**NEW YORK CITY DEPARTMENT OF BUILDINGS**
**HEARING BEFORE THE NEW YORK CITY COUNCIL**
**COMMITTEE ON HOUSING AND BUILDINGS**
**APRIL 11, 2019**

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Good morning, Chair Cornegy and members of the Housing and Buildings Committee. I am Patrick A. Wehle, Assistant Commissioner of External Affairs at the New York City Department of Buildings ("the Department"). I am joined by Charanjeet Singh, Executive Engineer of the Department's Elevator Division. We are pleased to be here to offer testimony on several bills before the Committee today related to elevators and a proposed extension for complying with safety training under Local Law 196.

There are nearly 76,000 elevator devices under the jurisdiction of the Department, which represent over 8% of all elevators nationwide. Each day, millions of New Yorkers ride in our City's elevators, which make approximately thirty-eight million runs, or about five hundred trips per elevator, per day. The Department now publishes on its website an interactive map on all the City's elevators, including their location, history and current status.

The Department's highest obligation is to protect the safety of the public by enforcing laws and regulations that govern the City's 1.1 million buildings, and this important work certainly includes the installation and operation of elevators. In 2018, there were 45 elevator accidents, 42 of which were minor in nature. This represents a reduction of approximately 60% since 2007,

when there were 105 accidents. Elevators are statistically the safest means of travel in New York City. They are safer than elevators nationally and are safer now than they have been for as long as accurate records have been kept.

The safety of the City's elevators can be credited in part to the rigorous laws and regulations that govern them. The New York City Building Code ("Building Code") requires that every elevator be tested at least once and inspected at least twice annually by Department-licensed individuals, with an additional in-depth inspection required every five years. The results of such inspections must be submitted to the Department in a timely manner. If defects are detected during the inspections, building owners are required to submit proof that an action has been carried out to correct the defect. Additionally, the Building Code requires owners to have a current maintenance contract with a Private Elevator Inspection Agency available to perform elevator work.

The Department's Elevator Unit is responsible for enforcing the applicable laws and regulations that govern the operational safety, reliability and lawful use of elevators. The Elevator Unit does this by reviewing plans for elevators, performing and witnessing inspections and tests, responding to complaints, and conducting investigations following elevator accidents. The Elevator Unit primarily issues violations for failure to submit inspection and test reports in a timely manner and for failure to properly maintain elevators, which can be issued where defects are discovered following a complaint-based inspection by the Department.

The Department licenses Private Elevator Inspection Agency Directors and Inspectors. Building owners must hire licensed Directors and their staff of licensed Inspectors who are responsible for performing elevator work, including elevator installations, replacements, maintenance, repairs,

inspections and tests. Directors must be a registered design professional with a minimum of five years of relevant experience *or* must have a minimum of ten years of relevant experience. Inspectors must have a minimum of seven years of relevant experience. While the Department licenses Directors and Inspectors, there are no formal qualification requirements for the mechanics working under such Directors and Inspectors, who perform elevator work. As such, the Department is supportive of efforts to require enhanced training and education for individuals performing elevator work and has been working with the State Legislature to accomplish this goal. A bill was introduced in the State Legislature last session, and again this session, that would require additional training for Directors and Inspectors and create a new Elevator Agency Technician License. Technicians, who are otherwise referred to as mechanics, would be responsible for performing elevator work and would be required to have OSHA 10 training *and* complete a Department-sponsored exam and have five years of relevant experience *or* complete a four-year apprenticeship program.

**Proposed Introductory Number 788-A** would create an Elevator Maintenance Company Director License. Directors would be responsible for overseeing elevator work, which could be performed by such Director, by an Elevator Maintenance Company Mechanic, an Elevator Maintenance Company Helper, or an apprentice enrolled in an apprenticeship program. Directors would be required to be a registered design professional with five years of relevant experience *or* have ten years of relevant experience. Mechanics would be required to have five years of relevant experience with thirty-six hours of additional training *or* must have completed a three-year apprenticeship program.

As previously mentioned, the Department is supportive of efforts to require enhanced training and education for individuals who perform elevator work, referred to as technicians or mechanics. Proposed Intro. 788-A does not require that such individuals be licensed. The bill would only require that Elevator Maintenance Company Directors be licensed, but not the Elevator Maintenance Company Mechanics working under them. This framework would create a buffer between such Mechanics and the Department, which would prevent the Department from disciplining such Mechanics, thereby creating a safety concern for the Department. The Department looks forward to discussing the shared goal of improving elevator safety, by strengthening the qualifications of individuals who perform elevator work and by bringing such individuals into the Department's regulatory framework, further with this Committee and with the bill's sponsor.

**Introductory Number 341** would require that certain existing buildings provide a standby power system for their elevators. Further, it would require that certain existing buildings provide an emergency power system for exit signs and means of egress illumination and emergency voice communication systems. Emergency Power Backup Systems can improve safety in the event of an emergency, including a power outage. While requirements to provide Emergency Power Backup Systems, including standby power and emergency power, already apply to new buildings, including high-rise buildings, it can be quite challenging for existing buildings to comply with these requirements, particularly when weighed against the relative infrequency of power outages. For example, installing a standby generator in an existing building would require a significant amount of space, including space for fuel oil storage, could present constraints associated with installing necessary venting and piping and could trigger certain fire protection

requirements. The Department is exploring this proposal further to fully understand the challenges it may present for existing buildings.

