housing and Buildings, for hosting today's hearing. I also want to thank Speaker Mark-Viverito and Council Members Chin, Garodnick, Kallos, Levine, Menchaca, Mendez, Reynoso, Rosenthal and Torres for their sponsorship of the important legislation under consideration today.

The 14 bills before you today can be broadly divided into four categories: expanding what constitutes tenant harassment, increasing transparency for tenants living in scenarios that frequently result in harassment, increasing the financial consequences for bad actors, and creating additional oversight mechanisms for city government so as to prevent harassment before it begins. These are smart, tough and potentially very effective directions towards which New York City can and should move. I am particularly concerned about the future of tenants in my district for a number of reasons. The 27th Senate District contains more AirBnB rentals than any other in the

State Senate, which dramatically increases the incentive to pressure tenants out of their homes and makes it less safe and comfortable for those tenants who remain. I have the dubious distinction of representing the only Senate District to which the new 421-a program applies in its entirety, and I am very concerned that it will increase pressure and incentives to build and renovate luxury units in place of current rent regulated buildings. Finally, my office has been working with the tenant coalitions from a number of infamous bad actor landlords with large portfolios, such as Croman and Toledano. Many of these bills, if passed into law, would be of genuine and immediate help in the fight to protect and defend my constituents in those buildings.

Intros 1530-2017 and 1551-2017 would create rebuttable presumptions of tenant harassment when an owner either commits or omits at least one act that qualifies as harassment without requiring proof of intent to force the tenant to vacate, or when an owner includes non-rent fees on a rent bill. In a Toledano-owned building in my district, tenants have been without gas for so long that it began in the spring, continued through Thanksgiving, robbing them of the simple right to have a Thanksgiving meal at home, and continues to this day. If the lawyers and advocates working with these tenants were able to begin with a rebuttable presumption that this level of neglect constituted harassment, it could have altered the course of events long before my constituents were robbed of their holidays and daily comfort.

Intro 1548-2017 and 1549-2017 would expand the definition of tenant harassment to include repeatedly contacting or visiting a tenant at unusual hours as well as qualifying landlord conduct as "repeated" for the purpose of meeting the requirements for harassment, even if that conduct is directed at different tenants. As we all know too well, these are routine tactics favored by unscrupulous landlords looking to intimidate and scare tenants without technically crossing any legal boundaries. Steve Croman has been filing multiple court cases against tenants that are proceeding to this day, even as he is under indictment by Attorney General Schneiderman for felony harassment. If behavior targeting a tenant in two different Croman buildings could legally constitute repeated harassment, many of these cases might have been non-starters. Moving the goal post here is appropriate and thoughtful, and sends the message that New York City government is learning and prepared to be flexible in defense of our citizens. Intro 1550-2017 sends the same important message by expanding the reach of tenant harassment statutes to private dwellings.

Intros 0936-2015, 0938-2015 and 0960-2015 aim to increase transparency about the process of construction in inhabited dwellings towards the goal of reducing constructive harassment. By mandating a clear, precise and easily accessible Tenant Protection Plan, creating a watchlist of contractors recently engaged in unpermitted work, and creating a construction bill of rights, we would be empowering New Yorkers to stand up for themselves and act as experts in their own experiences so as to better

advocate for their safety and rights. Sunlight is almost always the best disinfectant, and I am very hopeful that these three bills could do tremendous good for my constituents.

Intros 0931-2015, 0003-2014, 1556-2017 and 0347-2014 rightly aim to sharpen the financial consequences of behavior that damages the safety and security of all our constituents. I am proud to sponsor, along with Assemblymember Rosenthal, a bill at the state level that would increase fines by orders of magnitude for overcharging rent-stabilized or controlled tenants, and glad to see similar legislation at the city level for tenant harassment. Increasing the penalties for tenant harassment is not only sensible, but gives further bite to a potential lien for unpaid penalties and will help prevent violations from being an unremarkable cost of doing business for wealthy bad actors. Too often ECB violations go unpaid for years or indefinitely, making a mockery of our laws and the work all our offices put into upholding them; enabling unpaid ECB violations to convert into tax liens would not only send a powerful message to bad actors, but also dramatically increase revenues collected by the city, which could be used for other safety and wellbeing initiatives. Requiring that owners who behave so poorly as to require the forcible vacating of tenancy pay back the city for those relocation costs in a clear and structured manner is eminently reasonable and just. Finally, it is high past time to allow judges in Housing Court to assess statutory, compensatory and punitive damages against unscrupulous owners where appropriate. Frivolous lawsuits against tenants are another cost of doing business for bad landlords, and while they do technically constitute harassment, the steps required for penalizing this behavior are often prohibitive. Enabling Housing Court judges to address this behavior directly would strongly disincentivize such actions. For too many of our constituents, Housing Court is an asymmetrical nightmare where they can only play defense while owners play offense. It is time to end this asymmetry immediately.

Finally, Intros 0926-2015 and 1523-2017 would create new mechanisms of oversight towards the goal of stopping tenant harassment before it begins. As the saying goes, an ounce of prevention is worth a pound of cure, and this is true in housing as well, which is an integral aspect of people's health and wellbeing. In Chelsea, there is a plague of illegal demolitions in the Special District that has cost us affordable housing units with no course for redress or replacement. If a Tenant Advocate were in DOB when those illegal permits were filed, and if there were an inter-agency taskforce responsible for managing occupied construction sites, we would very likely still have those affordable housing units today. These steps would allow us to catch problems before they begin and have a proactive role in keeping New Yorkers healthy and happy in their homes.

I appreciate your time and consideration, and thank you again for the opportunity to comment.

**MEMORANDUM IN OPPOSITION
TO
INTRO'S 3,
1548, 1549, 1551**

The Rent Stabilization Association represents over 25,000 owners and managers of multiple dwellings in New York. Collectively these buildings have over 1 million units of housing. There are already at least a fourteen laws that deal with harassment on the books. There are numerous regulations. RSA does not see the need for additional laws that will only serve to confuse the agencies that are charged with enforcement while at the same time confuse owners and tenants.

Following are comments on each of the bills being heard today.

Intro. 3

This would require an owner to escrow 10% of the buildings rent roll for up to 5 years in the event HPD must relocate tenants as a result of a vacate order. This is ludicrous and harmful to the building and its tenants. Vacate orders are issued for things like structural and fire safety issues. Diverting badly needed capital that could be used to remedy these issues into an escrow account will only impede the buildings ability to return to normal.

Intro. 1548

This bill is vague and subjective. RSA does not condone any type of harassment or unwanted contact but this bill is so general in nature it is open to abuse by tenants.

Intro. 1549

Once again this bill is vague and subject to misinterpretation and frivolous actions by tenants. This will only divert city resources away from legitimate cases that require action and attention by city agencies.

Intro. 1551

This bill would make placing non-rent fees in a rent bill a rebuttable presumption that harassment has occurred. There are several non-rent fees that are usually placed on rent bills that do not have specific DHCR approval or are enumerated in a lease. Parking fees, bank charges, repairs for damage caused by tenants, storage fees, health club fees, bicycle space rental are all examples of non-rent fees. Often times these fees are negotiated outside the lease provisions for an apartment but included on a rent bill. None of these statements on a rent bill should be considered harassment.



MEMORANDUM IN OPPOSITION

to

Intro. 1530

The Rent Stabilization Association of New York represents over 25,000 owners and managers of multiple dwellings in New York. Collectively these buildings have over 1 million units of housing.

The City Council is once again considering the issue of harassment. This issue has been dealt with successfully and repeatedly at the State and local level.

How repeatedly you may ask? There are currently 14 provisions of State and local law that already address harassment. On the State level, there are felony provisions in the Penal Law and civil provisions in the Real Property Actions and Proceedings Law and the Real Property Law, as well as provisions of the Rent Stabilization Code. Locally, the Administrative Code contains the Tenant Protection Act enacted in 2008 which created a right of action in housing court, the tenant buyout protection law enacted in 2015, the SRO anti-harassment law enacted in 1983, the Illegal Eviction Law enacted in 1982, and 5 provisions of the Zoning Resolution that have been enacted over the years relating to specific neighborhoods.

It is also helpful when considering whether to legislate on this subject yet again to know what the available facts tell us. The SRO anti-harassment law is perhaps the best example because it has been on the books for 34 years, dating back to a time when harassment was a genuine concern. Prior to obtaining a DOB permit to alter or demolish SRO housing, the law requires an owner to obtain a certification of no harassment and that requires HPD to review the history at the building for their prior 3 years. In the case of certifications of no harassment, for fiscal years 2014, 2015 and 2016, a total of 417 applications were approved by HPD. By comparison, 5 applications were denied during the same three year period. These statistics are consistent with housing court and DHCR data. While there is a lot of talk about harassment, the facts are quite different. And when notorious, isolated cases of harassment have arisen over the years, these laws, as well as other ones, have proven to be effective in pursuing those wrongdoers.

Under the existing provisions of the City's Tenant Protection Act, there is a two-part test to prove harassment. The tenant has to establish (1) that there was an act or omission by or on behalf of an owner that is intended to cause the tenant to vacate their apartment or waive their rights and (2) that the act or omission falls within a list of conduct set forth in the law.

While Intro. 1530 seeks to make various changes which are problematic, the most significant one seeks to turn the enforcement mechanism of the Tenant Protection Act on its head. Remarkably, Intro.1530 shifts the burden of proof from the complaining party, the tenant, to the owner by creating a "rebuttable presumption." It is as if a defendant's presumption of innocence were changed to create a presumption of guilt and for the defendant to be required to prove his innocence. No one would accept that change for criminal defendants and it should be no different for property owners.

Intro.1530 requires that once the tenant merely outlines the basic allegations of their complaint, the owner has the burden of establishing that the acts or omissions complained of are not harassment under the law. In other words, instead of the tenant having to prove that the acts or omissions by the owner were intended to cause the tenant to vacate their apartment or to waive their rights, the owner would have the burden of proving the negative, i.e., that he did NOT engage in that conduct or intend for this conduct to have that result. This is a remarkable and dramatic change in the law, one which flies in the face of our commonly accepted notions of fundamental fairness and due process, especially given the absence of actual facts to provide a genuine justification.

