

TESTIMONY FROM NYCHA'S SENIOR VICE PRESIDENT OF SUPPORT SERVICES JOEY KOCH
ACCESSIBILITY IN PUBLIC HOUSING
COMMITTEE ON PUBLIC HOUSING WITH THE COMMITTEE ON MENTAL HEALTH, DISABILITIES AND ADDICTION
WEDNESDAY, SEPTEMBER 4, 2019 – 10:00 AM
250 BROADWAY, 16TH FLOOR COMMITTEE ROOM, NEW YORK, NY

Chairs Alicka Ampry-Samuel and Diana Ayala, members of the Committees on Public Housing and Mental Health, Disabilities and Addiction, and other distinguished members of the City Council: good morning. I am Joey Koch, NYCHA's Senior Vice President of Support Services. I am pleased to be joined by Brian Honan, Director of the Office of Intergovernmental Relations, and other members of NYCHA's team. Thank you for this opportunity to discuss our efforts to assist residents with accessibility needs, including our work to improve elevator service.

I've devoted most of my career to public service, and I came to NYCHA last September to help turn this vital organization around. In my role here, I oversee elevator, emergency, heating, and technical services as well as maintenance, repair, and skilled trades staff.

Assisting Residents with Accessibility Needs

At NYCHA, our mission is to provide safe, affordable housing and access to social and community services that strengthen communities. We support residents with accessibility needs by providing reasonable accommodations, physical improvements to buildings, and connections to services.

Reasonable Accommodations

Through NYCHA's reasonable accommodation policy, residents with disabilities can request an accommodation that supports their needs. This could include:

- Transfer to an accessible apartment, an apartment with an extra bedroom to accommodate large medical equipment, an apartment on a lower floor, or an apartment near relatives or a medical facility; or
- An apartment modification to make it more physically accessible and usable, such as installation of roll-in showers; grab bars; ramps; flashing doorbells or smoke/carbon monoxide detectors; and lower cabinets, light sockets, faucets, and other fixtures.

We will also grant temporary permission for caregivers to join a household, based on the circumstances.

Residents can request a reasonable accommodation at their development's management office or through NYCHA's self-service website.

Building Improvements

We are focused on improving our buildings to enhance residents' quality of life. For instance, we updated the architectural design guidelines for the rehabilitation of our buildings, taking into account accessible and age-friendly designs. We incorporate these standards to the maximum extent feasible to better support the safety, health, and comfort of residents, including those with disabilities.

Guided by the new architectural standards, in the past two years, we invested over \$8 million in accessibility and age-friendly improvements, including new ramps, at 40 developments. And we allocated an additional \$2.75 million for accessibility modifications over the next four years.

Our updated architectural standards apply not only to rehabilitation projects but also to the development and preservation work we're doing. The new 100 percent affordable housing we're building for seniors incorporates accessible apartment designs as well as handrails throughout corridors, grab bars, and emergency pull-

cords in bathrooms. And the building improvements we're accomplishing through our PACT Section 8 conversion initiative will incorporate accessible and age-friendly designs to the maximum extent feasible.

Connections to Services

NYCHA's Family Partnerships Department connects residents to critical programs and services to promote stability and enable them to remain independent, well, and aging in place. This is accomplished by engaging vulnerable populations, including people with disabilities, and connecting them to the critical health and social services from community-based organizations and other City agencies that meet their needs.

In addition, at our 40 seniors-only developments and 11 NORCs (naturally occurring retirement communities), seniors and their caregivers are supported with on-site and nearby assistance.

Assistance During an Emergency

Every year, residents self-identify as having a disability during the annual review process, and this information is recorded in NYCHA's resident database. In the event of an emergency such as a natural disaster, this data helps NYCHA staff quickly identify those who may need assistance to evacuate (which would be coordinated with NYCEM and FDNY). This information also ensures that residents with disabilities are provided with information and resources to help them shelter-in-place safely.