**Introductory Number 414** would require that signs be posted within elevators in new and existing buildings instructing passengers on what to do in the event of an elevator malfunction. The Department supports this bill as it will build upon our existing outreach concerning how to ride in an elevator safely, provided existing buildings are given sufficient time to comply.

**Introductory Number 565** would require the owners of certain residential buildings to provide reasonable accommodations during outages longer than a day when requested by an affected resident with a disability. While the Department supports this proposal, which could be enforced along with other similar elevator-related notifications, it should not be responsible for determining what a reasonable accommodation for a resident with a disability should be, given that it does not have the relevant expertise in this area. The Department also suggests including an additional exception where there is another passenger elevator servicing the building or section of the building affected by the outage.

**Introductory Numbers 786 and 787** are both related to elevator brake monitors and monitoring systems. Intro. 786 would require the Department to analyze whether brake monitors and monitoring systems enhance elevator safety and, if so, the feasibility of requiring the installation of such monitors and systems on all elevators in residential buildings. The Department is supportive of this proposal and would like to explore this further through the New York City Construction Codes revision process, which is currently underway. The Department is also supportive of Intro. 787, which would require owners to maintain brake monitors and monitoring systems on an annual basis, where such monitors or systems are installed.

**Introductory Number 1508** would require owners of existing buildings to partially close elevator hoistway vents in their buildings to mitigate air leakage, and owners of new buildings to install automated hoistway vents so that elevator hoistway vents in such buildings remain closed to prevent air leakage. The Department is supportive of requiring that elevator hoistway vents be closed in new buildings. The Department is exploring this issue further as part of the New York City Construction Codes revision process and looks forward to discussing this issue further with this Committee and with the bill's sponsor.

The **Preconsidered Introduction** before the Committee amends Local Law 196 of 2017, which requires construction site safety training for workers on many of the City's building construction projects.

Construction work is inherently dangerous and our goal as a Department is to limit accidents to the greatest extent possible. Local Law 196 was crafted with the laudable intent of requiring construction workers to receive comprehensive safety training so that they can perform their work as safely as possible and at the end of their shift make it home to their families safely. Furthermore, the law included ambitious timetables for the safety training to be received, so that workers can get the comprehensive and effective training they need as quickly as possible.

Local Law 196 requires workers on building construction projects that require Department-licensed safety professionals to ultimately have forty hours of site safety training. In addition, supervisors on those sites will be required to have sixty-two hours of safety training. In recognition of the significant number of hours proposed, Local Law 196 provided that the

training be implemented not only in phases, but with the opportunity for the Department to push back certain deadlines if it determined that an insufficient number of workers have received training.

Local Law 196 required workers to have ten hours of safety training by March 1, 2018. From there, the law required that by December 1, 2018 workers were to have thirty hours of safety training and supervisors were to have sixty-two hours of safety training. As previously mentioned, the law allowed the Department to push back the December deadline to June 1st of this year if the Department determined that an insufficient number of workers and supervisors have received the training. Following consultation with the Site Safety Training Task Force, the Department pushed back the deadline to June 1st of this year. Finally, the remaining ten hours of training for workers is required by September 1, 2020. Specifically, this Preconsidered Introduction pushes back the June 1, 2019 deadline an additional six months, to December 1, 2019. The bill leaves the September 1, 2020 deadline intact.

Recognizing the critical importance of this issue, the Department has devoted a considerable amount of time and effort to the law's implementation. Specifically, the Department has:

- Hosted and participated in dozens of information sessions for well over 1,000 industry professionals;
- Worked with the Site Safety Training Task Force to establish course topics and guidelines, along with determining the total hours of training required for workers and supervisors;

- Hosted quarterly meetings with the Site Safety Training Task Force to discuss implementation of the law;
- Issued several Service Notices to industry members reminding them of the law's requirements and keeping them apprised of our implementation efforts; and
- Distributed many thousands of materials, including palm cards, in multiple languages providing information to workers and employers on the law's requirements.

While the Department has concerns with pushing the deadline back, we, like you, have heard from a diverse array of industry representatives expressing the challenges they face in complying with the ambitious June deadline provided in the law. In addition, many of our fellow members on the Site Safety Training Task Force, which was established by Local Law 196, have expressed the same concerns. As such, the Department has no objection to the Council's bill extending the interim training compliance deadline for a period of six months. That said, such an extension should not be used as an excuse to delay this important, potentially life-saving, training. The sooner our construction workers get trained, the better, both for workers and the public.

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

FOR THE RECORD


# Council of New York Cooperatives & Condominiums
INFORMATION, EDUCATION AND ADVOCACY

250 West 57 Street • Suite 730 • New York, NY 10107-0700


**TESTIMONY FOR THE COMMITTEE ON HOUSING & BUILDINGS**
**Thursday, April 11, 2019**

**REGARDING ELEVATORS**

The Council of New York Cooperatives & Condominiums is a membership organization comprised of housing cooperatives and condominiums located throughout the five boroughs and beyond. More than 170,000 New York families make their homes in our member buildings, which span the full economic spectrum from very modest housing to upscale dwellings. CNYC members try to maintain their homes in optimal condition and to comply with all applicable laws. We wish to comment today on the bills on the Committee's agenda and also to respectfully request that legislation be introduced to **extend the deadline for the installation of door locks** on elevators throughout the city, as current supply of equipment and of qualified labor make it impossible for these devices to be installed on all elevators before the end of this year. Our recent communication with committee staff and our joint letter with REBNY and BOMA explain the need for more time.