The facts tell us that harassment has been addressed repeatedly over the years at the State and City level. The facts tell us that claims of harassment, whether at HPD, DHCR or housing court, are rarely found to be justified. Apparently, the real problem is that the facts do not correlate with the political agenda. Intro. 1530 is an effort to force the creation of desired facts by requiring the use of a rebuttable presumption. The reality is that Intro. 1530 is nothing more than a solution in search of a problem. For the above reasons RSA is opposed to Intro. 1530.

Testimony of Robert Conkling

My name is Robert Conkling and I have been a rent stabilized tenant for 29 years in a residential SRO building located at 215 West 14th Street in Manhattan.

I am here to testify today in support of the Stand for Tenant Safety Coalition, and the entire 12-bill package of legislation sponsored by 11 City Council Members, but most especially for Intros 926, 931, 936, 938, and 960. I'd like to thank Councilmember Williams for scheduling this hearing, and also thank the council members that introduced these bills.

I love my apartment. I love it first of all because it is my home. I love it because it made it possible for me to build a life in New York and to start a successful career that spanned 24 years--a career that I may never had the chance to have if I hadn't found my little place just in the nick of time when I was so strapped for cash. And I love it now when I am retired and in my late 60s because I can afford to live in the town that I love and have helped support and in the apartment I love on social security and my pension. I can live here decently and with self respect.

However, over the past three decades my fellow tenants and I have endured waves of harassment under three different landlords. The first were never perfect, but they did their best to maintain the building. They jerry-rigged the wiring and ignored all necessary repairs. They were constantly looking for a buyer and information was not forthcoming.

The building was then sold to a powerful NYC corporate landlord who also owned other properties across 14th Street. His other buildings were crumbling away and our new landlord began warehousing apartments in our building until occupancy fell below 50%. Several of my fellow tenants received baseless eviction notices after decades-long residency as well as harassing calls at home and at work. We began to be seriously concerned about the structural safety of our own building, especially after a second building owned by this mega-landlord collapsed and its tenants permanently displaced, not able to collect their clothes, electronics, furniture and important paperwork. We felt we were next in line to make way for a boutique hotel or upscale condo, several of which indeed have recently appeared on our block.

This is when the hero of our story entered the picture to save us. The Goddard Riverside Law Project met with our tenants and advised us to immediately form a tenant's association and then to form a tenants' coalition to include the tenants of the collapsed building and other buildings owned by the same landlord. Organized, we fought to maintain our building, but the repairs and improvements that were done were, we discovered, only temporary.

Two years ago, our corporate landlord transferred our building to a new owner. Since then we have endured a total lack of communication and information, zero maintenance, mold left unchecked, garbage in the hallways, and worst of all: incompetent and illegal construction without DOB permits that resulted in a break in the gas main leading to over three months of no hot water and no cooking gas, a broken intercom system which compromised our security, and tampered-with mailboxes and deliberately destroyed mail -- Classic old school harassment techniques. The illegal construction that was performed by unqualified workers endangered the

safety of everyone that calls 215 West 14th Street home. We were never advised of tenant protection plans, and were never given the necessary information from our landlord as to what our rights as tenants were during construction. Passage of Intro 936, introduced by Mark Levine, would strengthen the content, accessibility and enforceability of the Tenant Protection Plans. Further, despite our calls to 311, the Department of Buildings slow response time to inspect ultimately resulted in our losing essential services throughout the building. We were forced to live in a dangerous, unauthorized construction in zone.

Enter Goddard Riverside for the second time. As the city failed to intervene to stop the illegal construction, represented by attorneys at Goddard we filed an HP action against our landlord in Housing Court. For the last ten months, we have fought hard—and won—every court case against this third landlord. The city has finally come to inspect, and has issued fines against our landlord, but the fines are difficult to collect, information is not forthcoming, and the building violations and management negligence keeps creeping back. Repairs are made without the necessary permits, there is no notification of planned work to be done and there exist no plans for tenant safety. Several of my neighbors are still without cooking facilities.

The tenants of our city badly need enhanced enforcement measures with teeth. This package of legislation will go a long way to help us achieve this critical goal and finally live lives in decent and safe surroundings in the homes we love.

Thank you for the opportunity to testify before you today.

Respectfully Submitted,

Robert Conkling
215 West 14th Street, #12
New York, NY 10011

**URBAN
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123 William Street, 16th Floor, New York, NY 10038
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**Testimony of Jane Li before the
New York City Council Committee on Housing and Buildings**

Wednesday, April 19, 2017

Good morning and thank you to Chairperson Jumaane Williams and the Committee on Housing and Buildings for the opportunity to testify today. My name is Jane Li, and I am a Housing Staff Attorney at the Community Development Project at the Urban Justice Center. The Urban Justice Center supports the entire Stand for Tenant Safety (STS) legislative package and I am testifying specifically in support of **Int. 930A**.

The Community Development Project (CDP) was formed to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities by winning legal cases, publishing community-driven research reports, assisting with the formation of new organizations, and providing technical and transactional assistance in support of their work towards social justice. For more than 10 years, CDP has offered support on housing issues to community non-profits by providing legal representation for group housing cases, participating as a member in legislative campaigns, and conducting relevant research projects based on pressing housing issues. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

CDP is a member of the STS coalition and is working to end the use of aggressive residential construction as a form of tenant harassment. The five bills being heard today are part of the coalition's twelve bill legislative package that strengthens tenants' rights and hold unlawful landlords accountable. CDP has represented tenants in a number of buildings across the city where landlords use construction to harass and displace tenants. Often times, we inform tenants that the laws to protect them are limited and that landlords will not face the punishment they deserve. The STS Coalition seeks to change the dynamic where landlords jeopardize tenants' health and safety with impunity.

Int. 930A would allow the City to enforce environmental control board (ECB) judgments against owners for building code violations by placing a tax lien on the property if the unpaid fines reach a certain threshold. Currently, many landlords fail to pay their ECB fines that are issued by city agencies, including the Department of Buildings and Department of Health & Mental Hygiene.

The Department of Finance (DOF) is responsible for collecting default and in-violation ECB judgments. According to DOF's Annual Local Law 11 Report on ECB-Adjudicated Judgments Referred to DOF, the City is owed more than \$116 million in unpaid judgments issued by the DOB. However, the City is unlikely to see the majority of this money, as the DOF reports that its 2016 collection rate was 11% for all judgments referred to them, which is an increase from an 8.8% collection rate in 2015. The report shows that landlords are getting away with not attending ECB hearings, failing to pay fines in a timely manner, and not paying fines in

their entirety. Since there is little pressure for landlords to pay ECB violations, there is no incentive for landlords to be proactive about safeguarding tenants' health and safety, both generally and when the building is undergoing construction.

Int. 930A would force landlords to take ECB judgments seriously by putting an encumbrance on their property. Currently, the city already utilizes tax liens to incentivize landlords to pay their property taxes, water bills, and other charges. Expanding the tax lien mechanism to include collection of ECB judgments will improve payment compliance as failure to pay may result in their property being sold in a lien sale. The tax lien program also allows the City to restore lost revenue - funds which STS would advocate to be earmarked for the increased DOB enforcement efforts.

In 2015, it was reported that Steve Croman, a landlord notorious for his use of construction harassment tactics, had accrued \$1 million in ECB fines in 2015. Mr. Croman, an aggressive developer who is facing twenty felony charges, does not care about the tenants who live in his buildings or whether he has paid municipal fines. However, this law could force him to pay overdue fines as a lien would restrict his ability to sell his property or even strip him of his property. It is important to note that this law would only targets landlords who are the "worst of the worst." In order for a building to be subject to a tax lien, the owner has to have incurred ECB judgments equal to or greater than 30% of the building's value.

The passage of this bill would protect tenants living in buildings by deterring landlords from accruing ECB fines. Since many landlords have no regard for tenants' quality of life, they will only respond to laws that hurt their bottom line. This law would establish a systemic mechanism to punish these slumlords by incentivizing them to pay overdue fines and have the added benefit of increasing revenue for the city.

Thank you for the opportunity to testify.

MELISSA HOPE

MELISSA@NOMADCODE.COM, MHD12@CORNELL.EDU **FOR THE RECORD**

April 18, 2016

To the City Council of New York:

My name is a Melissa Hope and I am a rent stabilized tenant at 159 Stanton Street, a building owned by Steve Croman and managed by 9300 Realty. Management has harassed tenants in our building. I have recently joined the board of Cooper Square Committee to be a larger part of their work on these issues. I am grateful to Cooper Square along with GOLES and the Stop Croman Coalition for their support and assistance in the face of ongoing harassment by Croman/9300 Realty representatives.

When Croman bought our building, we immediately had multiple unannounced visits from Anthony Falconite trying to push tenants to take buyout offers. Falconite has since been named in the indictments from the State Attorney General for intimidating behavior and harassment.

I have experienced construction as harassment myself. Workmen were in and out of vacant apartments in our building last Saturday, from 9 AM, without a permit. When I met the owner in our building, he and his contractor Richard Pesce shone flashlights in my face to prevent my photographing them on the premises. Building manager Jeffrey Magno overseeing work done in violation of a Stop Work Order yelled over tenants and took what looked to me like extremely inappropriate up-skirt photos of my neighbor when we tried to explain to authorities that a Stop Work Order was in effect for the entire premises.

My first complaints about dangerous construction were made to management, workers and 311 in 2015, about my ceiling cracking and plaster falling, and again when the light fixture in the ceiling crashed and broke. Later that week, I complained to management and 311 and workmen that my ceiling was cracking and was likely to collapse. I spoke to management i multiple times starting at 10 AM, until at approximately 4 PM when my ceiling collapsed on top of me. I was covered with dust, plaster, wood beams and other debris. This incident could have been prevented, but they use construction to harass tenants. They did not act to prevent endangering me.

More recently, in February 2017, two apartments including my home were vacated by the DOB for dangerous conditions created during the demolition described above. A structural wall was removed and a joist above my apartment sagged. Then my ceiling started cracking and sagging, just like before. This time, I knew to call DOB, and we were vacated. During the entire time we were out of our homes, management did not communicate with us despite our multiple attempts to reach them. We recently learned that they were aware of our plight because they immediately called the bank that financed the purchase of the building. Their disregard for tenants is extremely clear to us.