Elevators at NYCHA

We know how vital reliable elevator service is for residents, including for people with mobility and other disabilities. Service disruptions can affect residents' lives. Elevator service at NYCHA needs improvement, and this is an issue we take very

seriously. To improve service, we have been implementing various changes and enhancements, collaborating with a federally appointed monitor, and developing elevator action plans in accordance with our recent agreement with HUD.

Before I take you through some of these efforts this morning, I'd like to provide some information and context about elevators at NYCHA. Our more than 3,200 elevators make about 3.2 million trips every day. Even with 400 dedicated and hardworking elevator mechanics, mechanic helpers, supervisors, dispatchers, managers, and clerical staff maintaining these elevators, with an annual budget of about \$74 million, the needs of NYCHA's elevators are significant.

The chronic lack of federal government investment in NYCHA's aging buildings presents challenges to our elevators. For example, a roof leak can cause mechanical and electrical problems for elevators, and they may also need to be taken out of service to complete electrical repair work. Fortunately, Mayor de Blasio's \$1.3 billion investment to replace over 900 roofs at the Authority will help address the former issue.

We measure elevator performance primarily with two metrics: the number of elevator outages and the time it takes to restore service after an outage. An outage is defined as a single elevator that is out of order and unavailable for resident use. This may be due to equipment failure, power outages, water intrusions, preventative maintenance, corrective maintenance, or vandalism. A no-service condition occurs when all of a building's elevators are experiencing outages at the same time. For single-elevator buildings, all outages are considered no-service conditions.

From January through August of this year, there have been approximately 28,400 outages portfolio-wide, about 500 fewer than the same period in 2018. These outages were not necessarily no-service conditions, meaning that residents would still be able to use other elevators in the building.

It took just under 10 hours on average to restore elevator outages this year, down from over 12 hours during the same period of time in 2018.

This August, there were about 1,200 fewer outages than the prior month – and the restoration time was over 5 hours quicker, the fastest restoration time of the year.

Responding to Outages

When outages are reported, either by residents or development staff, our elevator repair teams respond vigorously, around the clock. From 2016 to 2018, the median response time for outages in single-elevator buildings was 3.5 hours; portfolio-wide, the response time for no-service conditions was 4.5 hours.

Outages at seniors-only buildings, as well as those that occur where residents with mobility and other self-reported disabilities live, are treated as a high priority. We use stair climber equipment to transport residents to and from their apartments during no-service conditions. In addition, we will offer voluntary temporary relocation to residents with mobility disabilities in cases of long-term no-service conditions.

As expected, half of our elevator work orders are created during nights and weekends, when residents are more likely to be at home. After hours, our Emergency Services Department monitors and responds to issues in coordination with our elevator response teams. A total of 38 roving elevator response teams work staggered shifts outside regular business hours. In March, we added four after-hours teams, which has been an effective strategy to reduce outages and response times.

Within two hours of becoming aware of unplanned outages or no-service conditions, NYCHA staff will post notices on each landing's elevator door. Robocalls are also made to all affected residents for no-service conditions.

Residents receive robocalls once service has been restored. For long-term outages, we will also put notices under residents' doors, conduct hallway meetings with residents, and meet with the resident association.

Our goal is to perform monthly preventative maintenance on every elevator, which requires it to be taken out of service for two to four hours, as well as annual inspections and tests required by the City's Department of Buildings. For planned outages like these, we post notifications to residents 48 hours prior; for planned no-service conditions, residents also receive robocalls to notify them in advance. Residents again receive robocalls once service has been restored.

NYCHA senior staff receive email notifications every three hours on all no-service conditions, outages, and outstanding elevator work orders that have been open for more than two hours.

Making Improvements to Better Serve Residents

In January, NYCHA signed an agreement with HUD that outlines a schedule of milestones and requirements related to elevator service, among other high-priority areas. We are working with a monitor appointed by the federal government to develop action plans to meet these goals, which will improve service for residents.