As to the bills before the committee today, we note that the Department of Buildings is in the process of revising the building code, particularly as it relates to existing buildings. This massive task includes consideration of, and often modification to, existing training and licensing requirements. In the light of that detailed ongoing process, we would suggest that the matters addressed by **Int. 341, Int. 788-A and Int 1508** be brought to the attention of DoB to be considered in the ongoing revision process. All three would be extremely costly to implement, particularly in older building and those where Landmarks must opine on building modifications.

We are supportive of the intention of **Int. 414** and would encourage allowance for diversity in these important safety signs – some elevators already have electronic messaging facilities; this should be permitted as an alternative to a pysical sign with safety instructions.

We recognize the good intentions of **Int. 565** in requiring accommodations for people with disabilities when an elevator is down for more than 24 hours. However, the definition of disability should be limited to a physical disability which prevents the resident from using the stairs, and an appropriate mechanism must be found to enable the resident to make the building owner or manager aware of such a disability (the owner could incur serious liability by assuming that a resident has a disability), A reasonable time frame must also be allocated for this procedure. With planned projects it should be possible to provide advance notice and gather this information. In an unexpected outage, this is likely to be impossible.

**Int. 786** calls for a report on the effectiveness of brake monitors and elevator monitoring systems. An excellent idea, but logically **Int. 787** wait to see the conclusions of that report.

Thank you for this opportunity to share our thoughts.


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**Testimony to the Committee on Housing and Buildings, April 11, 2019**

The New York Committee for Occupational Safety and Health (NYCOSH) supports the extension of the deadline for Local Law 196 due to issues in the law's implementation. NYCOSH is an independent non-profit health and safety organization with offices in New York City and Hauppauge, Long Island. Approximately 175 local unions and other labor and community-based organizations in the metropolitan area are members of NYCOSH, as well as several hundred individual workplace safety and health activists, healthcare and legal professionals, and concerned New Yorkers. NYCOSH has been providing technical assistance and comprehensive training in environmental and occupational safety and health to unions, employers, government agencies, and community organizations for nearly four decades.

NYCOSH is an expert on construction safety and health, trains 7,000 construction workers annually and coordinates the Manhattan Justice for Workers Collaborative, which increases reporting of wage and hour violations and health and safety violations among day laborers in New York City. NYCOSH authors an annual report on construction fatalities, "Deadly Skyline," which has been cited by numerous publications, including The New York Times.

Local Law 196 was created to protect the lives of construction workers in New York City and is a significant step forward for New York City. NYCOSH was and continues to be an avid supporter of construction safety training and Local Law 196, as training has proven time and time again to save workers lives. However, if this law is not properly implemented, it threatens to do more harm than good for vulnerable workers, particularly undocumented immigrants.

There have been significant delays from the New York City Department of Buildings on the Law's implementation, which has prevented providers from getting their curricula approved and providing training; deadlines have been extended with little to no outreach to workers; and mass confusion permeates the masses. Whether union or non-union, workers do not know what training they need by what date; New York City's construction workers are confused and frustrated that they do not know what training will be required for them to work, and this confusion is exacerbated when workers are already vulnerable; such as undocumented workers.

Further, low-road employers are taking advantage of this confusion to exploit immigrant workers. NYCOSH's Manhattan Justice for Workers Collaborative has had cases of:

- Employers threatening to fire workers for not having 30 hours of training;
- Employers selling illegal fake and real (but unearned) cards directly to workers without providing trainings; and
- Workers being targeted by fake trainers and being provided with fake cards.

Workers are desperate to work and have little options other than to be placed on a two-month waiting list at their local worker center or pay an exorbitant amount of money to receive training; which is often not possible for low-wage workers. Workers who have trouble accessing

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trainings are often immigrants, two of whom have died in construction in this past week alone. This is an outrage.

How is the New York City Council going to act to protect these workers who are being retaliated against? How is the New York City Council going to go after these bad employers who are giving out fake cards? These are the questions that need to be answered, and fast, because workers are paying the price for this fumbled roll-out.

Finally, the root of this issue is the health and safety of workers in our City. The New York City Council needs to make sure trainings are accessible or the black market will only grow and workers will continue to die because of lack of training. We support Local Law 196 and have always supported trainings for workers because we know that trainings save lives. However, the implementation of this Law has been truly disappointing. We need to do better.

The next implementation phase, June 1, 2019, is rapidly approaching and New York City's workers are not ready. We need to extend this date, we would recommend at least by one year, in order to meet the need for workers. Further, we need to extend the deadline for the implementation of the full forty hours of training by a similar amount of time.

Thank you all for your time and consideration of our comments, and for working to create safer and healthier jobs in New York City.