Other harassment has included working on the stairs during high-traffic times like early mornings and removing multiple stairs that people had to climb down to leave for work, and boarding over stairs to the roof, a necessary fire exit. Workmen have collided with tenants on stairs and in the halls. Workmen have collided with tenants in the hallway multiple times, nearly knocking one resident down the stairs. Workmen routinely leave debris (very likely including lead paint dust and chips -- the building is nearly 100 years

old) all over the hall and stairs.

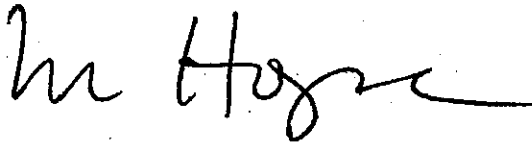
Finally, 9300 Realty have violated multiple Stop Work Orders, in January and February, even as soon as the inspectors left the building, including orders to stop working on the stairs and to stop working on weekends.

Had these bills been in place to prevent the use of construction as harassment, the dangerous conditions created in my building and my apartment in which no work was being done would have been prevented, or the work would have been stopped. Instead, tenants in my building will be in court on Friday because we are suing for repairs and an end to harassment. My personal experience and that of my neighbors demonstrate how these bills would help people like us all over NYC. Therefore, the tenants association of my building is in favor of passing the proposed bills, particularly

- Int 0003-2014: A Local Law to amend the administrative code of the city of New York, in relation to the recovery of relocation expenses incurred by the department of housing preservation and development pursuant to a vacate order.

Thank you for your attention to these serious matters affecting the quality of life of many, many City residents.

Yours truly,

A handwritten signature in black ink, appearing to read "Melissa Hope". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Melissa Hope

Testimony of David Tang, 90 Elizabeth Street

My name is David Tang. I live at 90 Elizabeth Street with my mother. I am here to testify in support of Intro 3, 926, 931, 936, 938 and 960. Tenants rely on the City Council to pass these bills so we can live in our homes safely.

I want to share with you what we - the tenants - experienced at 90 Elizabeth Street. Soon after the new landlord bought 90 Elizabeth Street, the landlord began a campaign of illegal construction at the building. There were almost 200 housing standard violations in the building. The most serious ones included that the fire retardant materials were ripped out from the building. Our gas meters hung by a thin wire; electrical wires were exposed; and equipment was installed poorly. The landlord had no intention of correcting these violations to improve the living conditions for the tenants.

Our landlord did not seem to care that the illegal construction was causing a lot of dust and debris that was airborne and harmful to us. The dust was so thick that you can see your footprint. He seemed to treat us as collateral damage. Essential services such as heat and hot water were constantly turned off without warning during the construction period. We noticed he seemed to use the illegal construction as a tool to evict the long term, rent protected tenants from their homes.

When the owner James Fong did construction in the vacant units and common areas, he did not apply for permits, he did not hire licensed contractors to do the work, and he did not have any tenant safety plan in place. He did not have any dust mitigation plan or health and safety precaution procedure.

Without any work permits, James Fong completely gutted the vacant apartments all day, at night and even on the weekends. He even removed the load bearing walls from the vacant units compromising the structural integrity of the building.

The tenants called 311 for help repeatedly. But DOB and HPD were not successful in issuing violations because James Fong hired a lookout to stand in front of the building to call and warn the workers when anyone in uniform approaches. With the lookout informing the workers to stop their illegal construction, DOB and HPD never catches the workers doing illegal construction. The tenants were not able to get DOB to issue Stop Work Orders despite the illegal construction at the building.

However, in the meantime, James Fong instructed the workers to put the construction debris in an empty apartment on the first floor. The construction debris was in black plastic bags and was

piled up to the ceiling. There was so much construction garbage that it filled a 15 x 50 ft. empty office.

With the passage of today's bills and the other 7 that are part of the Stand for Tenant Safety Package of bills, it will be harder for unscrupulous landlords to get away with illegal construction. These laws are necessary to ensure safe living conditions for our seniors, disabled and children – some of our City's most vulnerable tenants.

We have an obligation to implement measures that will protect New Yorkers who cannot help themselves. Respectfully, I ask the City Council to pass Intros 3, 926, 931, 936, 938 and 960.



FOR THE RECORD

COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC.

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Testimony of CHIP on Int. 1530 of 2017
Hearing of the New York City Council Committee on Housing and Buildings
April 19, 2017

Mr. Chairman, Council Members, thank you for the opportunity to testify on the package of legislation before you today. While we find a number of these bills troubling, we want to focus our comments on Intro. 1530. Of all the bills before you, Intro. 1530 is both the most egregious and also the most blatantly illegal. However, we are also opposed to several other bills that comprise the “tenant harassment” package of legislation; specifically Ints. 347A of 2014, 1548 of 2017, 1549 of 2017, and 1551 of 2017, for similar reasons as set forth by REBNY in their testimony.

Intro. 1530 purports to create a rebuttable presumption that if a property owner engages in any of a series of actions then he or she is presumed to have harassed the tenant. For example, if an owner approaches a tenant and politely offers the tenant a fair buy-out offer without having first given the tenant a written disclaimer, then owner will have been deemed to have committed harassment. Or if there is a suspected gas leak and the cooking gas is turned off, which takes weeks to months to restore because of DOB and utility delays, the owner will be presumed to have committed harassment. Or if the owner is forced to bring nonpayment actions or holdover actions that result in settlements, the owner is presumed to have committed harassment. The proposed bill would turn legitimate, everyday events that occur in the normal course of the landlord-tenant relationship, into acts of harassment.

This harassment is not just a civil violation. Under section 27-2118 of the Administrative Code, this is a crime. Just one instance of this so called harassment could subject an owner to one year in prison and a \$10,000 fine. It is fundamentally unfair policy to shift the burden -- under threat of imprisonment -- to the owner to disprove that his or her actions were intentional harassment. Aside from being unfair, Intro 1530 is also unlawful for a number of reasons. We’d like to highlight just two of those reasons.

First, it is a bedrock principle of the United States and New York State Constitutions that individuals cannot be deprived of their property or their liberty without due process of law. There is a robust collection of case law on how rebuttable presumptions violate due process protections.

The seminal United States Supreme Court cases in this field -- *Tot v. United States*, 319 U.S. 463, 469, 63 S. Ct. 1241, 87 L. Ed. 1519 (1943), and *Leary v. United States* -- make clear that a “criminal statutory presumption must be regarded as ‘irrational’ or ‘arbitrary,’ and hence unconstitutional, unless it can be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend.” 395 US 6, 33 [1969]. Further, the New York State constitution imposes an even more stringent standard by requiring “a reasonably high degree of probability” between the facts that are proved and what

is to be inferred. See *People v. Leyva*, 38 N.Y.2d 160, 165, 379 N.Y.S.2d 30, 341 N.E.2d 546 (1975),

With these standards in mind, ask yourself this simple question -- can you say with **substantial assurance** that if an owner makes a one time buy-out offer to a tenant without providing the tenant with written disclosures that that owner actually intends criminally to harass that tenant? And further, that the owner should be subject to criminal penalties and a criminal record? We believe that you can not and that this bill will trample on owners' constitutional rights. This logic also applies to Intro. 1551-2017, another bill being heard by the committee.

Second, Section 711 of the *New York State Real Property Actions and Proceedings Law* enshrines the right of owners to evict tenants in a number of circumstances. For example, if a tenant does not pay rent due, and the owner has provided certain notice and opportunity for tenant to cure such non-payment, then owner has the right to evict the tenant.

Intro. 1530 is pre-empted by this statute and by the common law right of owners to enforce their contracting rights. If this bill is enacted, a legitimate legal action to evict a tenant for non-payment of rent could be frustrated by the presumption that some innocent act by an owner is actually criminal harassment. This supposed harassment can provide a tenant with justification for withholding rent and force an owner to prove that his or her actions were not harassment prior to effectuating the eviction. This is in excess of what is required by State law and is therefore preempted by it.

It is clear that Intro. 1530 is fatally flawed on both constitutional and pre-emption grounds, and will not withstand judicial scrutiny. We ask that you reconsider the legality and the wisdom of this proposal.

Thank you for your time and consideration.



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**TESTIMONY OF EMILY GOLDSTEIN, BEFORE
THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS**

April 19, 2017

Good Morning. I'd like to start by thanking Chairman Williams and the members of the Committee for the opportunity to testify today.

My name is Emily Goldstein and I am the Senior Campaign Organizer for the Association for Neighborhood and Housing Development (ANHD). ANHD's mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. Our membership includes nearly 100 neighborhood-based housing and economic development groups, including CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers throughout the five boroughs of New York City.

I am here to testify in support of the bills before the committee today. ANHD is a member of the coalition Stand for Tenant Safety (STS), working to end the use of aggressive residential construction as a form of tenant harassment. The bills before the committee today are part of a larger package of legislation designed to prevent dangerous and unlawful behavior by landlords, strengthen tenants' rights, and preserve New York City's stock of affordable housing.

The affordable housing crisis in New York City has reached its most severe level in decades as housing in New York City has grown increasingly unaffordable to many residents and families. The 2014 and 2011 Housing Vacancy Survey found that over half of all New York City renters were rent-burdened, paying more than 30% of their household income in rent. Almost a third of New York's renters were severely rent-burdened, paying more than 50% of their household income in rent. We are continuing to lose rent stabilized apartments at an alarming rate, and absent stronger protections to keep tenants in existing affordable housing, the affordability and homelessness crises our City faces will only continue.

Tenants in many neighborhoods are coming under increasing pressure from landlords looking to take advantage of skyrocketing market rents. While many building owners obey the law, too many bad actors put the health and safety of tenants in danger in search of higher profits.

In many neighborhoods, construction is a common form of harassment – landlords attempt to drive tenants out of their homes by making their homes and buildings uncomfortable or even unlivable. Better protections and stronger penalties are needed to discourage this practice, and ensure that tenants have a real recourse if it does occur. ANHD urges the committee to pass the bills before you today, and to pass the full STS legislative package into law as quickly as possible.