We are meeting biweekly with the monitor and his team to develop a comprehensive elevator action plan, which is due by this fall.

As part of the HUD agreement, Mayor de Blasio, who has provided unprecedented resources to NYCHA, is investing \$2.2 billion in capital funding in the Authority, on top of the approximately \$4.3 billion in capital and operating funds he has already committed – investments that will impact elevator service directly or indirectly.

We expect to replace 275 elevators through our capital plan over the next five years. An additional 248 elevators are scheduled for replacement beyond that period: 161 elevators by the year 2028 using City funds committed under the agreement and 87 elevators by 2026 using state and federal funding. To date, we have rehabilitated over 50 elevators through our PACT initiative – which raises capital for much-needed repairs – and expect to rehabilitate another 500-600 elevators over the next five years through PACT.

Even before NYCHA entered into the agreement with HUD, we have been working hard to deliver better elevator service for residents, and we have seen some progress. Here are some examples of those efforts:

- We are in discussions with the NYC Office of Labor Relations and our union partners about implementing expanded 24/7 coverage for elevator repair staff. This would improve outage response times – since current weekend staffing is limited, we are not able to address many weekend outages until Monday.
- To date, we have installed air conditioner units in about 340 elevator motor rooms to reduce outages caused by overheating conditions in the summer months.
- In 2016, we instituted operational safety checks that are conducted before returning an elevator to service. While this adds about an hour to two hours to service restoration, it's a critical part of ensuring safety.
- We are enhancing the analytical and reporting capabilities of Maximo, our asset management database. This includes tracking planned outages and no-service conditions, allowing elevator mechanics to more accurately record the cause of outages (so we can perform analytics), enabling elevator mechanics to confirm and close work orders from their handheld devices, and improving outage notification to residents.

- Plans are underway to repair and replace more than 2,100 hoist motors and generators across the portfolio.
- And NYCHA is currently rolling out Alternative Work Schedules for janitorial staff at all of our developments, providing greater coverage earlier in the day and later in the evening, seven days a week. This means more frequent cleaning of elevator door tracks by caretakers at the start of each shift, which should help to reduce the frequency of outages.

Moving Forward

While we are making improvements to elevator service, more needs to be done to provide residents the service they deserve. With new leadership, our collaboration with the monitor, and the action plans we're developing in accordance with the HUD agreement, we have a roadmap for progress. Although we do not have the funding necessary to replace every aging elevator at NYCHA, we are making the most of the money we do have, and we are working creatively to address the needs through programs like PACT.

And we will continue to do all we can to support residents with accessibility needs, from apartment modifications and building improvements to connections to vital services.

Thank you for your partnership as we continue moving forward. We are happy to answer any questions you may have.

September 4, 2019

**Testimony of Suhali Mendez and Maureen Belluscio
On Behalf of New York Lawyers for the Public Interest
Before the New York City Council's Committee on Public Housing and Committee on
Mental Health, Disabilities, and Addiction**

Oversight Hearing: Accessibility in Public Housing

New York Lawyers for the Public Interest (“NYLPI”) is a civil rights organization with a robust disability rights practice, and housing advocacy for people with disabilities is an important part of our work. NYLPI represents tenants in matters involving the need for reasonable accommodations, such as apartment and common area retrofitting, transfers to accessible apartments, and protection for use of service animals, as well as other housing discrimination issues. We appreciate the opportunity to provide testimony regarding accessible public housing in New York City.

In order to meet the needs of New Yorkers with disabilities, the New York City Housing Authority (“NYCHA”) must take immediate action to: (1) increase the number of accessible apartments within NYCHA’s portfolio; (2) make reasonable accommodations and modifications for existing NYCHA tenants; and (3) vastly decrease the amount of time that tenants with disabilities must wait to obtain accessible housing.