**NYCOSH Testimony written by Charlene Obernauer, NYCOSH Executive Director and Charlie Uruchima, NYCOSH Program Coordinator of the Manhattan Justice for Workers Collaborative**

**ELEVATOR INDUSTRIES ASSOCIATION**

New York City Council Committee on Housing and Buildings
Committee Hearing
Int. 341, Int. 414, Int. 565, Int. 786, Int. 787, Int. 788-A, Int. 1508 &
Preconsidered Int. regarding site safety
*Thursday April 11, 2019*

Thank you Chair Cornegy and the members of the Committee for the opportunity to testify this morning. My name is Michael DiMattia - I am the counsel for the Elevator Industries Association ("EIA") and with me today is Robert Martin, President of the EIA.

The EIA represents contractors that maintain, repair and modernize elevators and escalators in residential and commercial buildings throughout New York City. All of the EIA contractors are parties to a collective bargaining agreement with the Elevator Division of Local 3 IBEW.

We are here today in support of Int. 788-A. This bill will (1) update the requirements for elevator company and director licenses in New York City; and (2) establish new safety training requirements for all new and existing elevator employees. These new requirements will mandate initial and continued safety training which will keep all workers up-to-date on the best industry safety practices and the latest technology. We thank Council Member Ritchie Torres for sponsoring this important legislation.

Responsible employers, such as our members, already provide some safety training. For example, EIA contractors under the terms of the Local 3 collective bargaining agreement already provide annual OSHA training to their employees. Unfortunately, there are many companies that are not as proactive about safety as EIA contractors. Many of these companies provide just a bare minimum of safety training, or worse yet - none at all. This bill will use the Industries' best practices to establish required safety training standards for New York City's elevator industry.

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

This bill for the first time requires that all employees will be provided with 36 hours of initial training. This mandate will include:

- Training on safe work practices concerning the use of jumpers, fall protection, electrical safety, lock-out and tag-out procedures and product specific safety applications;
- Training on New York City specific codes, rules, commissioner's orders/bulletins; and
- Training regarding new technology in the elevator industry

In addition, every three years, in order to remain qualified, each employee must complete at least seven hours of continuing education.

The EIA believes the provisions of this bill can be quickly implemented by the Department of Buildings with little or no additional cost. Likewise, these requirements will not be burdensome for responsible employers. For example, all EIA contractors already keep track of existing employee safety training requirements under their contract with Local 3 and regularly report various degrees of information to the DOB already.

In addition, there have been some questions about the use of the term "supervision" in connection with elevator work regulated by this bill. In our view, the term "supervision" should have the same working meaning as that term has been used in other New York City construction laws. In other words, the licensed companies are responsible for their employees who work under the Company's general direction.

We believe that an interpretation of the term supervision that would require a supervisor to be on the premises to direct the work on every elevator that is being maintained, repaired or modernized is to put it mildly, unworkable.

The ongoing training mandate will keep both those who work, and those who ride elevators, safe and secure. We appreciate the City Council's willingness to hold a hearing on this bill and look forward to continuing to work with the sponsor Council Member Torres, Chair Cornegy and the other members of the Council to see that this bill is passed.

In regards to the other bills on today's agenda, we support Int. 786 that would require DOB to report on the efficacy of elevator break monitors and remote elevator monitoring systems.

In regards to Int. 787, we fully support the goal of ensuring that brake monitors and elevator monitoring systems are maintained annually. However, the Council should be aware that many of these systems operate on proprietary software owned by the initial manufacturer of the elevator. If a building owner decides to change elevator maintenance companies, the successor elevator company will not be able access critical maintenance information to comply with this bill.

Therefore, we encourage the Council to modify the bill to enable the successor elevator company to access this critical information from the predecessor's software system.

Thank you again for giving us the opportunity to testify today, we are happy to answer any questions you may have.

City Council Hearing to Amend Local Law 196

April 11, 2019

Testimony of Sean Brennan, Director – Mason Tenders' Training Fund

Good morning Mr. Chairman and members of the committee. Thank you for the opportunity to present testimony regarding this very important law.

My name is Sean Brennan. I am the Training Director for the Mason Tenders' District Council Training Fund. Additionally, I chair the Health and Safety Committee of the NYC Building and Construction Trades Council, and serve as an appointed member of the Site Safety Training (SST) Task Force convened in accordance with Local Law 196. In those capacities, I believe I possess a unique perspective from which to assess the successes and failures of the implementation of this law.

May I begin by stating that I wholeheartedly endorse the proposed amendment to Local Law 196 of 2017. Despite my endorsement however, there is more to be done to ensure that this amendment will achieve the desired outcome than merely moving the upcoming compliance date.

As a Training Director I am keenly aware of the capacity issues the training community, both Union and commercial, face in our efforts to make certain that the NYC construction industry is in compliance with this important law. I must say, however, that I'm a bit surprised and disappointed that the Council, and perhaps this Committee directly, has been led to believe that, currently, the capacity exists to get the required training done by June 1, 2019. I can assure you, that it is <u>not</u> the case. Neither I, nor any member of the training community that I'm aware of believes that there is even a remote possibility of getting all the training required by June 1, 2019 accomplished by that date. It cannot be achieved for the workers, and absolutely cannot for the supervisors.

In fact, the SST Task Force agrees. At our most recent meeting held on March 18, 2019, those present agreed without dissention that the training could not be completed by the June 1 deadline.

Even with the next compliance date moved to December 1 of this year however, the Committee should be cautioned regarding potential obstacles to reaching its desired goal even by that date. There are two issues that could seriously inhibit accomplishment of this training.