Manhattan
Legal
Services



**TESTIMONY OF LEGAL SERVICES NYC REGARDING STAND FOR TENANT SAFETY
BILLS THAT WOULD END CONSTRUCTION-AS-HARASSMENT
(INT. NOS. 3-2014, 347-2014, 926-2015, 931-2015, 936-2016, 938-2015, 960-2015, 1523-2017
1556-2017)**

**New York City Council
Committee on Housing and Buildings, Committee on Consumer Affairs
April 19, 2017**

My name is Dao Sun, and I am a staff attorney at Manhattan Legal Services. I am speaking on behalf of Legal Services NYC. Thank you for the opportunity to give this testimony before the Committee on Housing and Buildings.

Legal Services NYC is the largest civil legal services provider in the country. For almost 50 years, LSNYC has challenged systemic injustice and helped clients meet basic needs for housing, income and economic security, family and immigration stability, education, and health care. Spread throughout the five boroughs, LSNYC's mission is to provide expert legal assistance that improves the lives and communities of low income New Yorkers.

We at LSNYC thank the City Council for holding this hearing pertaining to the Stand for Tenant Safety ("STS") Bills. We agree that the use of construction as a harassment tactic by landlords is a serious problem faced by our clients. We work closely with low-income tenants who suffer from regular harassment in the form of construction. Construction affects the individual on physical, emotional, and mental levels. As such, the passage of the STS bills will be monumental for our clients and other tenants because it will deter landlords from harassing tenants through construction.

Based on our organization's experience, landlords and their agents tend to use construction as a harassment tactic against long-term, low-income residents who are elderly, disabled, or have limited-English-proficiency. Landlords use illegal construction to hound and bully tenants in an effort to constructively evict them from their homes. It is often with illegal construction that structural supports and fire protection systems are deliberately destroyed, thus inviting the Department of Buildings to issue vacate orders for whole buildings. Landlords seek such vacate orders in hopes that tenants will not return to their apartments. Furthermore, when landlords start work without applying for permits, landlords do not provide tenant protection plans as part of their construction work; accordingly, construction sites are left unattended and unprotected with hazardous demolition debris traveling to

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Peggy Earisman, Project Director

common areas and tenant-occupied apartments. As a result, tenants' physical health is adversely affected from over exposure to airborne dust and dirt particles confined in tight spaces.

As an example, my office, along with organizing assistance from the Asian Americans for Equality ("AAFE"), filed a group case against Dean Galasso, the landlord of 43 Essex Street in Chinatown. Dean Galasso purchased the building in December 2014 and immediately began gutting vacant apartments without securing permits. The tenants' apartments were covered with lingering debris and dust from the demolition waste that was dumped into the building's airshaft. Despite several stop work orders issued, Dean Galasso continued to gut and renovate the vacant apartments without first installing temporary shoring or fire protection systems, both of which he had previously, deliberately removed while knowing that tenants still live in the building. Dean Galasso also illegally removed the heating system from the building. As a result of the illegal construction, one tenant was ordered to vacate her apartment by the Department of Buildings and several other tenants surrendered their apartments.

Another example involves a building in the Lower East Side where the new building owners used construction as a tactic to harass our clients into giving up their affordable home that they have been living in for many years, some of whom have lived there for decades. Shortly after the new owners bought the building, they commenced illegal construction that caused substantial harm to the tenants. There was no tenant protection plan in effect. The landlord failed to probably seal off construction areas and used one of the vacate units as a garbage dump, thus dust and debris permeated the building. The air in the building was so polluted that tenants had to wear face masks when they leave their home and they were forced to wipe down their apartments every day because the dust would seep into their apartments. Moreover, the excessive noise caused by the construction constantly disrupted the lives of the tenants. Due to the inordinate amount of air and noise pollution, some of the tenants accepted buy-out offers from the new landlord.

Currently, our Brooklyn office currently represents the last tenant in a rent stabilized building where the owner, through construction in vacant apartments and refusal to repair occupied ones, had succeeded in forcing out all the other occupants. DOB had utterly failed to enforce the existing requirements for tenant protection plans, abandoning the tenants to their fates. Without our office's intervention, this 40 year tenant would have certainly surrendered her apartment in exchange for a woefully inadequate buyout offer.


Our experiences show that the current penalties in these situations have proved to be woefully inadequate in ceasing harassing behavior and protecting the rights of tenants to live with dignity, decency, and freedom from the arbitrary destruction and demolition of their homes. Therefore, additional financial consequences and enforcement are needed to deter landlords for utilizing construction as a form of harassment. A great example of such deterrent is Int. No. 3-2014, which would amend the administrative code to require an owner to deposit money in an escrow account for the recovery of relocation expenses incurred by the Department of Housing Preservation and Development pursuant to a vacate order. Int. No. 3 will have a considerable effect on our clients because it will deter landlords from using construction as a form of harassment because they will be held financially liable. Int. No. 347-2014, which will allow the housing part to award damages for tenant harassment, and Int. No. 1556-2017, which will increase the civil penalties for tenant harassment, will also help constrain tenant harassment in the form of construction

Financial deterrents are not enough by themselves and must be accompanied by bills that assert protections for tenants, such as Int. No. 960-2015 that creates a safe construction bill of rights for

tenants. Int. No.936-2015 and Int. No. 1523-2017 are also critical in curbing construction as a form of tenant harassment because it will prescribe measures that the DOB and owners must take in order to ensure compliance with the tenant protection plan and establish an office in DOB to oversee tenant protection plans.

Preventing landlords from using construction as a form of harassment tactic is essential to the preservation of affordable apartments and safeguarding tenants' lives. Thus, these bills will have a positive effect on our clients, because it will constrain landlords from using construction to harass our clients. We thank the City Council for addressing tenant harassment issues and look forward to working with the Committees in providing effective protections to vulnerable low-income tenants.

Respectfully submitted,



Dao Sun



**TESTIMONY OF HOUSING CONSERVATION COORDINATORS
BEFORE THE HOUSING AND BUILDINGS COMMITTEE OF THE
NEW YORK CITY COUNCIL**

April 19th, 2017

Good morning--Thank you to the members of the council for the opportunity to testify today.

My name is Jonathan Furlong and I am the Director of Organizing at Housing Conservation Coordinators (HCC). Housing Conservation Coordinators is a 45 year-old not-for-profit organization that seeks to preserve safe, decent and affordable housing on the west side of Manhattan. I am here this morning to give testimony in support of legislation being heard today, but specifically in support of Intro 1523, creating an office of the Tenant Advocate inside the Department of Buildings.

For the past 5-6 months Housing Conservation Coordinators has been working with a group of tenants whose landlord and building manager owns 35 buildings stretching from Inwood Washington Heights through the Upper West Side. When we first began to meet and discuss the issues and concerns in all of the various buildings, chief among tenant concerns was an overall disregard for safety standards in many of the buildings that were undergoing massive renovation. Dust and debris (and in one particular instance, lead dust) were pervasive in many buildings, some construction sites had no work permits, and one building at 618 West 164th Street was without gas for months on end.

HCC is a proud member of the Stand for Tenant Safety Coalition, and while our organization supports all the bills being heard today--Intros: 0926 from councilmember Garodnick, 0931 from Councilmember Kallos, 0936 from Councilmember Levine, 0938 from councilmember Reynoso, and 0960 from councilmember Mendez---We would like to voice particular support for Intro 1523, introduced by councilmember Rosenthal. In all the examples that I have given earlier in my testimony, tenants were able to come up with a shared understanding of problems throughout all of their buildings, and develop a collective strategy for action, yet a common sentiment I heard over and over again when discussing problems with unsafe construction was that there was no individual or entity at the Department of Buildings that they could communicate directly with.

The office of the **Tenant Advocate** would oversee all work in occupied buildings, and would be responsible for approving tenant protection and site safety plans, as well as establish a system to field questions and complaints, monitor work sites to make sure they're in compliance with safety plans, and deliver detailed quarterly reports to the mayor and the speaker of the city council.

Establishing such a precedent around communication and transparency would go a long way towards ensuring tenant safety and protection during long and protracted construction projects.

Testimony to New York City Council Housing and Buildings Committee.

In support of int 0960-2015: Creating a Safe Construction Bill of Rights.

My name is Gilbert Sabater and I am a rent-stabilized tenant at 305 East 86 Street (18NW) in New York City. I am here testifying because after being under constant destruction and reconstruction of our building starting in 2014 for “improvements,” we still do not see the end in sight. Why are we upset? Because we do not have effective laws or regulations in our great city to protect existing tenants from the noise, health risks and continuing loss of the ‘peaceful enjoyment’ of our homes when extensive renovation is undertaken in occupied residential buildings. We are frustrated because the new owner has deceived DHCR, the Health Department, the Department of Buildings, The Fire Department, etc.

We had approximately 300 rent stable tenants when they took over the property. They began construction as soon as they took possession of the properties. We took an audit in early 2015 and discovered we had 125 apartments under construction. They say they will destroy and rebuild 200 additional ones. What do we mean by destruction/construction? They gut the apartments, change the plumbing and electric, construct new walls, floors, new bathrooms, new kitchens, break through walls and ceilings of neighboring apartments due to the poor management and execution of this massive project. Turn a one-bedroom apartment into two (calling those without a window a ‘den’ or a ‘study’ for which a second bathroom is needed) and the same increase in rooms for two bedroom apartments. The noise has been unbearable to this day. As far as our health is concerned, we still do not know what has transpired since they began demolition. We took tests of dust samples on the hallways and our apartments. We found traces of asbestos. We reported it but by the time the inspector came, they had cleaned everything up. We also found traces of lead but again, the inspectors show up and the management takes them around to where everything is clean. Our hallways are covered either by boards or by plastic and they are always covered by construction dust, which seeps into all of our apartments. If a tenant is unfortunate to have the apartment next to or above theirs being destroyed, the dust entering the apartment is constant and unstoppable. It comes through the walls when the sheet rock is replaced; it comes through the vents and other openings between apartments. In those cases occupancy is impossible during construction hours, normally 8 AM to 5 PM because of the noise, and the children will be harmed by it unless they are removed from such an environment.

We have many senior citizens who are vulnerable to the disadvantages of aging. We are not as agile as when we were in our prime, we fall easily and harm ourselves seriously. We have had several such tragedies; one gentleman 95 years old tripped on the boards they had placed on all corridors and injured his neck. He was in the hospital for one week and in rehab for four and then sent home. That was in 2015 and he still walks around with a walker and a brace on his neck! We have had ten other incidents that I am aware of.