NYCHA is Largely Inaccessible for People with Disabilities

NYCHA is plainly not meeting its responsibility to provide accessible housing for New Yorkers who have disabilities. Based on information we have received from NYCHA tenants, waitlists for accessible apartments can be years long, and NYCHA refuses all too frequently to make reasonable modifications to existing apartments, entrances, and common areas which would create additional, much-needed accessible units.

Over the years, NYLPI has received calls from people with disabilities who live in NYCHA housing and have waited many months – sometimes years – for reasonable accommodations or to be transferred to an accessible apartment. We hear frequently from NYCHA tenants who report that their elevators are in woeful disrepair, and continuously break down, leaving them trapped. Accessible features, such as elevators, must be maintained in working order so that they may be readily used by tenants with disabilities.

While both federal guidance and a 2000 settlement resulting from the *Rivera v. NYCHA* litigation mandate that five percent of NYCHA housing units must be accessible, this figure is arbitrary

and untethered to the demands of the public housing population. As documented in New York City's 2018 AccessibleNYC report, approximately 11.2% of New Yorkers – or over one million people – disclosed living with a disability.¹ Furthermore, as noted in the Mayor's 2014 Affordable Housing Plan, nearly 20% of NYCHA residents are seniors, the vast majority of whom already have or will develop disabilities that require reasonable accommodations of some kind.² This number of seniors will only go up as “the number of New Yorkers who are age 65 and older will increase by 40 percent to more than 1.4 million” by the year 2040.³ According to the Mayor's NYCHA 2.0 report, nearly 39% of NYCHA households are headed by a senior.⁴

While the Mayor's 2017 Updated Housing Plan, Housing 2.0, promised to build more senior housing on existing NYCHA land,⁵ this is wholly insufficient to address the crisis for people with disabilities who live in NYCHA or need NYCHA housing.

NYCHA must increase its accessible housing stock in order to meet the needs of NYCHA tenants who have disabilities.

Robust Enforcement of Accessibility Laws

Adding to the accessible housing stock is not enough to meet the needs of NYCHA residents. New York City must hold NYCHA to the standards set by the New York City Human Rights Law (“NYCHRL”), which prohibits disability discrimination in the sale or rental of housing, and requires the provision of reasonable accommodations to enable people with disabilities to fully enjoy their housing.⁶ Notably, the protections under the NYCHRL have been interpreted more broadly than its state and federal counterparts. The NYCHRL requires, and the needs of NYCHA tenants with disabilities warrant, an expansion of the services NYCHA provides, far beyond the five percent required by outdated federal guidance and the *Rivera* settlement, which is nearly 20 years old.

As we have seen in the non-NYCHA housing context, consistent and aggressive enforcement of anti-discrimination laws allows more people with disabilities to remain in their existing homes. Our office has assisted countless people with disabilities who lived in untenable situations merely because their landlords or managing agents refuse to provide them with legally-required reasonable accommodations. We have spoken to numerous people with mobility impairments, including seniors, who could not safely enter and exit their buildings because their landlord refused to provide a ramp or an elevator key to allow access through an accessible alternative entrance. Other clients with disabilities have been at risk of eviction because their landlord claimed they were “harboring a pet,” when in reality they had a legally-protected service animal that provided them with critical emotional support or physical assistance.

¹ <https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc-2018.pdf>

² https://www1.nyc.gov/assets/hpd/downloads/pdf/housing_plan.pdf

³ Id.

⁴ <https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-2.0-Part1.pdf>

⁵ <https://www1.nyc.gov/assets/hpd/downloads/pdf/about/hny-2.pdf>

⁶ NYC Admin. Code § 8-107(5)(a).

In order to meet the needs of its tenants, NYCHA and New York City must both take immediate action to address the needs of tenants with disabilities. We implore the Mayor's Office and the City Council to take steps to match the supply of accessible NYCHA housing to the needs of the public housing population.

About New York Lawyers for the Public Interest

For more than 40 years, NYLPI has been a leader in advocating for marginalized New Yorkers, working to accomplish equality of opportunity for all. We utilize a community lawyering model to bridge gaps between traditional civil legal services and civil rights advocacy, and to fortify capacity for both individual solutions and long-term impact.