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take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

Applying the logic in Local Law 81, and now 3301.13.12, with regard to the Competent Person to the requirement of Local Law 196, the Competent Person would then be an individual on a jobsite with the authority of the Construction Superintendent in his/her absence. This, then, would make the Competent Person consistent with the jobsite safety leadership position associated with the other four titles. As a result, the number of workers who would need this training would be manageable for the providers.

In closing, nothing recommended here would or should prevent any worker from seeking additional training in an effort to ensure their safety or advance their careers. The training community would, in fact, encourage it. We all want the unacceptable spate of 48 construction deaths that the city has experienced over the past four years to cease, and training is the answer. Allowing training providers to meet the demand is essential to meet that end. This amendment is a crucial next step in accomplishing that.

Thank you,
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# TESTIMONY

# of

# National Day Laborer Organizing Network (NDLON)

**Presented to:**

**Committee on Housing and Buildings**

**Honorable Robert Cornegy, Chair**

**Thursday, April 11, 2019**

**Prepared by:**

**Nadia Marin-Molina, NDLON Co-Executive Director**
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Ligia Guallpa, Workers Justice Project
Gonzalo Mercado, La Colmena
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Thank you for the opportunity to give testimony on behalf of the National Day Laborer Organizing Network (NDLON). NDLON's mission is to improve the lives of day laborers, migrants and low-wage workers. We build leadership and power among those facing injustice so they can challenge inequality and expand labor, civil and political rights for all.

## SUMMARY

The Site Safety Training law, LL196, enacted in October 2017, was created to protect the lives of construction workers in New York City, especially day laborers and low wage, non-union construction workers, who are the most likely to be killed or injured in the industry.

Unfortunately, we believe the implementation of the law has been deeply problematic:

- Changing deadlines on implementation dates with little to no notice to workers;
- Lack of access to required training, and;
- Employers who illegally place the onus on the worker to find training, instead of providing it themselves, per the law.

The next implementation phase, June 1, 2019, is rapidly approaching: when *all* construction workers will be required to have completed a 30-hour OSHA training. Many of our organizations have been hosting 2-3 courses each month for the past year, and just last Monday, one worker center received over *300* people to register for only 60 seats in their April courses.

But the Department of Buildings (DOB) continues to fumble the implementation, and is:

- Failing to develop effective outreach strategies to workers and employers in advance of the deadline, or a campaign sufficient to bring awareness to hard-to-reach groups; and
- Failing to address rampant OSHA fraud and illegal employer behavior, which has increased substantially given these new requirements.

The DOB just doesn't seem to understand the gravity of the situation for day laborers and immigrant construction workers, who are bearing the weight of finding their own training. We expect about **30,000 immigrant workers** will be harmed by these insufficient implementation strategies.

*Ultimately, day laborers and immigrant workers, who provide much of the construction labor for this city and suffer disproportionately from health and safety issues, are being squeezed in this process. The very people this law seeks to protect must be able to benefit from this landmark policy change.*

For these reasons, we request that the below proposals be considered as immediate remedies to the critical problems we address.

**Problem: Day laborers and other construction workers are being fired by employers in advance of the training deadline**

- Although it is clear to all stakeholders that the worker training will not be completed by June 1, DOB is maintaining the fiction that the training will be completed and planning to begin enforcement of the 30-hour requirement on June 1st.
- Many employers, particularly those who hire day laborers and immigrant construction workers, have placed the burden of the training requirement on the workers, threatening that they must find some way to get 30 hours of training or they will be fired.
- Some employers are illegally buying cards (but no training) for their workers, so that the worker will have a card to present when an inspector comes.
- Because workers fear that city inspectors can arrive at any moment and find out that they do not have a card, there is an increasing climate of fear, rather than a climate of safety on the job.
- For fear of losing their jobs and other kinds of retaliation, day laborers and immigrant construction workers will not come forward to turn in bad employers, much less those selling them fake OSHA cards.

**Problem: Day Laborer Site Safety Training program has not yet even begun**

- A $5 million pool was created by the city council in order to provide training specifically to day laborers.
- Small Business Services (SBS) selected five organizations as training providers; but no contracts have been finalized, however, and no funds have been provided to organizations.
- Although they had trainers and were ready to do so, organizations have not, as of April 10, 2019, been approved to provide OSHA 30 training under this contract.
- The currently projected start date for the training program is June 1, the same day as the deadline for 30 hours of training.
- SBS has contracted a company to create online, instead of live, training modules, which can be entirely ineffective for an immigrant, low-literacy, worker population.
- While SBS has committed to provide drafts of the online modules and organizations have committed to review them, the reliance on online training has delayed the beginning of training, which could have begun months ago. Further, no organization has yet seen these modules.

**Problem: Excessive Restrictions on SST training providers**

- None of the day laborer organizations or non-profit organizations are currently allowed to provide SST approved courses or cards due to overly-restrictive requirements
- Only certain unions, colleges, and for-profit training schools are allowed to give training, with the full list here:

https://www1.nyc.gov/site/buildings/industry/department-approved-course-provider-list.page.

- The currently-approved course providers are providing training simply for minimal completion of a certain number of hours, rather than supporting workers in learning skills that they will be able to apply or connecting them with an organization that can help them fight for their rights.
- While DOB could have made changes to these restrictions during the regulatory process, as we recommended to them at that time, they chose to maintain them instead, which effectively excludes training conducted by immigrant worker organizations.