I am positive that if they had posted the Safe Construction Bill of Rights, some of them would have stayed and we would not have had as many bad experiences.

Thank you for giving me the opportunity to share what we have been experiencing for the past 30 months and continue to suffer as we hold this hearing in the City Council.

TESTIMONY FOR THE CITY COUNCIL'S HOUSING AND BUILDING COMMITTEE
Speaking for Int 0926-2015, 0932-2015, 0936-2015, 0938-2015, 0960-3026
the five bills that Stand for Tenant Safety

Shawn Dahl, April 19, 2017

My name is Shawn Dahl, I'm a rent-stabilized tenant in the East Village, and I'm here to testify in regards to bills 0926-2015, 0932-2015, 0936-2015, 0938-2015, and 0960-3026.

My landlord, Steven Croman, cultivates a culture of chaos in construction during the gut renovation of his recently acquired properties. He abuses the self-certification process at DOB by providing misinformation. He also encourages complete disregard for the existing tenants who must endure months of noise, dust (often lead-laden), disruption of essential utilities, and simply dangerous conditions that I myself experienced.

In November 2013, after being away for several weeks caring for my ill mother, I arrived home to destruction: my living room ceiling had collapsed, debris everywhere. Human feces was on my kitchen counter. This was the beginning of the second round of renovations in my building. ^{WITH NO TPP IN PLACE} The workers knew me. The property manager knew how to reach me. My neighbor had keys to my apartment. The contractors simply walked away from the gaping hole and let the sewage from the occupied apartments in the five floors above me continue to rain down for days.

Was this harassment? I think so. My neighbor experienced several ceiling collapses. My closet ceiling came down a few days later. And not long after, the property manager Janeth Donovan said to me, "Sorry about your ceiling, are sure you don't want a buyout?"

I believe this collection of five bills will help prevent future tenants from experiencing the trauma of deliberately mismanaged gut renovations in their buildings and homes.

Thank you, Shawn Dahl

TESTIMONY FOR THE CITY COUNCIL'S HOUSING AND BUILDING COMMITTEE
Speaking for Intro 960, The Safe Construction Bill of Rights
Nikki Leger April 19, 2017

"Our property is nothing but those goods, whose constant possession is establish'd by the laws of society; that is, by the laws of justice. Those, therefore, who make use of the words property, or right, or obligation, before they have explain'd the origin of justice... are guilty of a very gross fallacy... A man's property is some object related to him. This relation is not natural, but moral, and founded on justice. Tis very preposterous, therefore, to imagine, that we can have any idea of property, without fully comprehending the nature of justice, and shewing its origin in the artifice and contrivance of man." David Hume 1738

My name is Nikki Leger and I am speaking as a member of Cooper Square Committee. I have lived at 30 Sickles for eleven years, during which time each of three private equity firms have enacted similar catalogues of nasty tricks. Today I will talk about one incident of construction as harassment, provided by PE number two, in order to relate it to the six points of Councilwoman Mendez's bill "Creating a Safe Construction Bill of Rights."

Suddenly, without prior notice, my living room wall began violently shaking at 7:00AM. I removed the pictures and fled to a friend's place, where I slept in the living room for two weeks, at which time another tenant phoned that the work had ceased. (No timeline for completion of the work had been provided). Without having notified (or posted a city permit) that the footprint of the apartment next to mine was being altered, nor hours of the work, nor how I was to be protected...which brings me to the topic of bronchitis. Upon my reoccupying of my apartment I observed a heavy haze, that of particulate matter, in the living room. Its source was a long and narrow opening about an inch above the baseboard which was a foot and half long, and at its widest, in the middle, about three inches high; I could see through to the other apartment. Given the careful deliberateness of the destruction, what use contacting the landlord?

Running two air cleaners 24/7 I ended up in the doctor's office, placed on a course of antibiotics. Complaining to the city after the fact: Useless in preventing temporary displacement and illness. It is my suggestion that should the STS bill be passed that they be applied ex post facto.

After all I have seen and endured as a tenant of private equity landlords, I question the legitimacy of their right to the rights of private property. David Hume, in his A Treatise on Human Nature wrote of justice taking precedent over property.

Testimony of Ma Kam Fung Chan, Long Term

Rent Stabilized Tenant at 43 Essex Street – 4/18/17

My name is Ma Kam Fung Chan and I am currently 83 years old, turning 84 next month. I live on 43 Essex Street Apt. #6. I have lived at this address for about 47-48 years. I am here today to testify in support of Intros 3, 926, 931, 936, 938 and 960. I want to share my personal experiences with you on what I was forced to endure after my landlord Dean Galasso bought the building in late 2014.

You may have heard of my landlord, Dean Galasso, before. Last week, he was indicted by the NYS Attorney General for \$5 million in mortgage fraud. As soon as he bought the building, he began a campaign of illegal construction. He tore down the load bearing walls in the vacant apartments and the fire retardant materials. He ripped out the floor boards so that only the beams that separate apartments from each other were visible. He engaged in such destructive illegal construction that the structural integrity of our building was compromised. We were very lucky that we were not vacated out of our homes because the City's Tenant Harassment Task Force came to our building just in time to issue Stop Work Orders.

For about 2 years, I had no heat, no gas, no water, no hot water, and no electricity for long periods of time. During cold winters, I was freezing, I was so cold. All I could do is stay in bed with 5 or 6 blankets. For a long period of time, there was no hot water and during that time many days there was no water at all. For drinking water, my home attendant had to go 3 long flights of stairs to the pickle store on the block to bring buckets of water to drink or wash up. For a period of time, when people were doing construction in the building, they cut off my electricity. I could not see anything. I was so scared. Luckily, I called my grandson to come over. The worst part is that there was no gas for a long, long time. I went through almost 2 years with no gas. I can't even boil drinking water. I spent hundreds of dollars on portable stoves and to cook food and boil water to eat and wipe myself when there was electricity. I went through so much pain with no gas and no hot water. Sometimes, I cannot shower for weeks or months at a time. When they were doing construction in the building which was every day for a few months straight, the sound and the smells is horrible. Everything was dusty and dirty. I can hardly breathe and have to stuff the door so the dust and dirt doesn't come in to my apartment. The air was so bad and made me sick and made me cough a lot. I can't even leave my home. This whole time, I feel like I aged 10 years. I went through a lot of pain and suffering. My grandson, Eddie had to come live with me a few nights a week when I had no heat, no gas, no water and sometimes no electricity to take care of me. How can the landlord do this to me? I'm an old lady. Please take my testimony to heart and hope no one else has to go through the same suffering as I went through.

Testimony for the City Council's Housing and Building
Committee

Speaking for intro:

Henry Dombrowski

Date: April 19, 2017

Good morning, Council members.

My name is Henry Dombrowski, and I live at 57 Spring St, in Manhattan. I am here to urge you to support the 12 Stand For Tenant Safety bills. I have worked in architecture and construction-related fields for nearly 40 years. I am here to talk about construction as harassment. I am speaking on behalf of my community, my neighbors, and from personal experience.

Construction for the purpose of harassment is a predatory act with the goal/purpose of displacing tenants and it works like this:

A bad actor begins renovation and construction with the intention of displacing tenants under the guise of "building upgrades".

Seldom are proper permits in place. In many cases, there is a bad actor-architect willing to self-certify and then look the other way.

“Accidents” begin to happen, commonly; months of lead filled airborne dust, collapsed ceilings, broken water lines, power and gas interruptions, soil line breaks, just to name a few. These acts breach our guarantee of quiet enjoyment. This comedy of construction errors lays the groundwork for weeks, months and even years of disruptions for tenants in targeted apartments due to deliberate, faulty workmanship. When construction related problems go on without end, it is a sure sign of construction as harassment.

II

By passing the 12 Stand for Tenant Safety bills you will give regulatory agencies the tools to properly inspect work and enforce the existing building codes. Passage of these bills will help to put a stop to the too prevalent practice of construction as a calculated, deliberate predatory act.

I urge you to support the passage of the 12 Stand for Tenant Safety bills.

Thank you for your time.



**LEGAL
SERVICES**

INCORPORATED

TESTIMONY IN SUPPORT OF

INTRO 0926-2015, CREATING A TASK FORCE ON CONSTRUCTION
WORK IN OCCUPIED MULTIPLE DWELLINGS

AND

INTRO 0931A-2015, BUILDING VIOLATIONS ADJUDICATED BEFORE
THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

AND

INTRO 0936-2015, TENANT PROTECTION PLANS

AND

INTRO 0938-2015, REQUIRING INCREASED OVERSIGHT OF
CONSTRUCTION CONTRACTORS WHO HAVE ENGAGED IN WORK
WITHOUT A REQUIRED PERMIT

AND

INTRO 0960-2015, CREATING A SAFE CONSTRUCTION
BILL OF RIGHTS

AND

INTRO 0003-2014, RECOVERY OF RELOCATION EXPENSES INCURED BY
DHPD PURSUANT TO A VACATE ORDER.

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL'S
COMMITTEE ON HOUSING AND BUILDINGS

PRESENTED BY:

SHI-SHI WANG
STAFF ATTORNEY
MFY LEGAL SERVICES, INC.

APRIL 19, 2017

MFY LEGAL SERVICES, INC.,
299 Broadway, New York, NY 10007
212-417-3700
www.mfy.org

Introduction

MFY Legal Services, Inc. envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy and bringing impact litigation. We assist more than 20,000 New Yorkers each year.

Specifically, MFY's Housing Project annually serves more than 3,600 tenants, many of whom are long-term, rent regulated tenants.

Our Clients' Experiences and the Importance of the Bills Under Consideration

MFY is a steering committee member of the Stand for Tenant Safety ("STS") Coalition. We sincerely thank the Committee on Housing and Buildings for holding this hearing on the remaining five STS bills (**Intros 926, 931A, 936, 938 and 960**), as well as **Intro 0003**.

As is well-known to New York tenants, predatory landlords' use of construction as harassment is a serious and common tactic used against rent regulated tenants whose homes are viewed as "under-utilized" units in "need of urgent renovations."