Our work encompasses comprehensive organizing, policy campaigns, impact litigation, and individual legal services, and we are guided by the priorities of our communities as we advocate for the rights of people with disabilities, equal access to health care, immigrant opportunity, invigorated local non-profits, and environmental justice for low-income communities of color.

NYLPI's Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing, and our landmark housing victories include access to NYCHA housing for persons with disabilities, as well as ensuring that countless private landlords accommodate their tenants with disabilities.

Ongoing Support from NYLPI

We thank the City Council for convening this important hearing to promote affordable, accessible public housing in New York City. We appreciate the opportunity to provide this written testimony on behalf of our clients with disabilities who seek and deserve equal access to NYCHA's services. Please feel free to contact us at (212) 244-4664 or smendez@nylpi.org.

**New York City Council Committees on
Mental Health, Disabilities, and Addiction and Public Housing
Oversight Hearing on Accessibility in Public Housing**

September 4, 2019

We would like to thank the New York City Council's Committee on Mental Health, Disabilities, and Addiction and Committee on Public Housing for holding this important oversight hearing on accessibility in the public housing system.

We testify today to highlight the need for the New York City Housing Authority (NYCHA) to better address the accessibility needs of young people with disabilities and their families living in public housing. We believe there is a direct relationship with the physical living conditions in the 2300+ NYCHA-operated buildings in New York City with the extent to which young people with disabilities living there attend school, are employed, and able to participate equitably in their communities. These factors directly impact positive educational outcomes and a person's ability to make a living wage both of which can permanently break the cycle of poverty.

INCLUDEnyc (formerly Resources for Children with Special Needs) has worked with hundreds of thousands of individuals since our founding 36 years ago, helping them navigate the complex special education service and support systems, so that young people with disabilities can be included in all aspects of New York City life.

Over the years, we have helped many young people with disabilities living in public housing who receive special education supports and services, some of whom also use wheelchairs and/or have involved medical conditions, navigate getting to and from school when their building elevators don't work, sometimes for months or years at a time. Recently, one of our families, who is living in the Edenwald Houses in the Bronx, obtained a 1:1 transportation paraprofessional for their 13-year-old daughter who has been chronically absent from school for years because she uses a wheelchair and lives in a building where the elevator often does not work.

Students' education should not be dependent on their parents' ability to carry them and their wheelchair up and down five flights of stairs twice a day. Nor should a person's ability to hold a job or the basic human right to leave one's apartment depend on a functioning elevator.

In addition, we have assisted many low and moderate income families in understanding how public housing works for people with disabilities, including the complex application and waiting list processes, and the availability and likelihood of obtaining one of the 7,368 (out of 173,762) NYCHA retrofitted apartments for families with persons who are mobility impaired.

Thank you for taking the time to consider these important matters. We look forward to working with you to improve equity and access for all young people with disabilities living in New York City public housing.

Sincerely,

A handwritten signature in black ink that reads "Barbara A. Glassman" followed by a long horizontal flourish.

Barbara A. Glassman
Executive Director

**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: 9/4/2019

(PLEASE PRINT)

Name: Brian Honan

Address: _____

I represent: NYCHA

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: 9/4/2019

(PLEASE PRINT)

Name: Joey Koch

Address: _____

I represent: NYCHA

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: 9/3/19

(PLEASE PRINT)

Name: Monica Martinez

Address: 250 Broadway

I represent: NYCHA

Address: 250 Broadway

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: 09/04/19

(PLEASE PRINT)

Name: Suhali Méndez

Address: 151 W. 30th St. 11th NY, NY 10001

I represent: New York Lawyers for the Public Interest

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aixa Torres

Address: _____

I represent: Smith House

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ukoh Busgith

Address: _____

I represent: NYCHA

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Oliver Osterwind

Address: _____

I represent: NYCHA

Address: _____

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