**Problem: The SST Task Force instituted by Local Law 196 is not given the authority to oversee the law's implementation.**

- The mechanism that the law specified for implementation, namely the SST Task Force, has not been given the authority for oversight.
- DOB representatives use the task force as an information session and refuse to address concerns raised by multiple stakeholders, including Worker Justice Project, a day laborer organization.
- DOB representatives have repeatedly used the excuse that their mission is not worker safety, but rather limited to public safety, and so DOB cannot address sufficiently these worker safety concerns. However, public safety and worker safety are intrinsically linked.

## PROPOSED SOLUTIONS

The following legislative changes are urgently needed in order to address these problems and provide training to the tens of thousands of day laborers and other construction workers who most need it:

1. Mandate clearly that employers are required to provide training for their workers and create a clear, strict enforcement system against employers who fail to provide training or who fire workers for not getting the training on their own.

2. Mandate that the Department of Buildings senior staff and Site Safety inspectors undergo 40 hours of cultural competency training. The training curriculum should focus on working with vulnerable communities, particularly day laborer and immigrant construction workers.

3. Provide access for non-profit centers to give SST training, by creating an alternative path for certification of non-profit organizations as DOB training providers.

4. Allow SBS to advance 100% of awarded funds to day laborer organizations in order to begin work immediately.

5. Require the creation of a distinct oversight body, with particular attention to the needs of day laborers and immigrant workers--the very people who suffer disproportionate numbers of injuries and deaths. An inter-agency body convened for this very purpose can help to address these needs by providing public accountability for the implementation process.

6. Increase transparency on the implementation and its challenges. DOB should provide minutes from the SST task force meetings so that concerns raised can be made public. DOB should also provide detailed data of its enforcement activities thus far, as required within both Local Law 196 and by NYC Open Data Law Local Law 11.

7. Extend implementation deadlines, by at least 12 months, and create a system to evaluate implementation on an ongoing basis.

BTEA
THE ASSOCIATIONS OF
NEW YORK'S LEADING CONTRACTORS

BUILDING TRADES EMPLOYERS' ASSOCIATION
1325 AVENUE OF THE AMERICAS / 10TH FLOOR / NEW YORK, NY 10019 / 212.704.9745 / BTEANY.COM
LOUIS J. COLETTI, PRESIDENT & CEO

# TESTIMONY PRESENTED TO NEW YORK CITY COUNCIL HOUSING AND BUILDINGS COMMITTEE

**April 11, 2019**

**Submitted By:**
**Building Trades Employers' Association**
**Louis J. Coletti, President and CEO**

Good morning Chairperson Cornegy and members of the Committee, I am Donald Ranshte, Senior Vice President of the Building Trades Employers' Association, (BTEA). The BTEA is a 116-year-old trade association representing 26 contractor associations, and 1,200 contractor members responsible for over almost $50 billion (that's billion, with a "B") dollars in economic activity in New York City. Thank you for allowing me the opportunity to testify today on this important pre-considered legislation regarding an amendment to Local Law 196.

In the interest of making sure that the most important part of my testimony this morning is up front I would like to cut to the chase, and present background second. This bill is not about delaying construction worker safety training. We are all still in agreement that there is a need for more enhanced training. This bill is

about not accurately assessing the scope and magnitude of what we optimistically set out to do with Local Law 196 (then Intro 1447). When we were working on the drafting of the legislation everyone involved was acutely aware of the need for safety training, but less aware of the fact that we were asking 120,000 construction workers to find a 30 hour or in some cases 62 hours of safety training classes that was acceptable under the law, fit into a work-life (evenings and weekends) schedule, needed to be paid for, and, ultimately needed to be certified as meeting all of the requirements of LL196.

On the 'professional training industry' side of the equation classes needed to quickly ramp up to increase training capacity. Courses and training hour curriculum need to be submitted to DOB for approval. What all this amounts to is a logistical nightmare, for a project of this scale.

On the regulatory side there were implementing details that needed to be ironed out as well. DOB needed to figure out which course curriculum were satisfactory, what a LSST card would look like, which portions of a "100-hour training program" would be applicable, who and in what cases would a "supervisor" or "competent person" need the 62-hour training not the 30 hours of training. *Some issues we still need answers to.*

We were up against a hard deadline written into the legislation and the clock was ticking.

We forged ahead, not even knowing at the time of the signing of the legislation, how all of this would unfold. We conducted a survey of 212 of our biggest contractors in March. We found that on average nearly 65% of our union workforce had undergone the training. In no way is this about foot dragging, as some would like to say. That means that 78,000 workers had undergone the required training, no procrastination there. On the flip side, it also meant that 42,000 workers still required the necessary training and we only had two months to do it.

This doesn't need to be a time to point fingers. It should be about assisting an entire industry to accomplish a worthwhile goal. This remains to be an opportunity to raise the bar for safety in construction work in New York City. Let's take a step in that direction and work together to make sure that all of our workers get to be trained appropriately. Thank you.