The question is who is actually in "need" of these renovations? Do they improve the city's housing stock and the lives of residents, or do they impact tenants in a negative way, physically, mentally, and economically? The bills under consideration today are carefully crafted to shine light on the worst uses of construction as harassment without unfairly burdening landlords in making necessary repairs and improvements.

MFY first and foremost supports **Intros 926 and 938**, designed to increase government oversight and information collection on landlords who engage in construction as harassment. These bills would help the City and the public identify and track the worst actors.

MFY also supports **Intros 936 and 960** because each month our housing team receives dozens of calls from tenants whose heat, hot water, cooking gas, or electricity has been suddenly cut off. Some of these shutoffs are the result of years of neglect, but an increasing number are caused by under-regulated construction work done by landlords in vacant units inside the building. Even when landlords file Tenant Protection Plans (TPPs), the current requirements are so loose that landlords satisfy them with vague, boilerplate language that does not demonstrate any actual forethought or concrete plan to protect tenants from the fallout of construction work. **Intro 936** would require landlords to commit to specific safety measures and would require DOB to hold them accountable.

For example, in one Chinatown building, inhabited by Chinese immigrants and rent stabilized tenants, some of whom have lived in the building for multiple generations, a new landlord sent tenants over 50 notices of essential service shut-downs between April 2015 and April 2016, including heat and hot water. The notices were routinely served late, usually on or after the

shutoff date. The notices were in English only, though most of the tenants spoke only Chinese dialects. When tenants would call the listed number, their calls would go straight to voicemail. As the work wore on and disruption became routine, even the most determined tenant leader eventually accepted the landlord's meager buyout offer.

Intro 960 would require landlords to provide tenants with clear, detailed information about the maintenance of essential services in multiple languages. The 14-day advance posting requirement would require landlords to plan in advance and minimize last-minute impacts on tenants.

Finally, MFY is in strong support of both **Intro 931A**, which would strengthen the City's ability to enforce Environmental Control Board (ECB) violations against apartment building owners, and **Intro 0003**, which would give the Department of Housing Preservation and Development (HPD) a crucial tool to prompt landlords to quickly correct conditions underlying vacate orders. Currently, landlords can use vacate orders to quickly empty buildings of rent regulated tenants, then wait out the clock until the discouraged tenants have exhausted HPD's relocation services and given up hope of returning to the building. **Intro 0003** would empower HPD to require landlords to deposit money into escrow after a vacate order, incentivizing swift work to correct violations and allow tenants to return home.

In short, these bills would give the City and tenants necessary tools towards ensuring that renovations are done to improve housing stock and for the benefit of tenants, not as a tactic to target rent-regulated tenants for displacement.

Money and resources spent on housing construction should help mitigate New York City's housing crisis, not worsen it. But when renovation is not linked to tenant safety, it leads to the destruction of affordable apartments and the displacement of long-term, low-income tenants.

Conclusion

As a member of the Stand for Tenant Safety Coalition, MFY Legal Services supports **Intro 3** and **Intros 926, 931A, 936, 938 and 960** as simple ways to protect tenant safety and preserve affordable housing.,

Hello, my name is Sam Chiera, I'm from Brooklyn A's group unit in Williamsburg. I represent primarily low income tenants' associations in Williamsburg, Greenpoint, Bushwick, Bedford Stuyvesant and East New York – neighborhood that have seen drastic changes over recent years.

I'm testifying in support of intro 0926-2015 – to create an inter-agency taskforce to deal with construction related problems and code violations. Brooklyn A is part of the North Brooklyn Task Force, created by Councilmember Reynoso, to address agency interaction with problem buildings and I can tell you it's been extremely valuable to me and to my clients to be able to sit down with the Agencies and discuss enforcement issues.

As you all are aware the value of rental property in Brooklyn has sky-rocketed creating huge economic pressures and incentives for landlords to remove tenants any way they can. These tenants' homes represent the only thing standing between landlords and millions of dollars.

That means landlords resort to a number of different tactics in trying to remove tenants from their homes including using construction that endangers the lives and safety of the tenants living in the buildings.

The fact is this is just a very common sense solution for a city-wide problem. How do the agencies get together do some problem solving that can keep tenants safe and in their homes as a FIRST order of business? Can the agencies meet with elected officials and tenants to create policies that protect tenants without having to go through the entire legislative process? This is one of the biggest criticisms that we hear during this legislative process – that the agencies can address these problems themselves - well this is an invitation to do it with the participation of tenants and the officials who are in the best position to advocate on their behalf.

In recent years agencies have made creative policy changes that reflect the City's interest in keeping tenants in their homes. It used to be the case that when the City found a landlord had removed fire-stopping, or that some similar fire-hazardous condition arose, the agency would order a vacate effectively removing tenants from their homes indefinitely. In 2013 the City made a policy decision that it could post fire marshals at these buildings to protect the tenants rather than out them out on the streets. This has had a profound effect on tenants around the City and has likely saved a number of New Yorkers from going into the shelter system.

There are a number of building specific problems that are best handled by the agencies and councilmembers offices rather than leaving it up to the landlord to take action or the tenants to litigate.

Questions like:

- How do we get the cooking gas turned back on in this building?
 - What permits are needed?
 - What prompted the shut-off?
- Can we come up with a common sense fix for a code violation that keeps tenants from being victimized by a vacate order?
- What can we do to ensure that tenants are being fully protected during times of heavy invasive construction?

I ask that you the City Council fully support this, and all of the other related bills, and vote yes on them as they come up for a vote.

Thank you!

Testimony to New York City Council Housing and Buildings Committee.

In support of int 0960-2015: Creating a Safe Construction Bill of Rights.

My name is Gilbert Sabater and I am a rent-stabilized tenant at 305 East 86 Street (18NW) in New York City. I am here testifying because after being under constant destruction and reconstruction of our building starting in 2014 for "improvements," we still do not see the end in sight. Why are we upset? Because we do not have effective laws or regulations in our great city to protect existing tenants from the noise, health risks and continuing loss of the 'peaceful enjoyment' of our homes when extensive renovation is undertaken in occupied residential buildings. We are frustrated because the new owner has deceived DHCR, the Health Department, the Department of Buildings, The Fire Department, etc.

We had approximately 300 rent stable tenants when they took over the property. They began construction as soon as they took possession of the properties. We took an audit in early 2015 and discovered we had 125 apartments under construction. They say they will destroy and rebuild 200 additional ones. What do we mean by destruction/construction? They gut the apartments, change the plumbing and electric, construct new walls, floors, new bathrooms, new kitchens, break through walls and ceilings of neighboring apartments due to the poor management and execution of this massive project. Turn a one-bedroom apartment into two (calling those without a window a 'den' or a 'study' for which a second bathroom is needed) and the same increase in rooms for two bedroom apartments. The noise has been unbearable to this day. As far as our health is concerned, we still do not know what has transpired since they began demolition. We took tests of dust samples on the hallways and our apartments. We found traces of asbestos. We reported it but by the time the inspector came, they had cleaned everything up. We also found traces of lead but again, the inspectors show up and the management takes them around to where everything is clean. Our hallways are covered either by boards or by plastic and they are always covered by construction dust, which seeps into all of our apartments. If a tenant is unfortunate to have the apartment next to or above theirs being destroyed, the dust entering the apartment is constant and unstoppable. It comes through the walls when the sheet rock is replaced; it comes through the vents and other openings between apartments. In those cases occupancy is impossible during construction hours, normally 8 AM to 5 PM because of the noise, and the children will be harmed by it unless they are removed from such an environment.

We have many senior citizens who are vulnerable to the disadvantages of aging. We are not as agile as when we were in our prime, we fall easily and harm ourselves seriously. We have had several such tragedies; one gentleman 95 years old tripped on the boards they had placed on all corridors and injured his neck. He was in the hospital for one week and in rehab for four and then sent home. That was in 2015 and he still walks around with a walker and a brace on his neck! We have had ten other incidents that I am aware of.

I am positive that if they had posted the Safe Construction Bill of Rights, some of them would have stayed and we would not have had as many bad experiences.

Thank you for giving me the opportunity to share what we have been experiencing for the past 30 months and continue to suffer as we hold this hearing in the City Council.



**Testimony by New York Legal Assistance Group (NYLAG)
before the NYC Council Committee on Housing & Buildings**

April 19, 2017

Chair Williams, Council Members, and staff, good morning and thank you for the opportunity to speak to the Housing & Buildings Committee today. My name is Jonathan Fox, and I am the Interim Director of the Tenants' Rights Unit at the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants (regardless of status), seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

I appreciate the opportunity to testify to the Housing & Buildings Committee on the bills before it today, and I want to commend the Council for its continued support for tenant legal services. The recently announced plan to provide free access to legal services to all tenants in Housing Court will have an enormous impact on the lives of low-income renters, but it is also important to ensure that legislation exists to help tenants avoid Housing Court in the first place. NYLAG strongly supports the Stand for Tenant Safety (STS) legislation that will work to protect tenants and decrease the harassment they often face by unscrupulous landlords.

In particular, I want to speak today about Intro 3, which will give the Department of Housing Preservation and Development (HPD) the right to recover relocation expenses through an escrow

account. NYLAG strongly supports this legislation, which will put the burden of tenant relocation on the owner of the building and discourage landlords from using vacate orders to remove tenants from their homes in order to tear buildings down or bring in new tenants who will pay more rent in highly desirable locations. As one of the largest landlord-tenant legal services providers in New York City, we constantly hear stories of landlords attempting to push people out of their homes in order to increase the rent. This trend is especially apparent in quickly gentrifying neighborhoods, such as Bushwick and Chinatown.

In order to ensure that Intro 3 is immediately enforceable, we respectfully suggest that the language regarding the amount of money in the escrow account is clarified. As written, the bill currently reads that the account will contain the “equivalent of at least ten per cent of the rent roll, of the building from which such tenants were relocated, for five years preceding the vacate order.” It is somewhat unclear in this phrasing whether that means 10% of the combined rent roll for the preceding five years, or whether it is meant to be 10% of the average rent roll over the previous five years. This small clarification will serve to insulate the bill from future legal challenges and ensure that building owners know exactly what they will be asked to do in terms of relocation expenses in the event that they issue a vacate order.

I want to once again thank Chair Williams and the members of the Committee for their holding this hearing, and for their commitment to ensuring that New York City’s tenants remain protected. I welcome the opportunity to discuss any of these matters with the Committee further.

Respectfully submitted,

New York Legal Assistance Group

Statement of CAAAV - Organizing Asian Communities

In support of the 5 Stand For Tenant Safety (STS) Bills that would end construction as harassment. (Bills: Intro. 926, 931, 936, 938, 960)

Hello, my name is Chen Yo and I am an organizer for the Chinatown Tenants Union at CAAAV Organizing Asian Communities. I would like to thank Jumaane Williams and the Committee on Housing and Buildings for holding this hearing in support of the 5 Stand for Tenant Safety Bills. I work mainly with the working-class Chinese immigrant community that makes up the rich cultural fabric of Chinatown. As a native New Yorker, I have personally seen Chinatown rapidly change over the years. Chinatown and the Lower East Side (Community Board 3) has lost over 15,000 affordable housing units between 2011 and 2014. The Department of Buildings has issued 1000% more work permits between the 1990s and the 2000s in Chinatown zip codes. Landlords have many tactics at their disposal to displace tenants. One of the most notorious ways landlords force tenants to leave is by using construction as harassment. Landlords often times hide behind the guise of performing a Major Capital Improvement in order to create inhospitable conditions for tenants to live in. We know the construction is not being done to improve the conditions of the rent-stabilized tenants living there already. We know the construction is being done for those who will come and further gentrify our neighborhoods.

Edmund Lee of Veracity Developments purchased 100 Forsyth from Marolda Properties, who is currently being investigated by the Attorney General for using construction as harassment to force their tenants to leave. The building is still undergoing construction, leaving dust particles in the air and debris everywhere. Exposed electrical wiring and fiberglass insulation poses extremely hazardous health conditions throughout the entire building. Not to mention the unstable floors, staircases, and the rodents that have run amok through the building because of the construction. Similarly, at 22 Spring, half of the tenants were harassed through buy outs and construction. The owner of this property also owns 102 Norfolk, where Cooper Square Committee has organized. Those tenants were exposed to lead levels 3,000 times over the legal limit. At 90 Elizabeth, the landlord ripped out one of the tenants toilets and put it in their living room.

These are just some examples of the countless buildings in Chinatown and the Lower East Side dealing with predatory landlords and their bad practices. However, this is occurring all over our city. Greedy landlords and corporate developers profit, while the poor working class suffer. Landlords **must** be held accountable for their actions. Our tenants **needs** the law to stand by their side.

Members of City Council and the Committee on Housing and Buildings, I implore you all to vote yes on the five bills and to stand for tenant safety. Thank you.

Legislative Memo
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LEGISLATIVE MEMORANDUM
RE: TENANT HARASSMENT LEGISLATION
April 19, 2017

INTRODUCTION

The Real Estate Board of New York (REBny), representing more than 17,000 owners, developers, managers and brokers of real property in New York City, appreciates the opportunity to provide testimony regarding the New York City Council's anti-tenant harassment legislation.

REBny recognizes the importance of protecting tenants from improper owner behavior designed to force vacancies. However, legislation to discourage and penalize such behavior must be narrowly tailored so that only the "bad actors" are isolated and affected.

The 14 bills to be considered by the Committee on Housing and Buildings can be sorted into five categories: Definitions of Harassment, Penalties and Violations, Tenant Protection Plans and Notices, Private Dwellings, and Reporting Requirements. Below REBny outlines our position as follows:

DEFINITIONS OF HARASSMENT

Intro No: 1530

Summary: Creates a rebuttable presumption where an owner commits one of a list of harassing acts or omissions, such act or omission constitutes harassment.

Sponsors: Mark-Viverito, Rosenthal, Dromm, Levine, Menchaca

REBny OPPOSES INTRO 1530. Legal precedence squarely places the burden of proving harassment upon the tenant. The Housing Maintenance Code, as codified by New York City Administrative Code §27-2002(48), is an exhaustive list of owner acts, omissions and patterns of behavior that could be construed as harassment. It is up to the finder of fact to determine whether the tenant has presented enough evidence to show whether that owner engaged in harassment. There is no finding whatsoever provided by the sponsors of this bill or any other source that shows that the predominance of tenant harassment cases result in a favorable finding for the tenant to reverse this long-standing legal precedent.

To create a rebuttable presumption in favor of the tenant will result in many claims of harassment against all owners – "good" and "bad" – because the bar will be set low. All a tenant needs to do is to assert owner acts or omissions that could loosely make out a harassment case under the Housing Maintenance Code, no matter how tenuous the evidence may be. It will be the owner that will need to prove otherwise. New York City Housing Court, already backed-logged and under-resourced, will become mired in tenant harassment cases. A cottage industry of tenant-side lawyers could base entire practices with harassment cases as their staple. Under this bill, the tenant could conceivably initiate such harassment suits as retribution to the owner. In no way should REBny's opposition be construed as minimizing legitimate cases of tenant harassment but this bill would turn the most basic American concept of justice - "innocent until proven guilty" - on its head.

Intro No: 1548

Summary: Expands the definition of harassment to include contacting or visiting a person at unusual hours.

Sponsors: Levine, Rosenthal, Richards, Menchaca

REBNY OPPOSES INTRO 1548. This bill, in addition to Intro Nos. 1549 and 1551, aims to expand the Administrative Code's definition of harassment. However, the bill's definitions are too broad and would do little to expand New York City's current protection of tenants. Under New York State Law¹, owners are already required to protect a tenant's right to peace and quiet. Intro 1548 fails to distinguish between acceptable and unacceptable hours of contact, and most importantly, what constitutes unusual hours. This bill is overly broad and could be readily challenged for vagueness.

Intro No: 1549

Summary: Allow owner's prior conduct to be considered as repeated even if the prior act(s) were directed toward a different tenant.

Sponsors: Menchaca, Rosenthal, Levine, Richards

REBNY OPPOSES INTRO 1549. Additionally, Intro No. 1549 would protect tenants from significant disruption of essential services which is already provided for under current City law. However, this bill would penalize building owners for separate and unrelated instances of essential service disruption, provided there is an established history. In short, this bill would do little to target actual cases of tenant harassment, but would succeed in its broad classification of unrelated instances as harassment.

Intro No: 1551

Summary: Defines placing non-rent fees on bill as harassment where such fees have not been (i) approved by DHCR or; (ii) agreed to in the lease.

Sponsors: Torres, Rosenthal, Levine, Richards, Menchaca

REBNY OPPOSES INTRO 1551. Similar to Intro 1548, this bill contains a broad definition of non-rent fees. While most non-rent fees may already be negotiated within the terms of a lease, there may be other small fees, such as bicycle storage and use of personal washing machines or other large appliances that are not. These non-rent fees are not necessarily indicative of harassment.

PENALTIES & VIOLATIONS

Intro No: 3

Summary: Allows the Department of Housing Preservation and Development (HPD) to bring action against the owner of a building in order to recover relocation expenses following a vacate order. Under such an order, the owner would be required to create an escrow account (naming HPD as escrowee) for an amount equal to at least ten percent of the building's rent roll for the five years preceding the vacate order.

¹ Section 235-b of New York State Real Property Law.

Sponsors: Chin, Koslowitz, Rosenthal, Lancman, Richards, Johnson, Levine, Reynoso, Mendez, Maisel, Van Bramer, Rodriguez, Menchaca

REBNY OPPOSES INTRO 3. This bill would adversely affect smaller owners without the financial resources to create the escrow account.

Intro No: 347-A

Summary: Allows New York City Civil Court to award any or all of the following resulting from an owner's breach of duty to refrain from tenant harassment actions: (i) statutory damages; (ii) compensatory and punitive damages; and (iii) attorneys' fees and costs.

Sponsors: Rosenthal, Williams, Chin, Johnson, Levine, Reynoso, Torres, Rodriguez, Dromm, Kallos, Lander, Rose, Menchaca, Richards

REBNY OPPOSES INTRO 347-A. Coupled with the creation of the rebuttable presumption of owner harassment, recovery of attorney costs and damages beyond the statutory awards might only further encourage the filing of specious claims. If attorneys' fees and costs are to be awarded, the English rule should be applied that provides recovery for either successful party.²

Intro No: 931

Summary: Allows tax liens to be issued against owners with unpaid Environmental Control Board (ECB) violations, which would subject the building to foreclosure if the judgment remains unpaid. Threshold amounts are \$20,000 in outstanding violations for buildings with 20 units or more, and \$15,000 for buildings with six to 19 units.

Sponsors: Kallos, Chin, Johnson, Levin, Levine, Menchaca, Mendez, Reynoso, Rosenthal, Rose, Lander, Lancman, Rodriguez, Richards, Van Bramer

REBNY OPPOSES INTRO 931. This bill would likely expose smaller owners to financial hardship who may be struggling to pay their ECB infractions. While the City might recoup lost revenues from the sale of tax liens, low-middle income housing units may be at risk. Housing advocates and local elected officials point out buildings acquired through tax lien sales are often neglected.³ With the relatively low thresholds outlined in this bill, it is conceivable that a building could fall into tax lien status with a relatively small amount of violations. A better practice might be to create a fund to help struggling owners correct violations.

Intro No: 1556

Summary: Would increase the minimum fine for tenant harassment from \$1,000 to \$2,000, and from \$2,000 to \$4,000 for a second violation within five years.

Sponsors: Williams, Cumbo, Rosenthal, Dromm, Menchaca

REBNY TAKES NO POSITION ON INTRO 1556.

² See, Huskins, Priya Cherian. (24 July 2014) "The English Rule: Loser Pays." *Inside Counsel*. Retrieved April 18, 2017 from <http://www.insidecounsel.com/2014/07/24/the-english-rule-loser-pays>

³ Silver-Greenberg, Jessica and Barker, Kim. (6 October 2016) "New York City Sells Landlords' Debts, but Buildings Fall into Limbo, Critics Say." *New York Times*. Retrieved April 18, 2017 from https://www.nytimes.com/2016/10/07/nyregion/new-york-city-sells-landlords-debts-but-buildings-fall-into-limbo-critics-say.html?_r=0

TENANT PROTECTION PLANS & NOTICES

Intro No: 936

Summary: Amends the information that must be included in tenant protection plans to include information on mold compliance and contact information for site safety managers, coordinators or superintendents. There must also be a notice detailing the location and availability of the tenant protection plan.