# TESTIMONY
# of
# WORKERS' JUSTICE PROJECT

**Presented to:**

**The New York City Council Committee on Committee on Housing and Buildings**

**Honorable Robert E. Cornegy, Jr., Chair**

**Thursday, April 11, , 2019**

**Prepared By:**
**Margarita Arana**
*WJP Workers' Right Organizer & Member Leader*

**Workers' Justice Project (WJP)**
**365 Broadway Brooklyn, NY 11211**

Buenos días, Honorable Robert E. Cornegy, Jr., Chair y distinguidos miembros del comité de vivienda y edificios de la Ciudad de Nueva York. Mi nombre es Margarita Arana, soy madre de una pequeña de un año que se llama Zoe, soy trabajadora de la construcción y miembra del Proyecto Justicia Laboral.

Este dia estoy aquí, con mucho dolor, tristeza y también con rabia porque esta semana dos familias más perdieron un padre y un hijo. Esta semana el Sr. Nelson Salinas y el joven Erick Mendoza fueron asesinados por contratistas irresponsables que le ponen precio nuestra vida y a nuestra salud. ¿Cuántos trabajadores más tienen que morir para que esta ciudad tome acción contra estas compañías criminales? ¿Cuántos trabajadores más tienen que morir para hacer que los contratista se hagan responsable no solo de pagarnos el entrenamiento de salud y seguridad, pero también de ofrecernos un lugar libre de peligros? ¿Hasta cuando vamos a dejar que estas compañías criminales sigan construyendo en esta ciudad y asesinando a más trabajadores?

Estoy aquí porque tengo entendido que hay una propuesta de extender la fecha límite de la implementación de la segunda fase de la ley 196, que requiere que los trabajadores tengan 30 horas de Salud y Seguridad en Junio 1, 2019. El problema real que enfrentamos nosotros/as y los/as trabajadores/as no solo es las falta de acceso a entrenamientos de Salud y Seguridad, pero también enfrentamos discriminación, largas horas de trabajo con salarios bajos y miedo a quedarnos sin un trabajo al reclamar nuestro derechos a tener un lugar de trabajo seguro y sin peligros.

Esta nueva ley ha generados muchísima confusión, preocupación, desinformación y también miedo. Agradezco mucho su apoyo para que mi organización, Proyecto Justicia Laboral haya podido entrenar 805 Jornaleros/as de forma gratuita (incluyendome a mi) en los últimos 9 meses, pero todavía hay miles de trabajadores que aún no tienen este entrenamiento, muchos están siendo despedidos de sus trabajos, en ocasiones sus patrones se aprovechan tratando de conseguir un entrenamiento y proveer a un precio muy alto a sus empleados con el fin de descontarles de su sueldo en ocasiones el patrón ni siquiera les da el entrenamiento solo les consigue su tarjeta.

Ante esta situación hay muchísimos más fraude con tarjeta falsa y también muchos están trabajan con el miedo de que un inspector pueda llegar a su lugar de trabajo y hacer que sean despedidos por no tener su OSHA-30. La preocupación se ha vuelto una odisea y el miedo es real. En mi organización Proyecto Justicia Laboral todos los días hay llamadas y mensajes de texto de trabajadores que necesitan que quieren tomar el entrenamiento de OSHA-30 de manera gratuita. Tenemos una lista de 800 trabajadores que están en una lista de espera y cada dia 60 personas se inscriben para las clases, pero ante la falta de fondos y recursos las clases son limitadas y no podemos con todas las solicitudes del dia a dia.
Es por eso que quiero pedir más tiempo y fondos para que estas personas puedan hacer su entrenamiento sin correr ante el reloj, así puedan obtener su entrenamiento y sepan de los peligros a los que están expuestos, que sepan que merecen condiciones dignas y seguras en su lugar de trabajo y que sepan que tienen el derecho a que se les provea el equipo de protección necesario para cuidar de su vida y de su salud.

¡Ya es hora de decir Ni Una Muerte Más! Ya es hora de criminalizar a estos contratistas irresponsables, también ya es hora de hacer que los contratista se haga responsables de proveernos los entrenamientos de

Salud y Seguridad. El Domingo 28 de Abril de 2019 a las 3:00 PM más de 100 trabajadores estaremos tomando las calles de Brooklyn, en Sunset Park para recordar a los que han muerto, reclamar justicia y seguir luchando por trabajos más seguros.

Esperamos contar con ustedes para hacer que no hay ni una muerte más y que sigan apoyando consideren los centro de jornaleros como parte de sus prioridades durante el proceso de negociación presupuestaria de este año y esperamos seguir trabajando estrechamente con ustedes.

Muchas gracias!

- *In English*

Good morning, Honorable Robert E. Cornegy, Jr., Chair and distinguished members of the Housing and Building Committee of the City of New York. My name is Margarita Arana, I am the mother of a one year old girl named Zoe, I am a construction worker and member of the ***Workers' Justice Project (WJP).***

I am here today with so much pain, sadness and also with anger because this week two families have lost a father and a son. This week Mr. Nelson Salinas and the young Erick Mendoza were murdered by irresponsible contractors who put a price on their lives and their health. How many more workers have to die before New York City can take action against these criminal contractors? How many more workers have to die before making contractors responsible for training workers on health and safety training and making them responsible for providing a safe workplace? For how long more are we going to let these criminal contractor continue to build in our city and continue to kill more workers?