Sponsors: Levine, Mendez, Chin, Johnson, Kallos, Levin, Menchaca, Reynoso, Rosenthal, King, Rose, Lander, Lancman, Rodriguez, Miller, Richards, Garodnick, Van Bramer, Cumbo

REBNY TAKES NO POSITION ON INTRO 936. Though this bill addresses important information that would certainly benefit tenants, we question the ability of Department of Buildings (DoB) to enforce this bill in light of the agency's already limited inspection resources. Additionally, this bill calls for the immediate inspection of tenant protection plans. Would work fail to proceed if DoB is unable to send an inspector within the 7 day deadline?

Intro No: 960

Summary: Requires that a detailed notice be posted for occupants of a multiple dwelling when the owner seeks to conduct any construction work requiring a permit from DoB.

Sponsors: Mendez, Chin, Lander, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Cumbo, Gentile, Koo, Palma, Rodriguez, Rose, Richards, Garodnick, Van Bramer

REBNY TAKES NO POSITION ON INTRO 960. Intro 960 fails to account for maintenance work occurring as a result of emergency situations. In such a case, it may be difficult for an owner to give notice when the priority is given to remedying the service interruption itself. Would these instances also be exempt from the filing of the tenant protection plan?

PRIVATE DWELLINGS

Intro No: 1550

Summary: Would make harassment laws applicable to private dwellings. This law would not apply to those lawfully residing in a dwelling, such as a shareholder on a proprietary lease or unit owner of a condominium.

Sponsors: Rosenthal, Levine, Menchaca

REBNY TAKES NO POSITION ON INTRO 1550. The bill seems to address border situations or room rentals in private dwellings. However, most of the tenant-owner agreements are not formalized through a written lease. How will courts interpret these relationships and what kinds of evidence will be allowed to attest the parameters of these agreements?

REPORTING REQUIREMENTS

Intro No: 926

Summary: Creates a task force comprised of DoB, HPD, DHMH, DEP, City Council and the Mayor to evaluate and make recommendations on issues tenants face during construction and renovation in residential buildings.

Sponsors: Garodnick, Chin, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Constantinides, Koo, Rose, Lander, Rodriguez, Richards, Mendez, Van Bramer

REBNY TAKES NO POSITION ON INTRO 926.

Intro No: 1523

Summary: Establishes an office of the tenant advocate within DoB whose primary responsibility would be to approve tenant protection plans and site safety plans. Office would also be required to report its findings to the Mayor and speaker of the Council.

Sponsors: Rosenthal, Levin, Salamanca

REBNY OPPOSES INTRO 1523. The creation of the Office of the Tenant Advocate within DoB might be a worthy endeavor if the Office is devoted not only to protecting the interests of the tenant during construction, but also to assisting tenants with their responsibilities during such times. The bill also outlines responsibilities that are already absorbed by other units with DoB, such as the approval of site safety plans. The Building Code calls for the creation and approval of site safety plans for major projects of 10 stories or more, or projects of over 100k SF. Moreover, site safety plans are technical documents requiring high-level expertise and developed to safeguard the general public and workers on-site, not specifically tenants. An amended bill should remove any reference to site safety plans.

Intro No: 938

Summary: Requires DoB to compile and maintain a watch list of contractors performing work without a required permit in the preceding two years. It would also require the agency to increase its oversight of any flagged contractors.

Sponsors: Reynoso, Chin, Johnson, Kallos, Levin, Levine, Menchaca, Mendez, Rosenthal, Gentile, Koo, Koslowitz, Lander, Rodriguez, Rose, Richards, Van Bramer

REBNY SUPPORTS INTRO 938. REBNY supports the Council's intent to monitor high-risk contractors who have previously violated the Department of Building's permit requirements. Permits help to ensure that work performed in construction sites adheres to the building code and the City's outlined safety requirements. REBNY encourages a robust analysis of such a list to ensure it accurately reflects the City's most recent high-risk contractors and not contractors who have taken the necessary steps to remedy any infractions.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LISA MATHIS

Address: 80 New York Ave

I represent: 80 NY AVE Tenants Assn / CHTU

Address: 80 NY Ave #1 Bklyn, NY 11216

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LAURA CADDETTE

Address: DEPT of Buildings

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 0939-2015 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Raphael Rottenberg

Address: 619 Throop Avenue, Brooklyn NY 11216

I represent: Brooklyn Legal Services Corp. A

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Touaki Komatsu

Address: One Penn Plaza, Ste. 6321, NY, NY

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 940 Res. No. _____

in favor in opposition

Date: April 19, 2017

(PLEASE PRINT)

Name: Seth WANDERSMAN

Address: 210 Rivington St. #7

I represent: Stand for tenant safety

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1551 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: A. Omya Owead

Address: 1005 Jerome Ave

I represent: Tenant of 1005 Jerome

Address: and CASA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/19/2017

(PLEASE PRINT)

Name: NYS Senator Brad Hoylman (Fl. Strauss) ^{rep}

Address: 322 8th Ave #1700 NYC

I represent: Senator Brad Hoylman

Address: _____

Please complete this card and return to the Sergeant-at-Arms
**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 930A Res. No. _____

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Jane Li

Address: 123 William St., 16th Fl. NY NY 10038

I represent: Urban Justice Center

Address: _____

Please complete this card and return to the Sergeant-at-Arms
**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 09603426 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shawn Dahl

Address: 309 E 8th St Apt A

I represent: Stand for Tenant Safety

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 926, 931A Res. No. 960 and 0003
 in favor in opposition
Date: 4/19/17

(PLEASE PRINT)

Name: Shi-Shi Wang
Address: 299 Broadway NY NY 10007
I represent: MFY Legal Services, Inc.
Address: 299 Broadway NY NY 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition
Date: _____

(PLEASE PRINT)

Name: Kenny Mer
Address: 22 Spring St
I represent: _____
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 0960 Res. No. _____
 in favor in opposition
Date: _____

(PLEASE PRINT)

Name: GILBERT SABATER
Address: 305 E 86 ST. (18NW)
I represent: 305-315 E 86 ST
Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Emily Goldstein

Address: _____

I represent: ANHD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Chelsea Blocklin

Address: 434 S. 5th St Brooklyn

I represent: STS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 926-15 Res. No. _____

in favor in opposition

Date: 4/19/2017

(PLEASE PRINT)

Name: SAM CHIERA

Address: 27 ORCHARD ST. #1 NEW YORK NY

I represent: STS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960 Res. No. _____

in favor in opposition

Date: April 19, 2017

(PLEASE PRINT)

Name: NIKKI LEGER

Address: _____

I represent: STS

Address: 30 Sicken St NYC 10040

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 936 ^{STS} Res. No. _____

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Lucas Rénique

Address: 595 11 St Bklyn 11215

I represent: Isabel Lopez (translator)

Address: 374 Wallabout St Bklyn 11206

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 ^{STS} Res. No. _____

in favor in opposition

Date: 4/19/2017

(PLEASE PRINT)

Name: Isabel Lopez

Address: 374 wallabout st # 3R

I represent: Los Sures Lucha ^{Brooklyn}

Address: 434 So 5+11 St Bklyn 11211 ¹¹²⁰⁶

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

936

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Phil Smreck

Address: Brooklyn NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

926

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Virginia Crawford

Address: Brooklyn New York, NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Deputy~~ Commissioner Patrick Wahl

Address: _____

I represent: DOB

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Rep. Comissore~~ Thomas Fasiello

Address: _____

I represent: DOB

Address: _____

Please complete **THE COUNCIL** *Sergeant-at-Arms*
THE CITY OF NEW YORK

Appearance Card

[]

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

in favor in opposition

Date: April 19, 2017

(PLEASE PRINT)

Name: Deborah Kand

Address: 100 Gold Street NY, NY

I represent: _____

Address: _____

Please complete **THE COUNCIL** *Sergeant-at-Arms*
THE CITY OF NEW YORK

Appearance Card

[]

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

in favor in opposition

Date: April 19, 2017

(PLEASE PRINT)

Name: Vito Mustaciolo

Address: 100 Gold Street NY, NY

I represent: HPD

Address: _____



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



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 3,926,931,936,938,960 Res. No. _____
 in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Ma Kam Fung Chan + Eddie Chan

Address: 43 Essex St, Apt. 6

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 3,926,931 Res. No. _____
 in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Xiao Ling Chan + Donna Chiu (Asian American for Equality)

Address: 135 Eldridge St, Apt. 1C

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 3,926,931,936,938,960 Res. No. _____
 in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Donna Chiu + Be Tok Chung + Shiu King Chung

Address: 111 Division Street + 43 Essex St Apt. 4

I represent: Asian Americans for Equality

Address: 111 Division Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: DAO SUN - LSNYC

Address: 1 W. 125th St., 2nd Floor, New York, NY 10027

I represent: Legal Services NYC

Address: 1 W. 125th St., 2nd Floor, New York, NY 10027

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: ROLANDO GUZMAN

Address: 306 UNION AVE

I represent: STS - PANEL

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 3,926,931,936,938,960 Res. No. _____

in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: David Tang + Song Mei Hong + ^{Wei} Zhuang Wu

Address: 90 Elizabeth Street, Apt 3+15+18

I represent: 90 Elizabeth Street Tenant Assoc.

Address: 90 Elizabeth Street
STS Coalition

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/19/17.

(PLEASE PRINT)

Name: EFRAIN FELIPE

Address: 119. Guernsey St #2 A BKLYN NY 11222

I represent: STS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 936 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROBERT CONKLIN

Address: 215 W. 14th St. #12

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 523 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JON FURLONG

Address: 777 10th Ave NY NY 10019

I represent: HOUSING CONSERVATION COORDINATORS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 4-19-17

(PLEASE PRINT)

Name: 107 Rogero

Address: 98 Meserola St.

I represent: Organization UNO.

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. General Res. No. _____
 in favor in opposition

Date: 4/19/2017

(PLEASE PRINT)

Name: Henry Dombrowski

Address: 57 Spring St Apt #1

I represent: My building, adjacent bldg 55

Address: Spring, neighbors and the greater community.

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