I understand that today you will be proposing to extend the deadline for the second implementation phase of Local Law 196, which requires workers to have 30 hours of training on Health and Safety by June 1, 2019. However, it is important for you all to know that the problem is not only the limited access to Health and Safety training, but there other issues such as discrimination, long hours of work with low wages and fear of losing the job when we speak up for the right to have a safe workplace.

The law has generated a lot of confusion, concern, misinformation and fear. I am very grateful for your support so that my organization, Workers Justice Project (WJP), could train 805 day laborers (including myself) in OSHA-30 Construction over the past 9 months, but there are still thousands of workers who do not have this training yet, many are being dismissed from their jobs, sometimes their employers take advantage asking working to pay for their training, which result employers deducting the cost of the training from workers' salaries.

Also, the current situation has lead for more instance of fraud and more fear of losing their jobs for not having a OSHA-30 after an inspector conducts a worksite inspection. The concern and the fear is real. At my organization Workers Justice Project, we received many calls and text messages from workers who need to take the OSHA-30 training. We have a waiting list of 800 workers who need OSHA-30 training and every day 60 people sign up for OSHA-30 classes, but due to lack of funds, classes have limited spots and we train all workers.

That is why I am here to advocate for the extension, but also for funds so that more people can get access to safety training, can eliminate workplace hazards, can be guaranteed a safe workplace and have access to personal protective equipment.

It's time to say "*No One More Death!*" It is time to criminalize these irresponsible contractors. It is tie to make contractors responsible for providing training on Health & Safety. On Sunday, April 28, 2019 at 3:00 PM more than 100 workers will be taking to the streets of Brooklyn, in Sunset Park to remember those who have died, demand justice and continue fighting for safer jobs.

We hope to count on you to ensure that there is not one more death in the construction industry and that you continue to support the day laborers' centers as part of your priorities during this year's budget negotiation process and we look forward to continuing to work closely with you.

Thank you!

# TESTIMONY
# of
# WORKERS' JUSTICE PROJECT

**Presented to:**

**The New York City Council Committee on Committee on Housing and Buildings**

**Honorable Robert E. Cornegy, Jr., Chair**

**Thursday, April 11, , 2019**

**Prepared By:**
**Ligia Guallpa**
*Executive Director*

**Workers' Justice Project (WJP)**
**365 Broadway Brooklyn, NY 11211**

Thank you Honorable Robert E. Cornegy, Jr., Chair and distinguished members of the Housing and Building Committee of the City of New York for the opportunity to give testimony on behalf of the Workers' Justice Project (WJP) in regards to the construction safety training and Local Law 196. WJP is a Brooklyn-based workers' rights organization that addresses the racial and economic injustice that day laborers and their families face by building collective power and creating solutions to the problems our members experience at work and in communities where they live.

On behalf of **Workers Justice Project (WJP)**, I support the extension of the deadline for Local Law 196, but it's extremely urgent to address the implementation and enforcement challenges of Local Law 196. I currently serve on Site Safety Taskforce that was created under Local Law 196 and I find it extremely problematic the implementation process from an agency that is not charter with protecting workers' safety. I personally have witnessed how Department of Buildings (DOB) has been silent about the implementation, and is:

- Failing to develop effective outreach strategies to workers and employers in advance of the deadline, or a campaign sufficient to bring awareness to hard-to-reach groups; and
- Failing to address rampant OSHA fraud and illegal employer behavior, which has increased substantially given these new requirements.

The DOB just doesn't seem to understand the gravity of the situation for day laborers and immigrant construction workers, who are bearing the weight of finding their own training. We expect about **30,000 immigrant workers** will be harmed by these insufficient implementation strategies.

We need a stronger enforcement language on the current local law that holds employers responsible for providing and paying for the 40 hours of safety training. Changing the deadline only, will not solve the training capacity issue NYC is facing at the moment.

The following legislative changes are urgently needed in order to address these problems and provide training to the tens of thousands of day laborers and other construction workers who most need it:

1. Mandate clearly that employers are required to provide training for their workers and create a clear, strict enforcement system against employers who fail to provide training or who fire workers for not getting the training on their own.

2. Mandate that the Department of Buildings senior staff and Site Safety inspectors undergo 40 hours of cultural competency training. The training curriculum should focus on working with vulnerable communities, particularly day laborer and immigrant construction workers.

3. Provide access for non-profit centers to give SST training, by creating an alternative path for certification of non-profit organizations as DOB training providers.

4. Allow SBS to advance 100% of awarded funds to day laborer organizations in order to begin work immediately after the contract is registered.

5. Require the creation of a distinct oversight body, with particular attention to the needs of day laborers and immigrant workers--the very people who suffer disproportionate numbers of injuries and deaths. An inter-agency body convened for this very purpose can help to address these needs by providing public accountability for the implementation process.

6. Increase transparency on the implementation and its challenges. DOB should provide minutes from the SST task force meetings so that concerns raised can be made public. DOB should also provide detailed data of its enforcement activities thus far, as required within both Local Law 196 and by NYC Open Data Law Local Law 11.

7. Extend implementation deadlines, by at least 12 months, and create a system to evaluate implementation on an ongoing basis.

Unfortunately, we're running out of time. More deaths will continue to happen, if we do not urgently address the implementation and training capacity issues. It is time to take action and we're hoping to count with you all to create safer and healthier jobs in New York City.

Thank you!

# Elevator Conference Of New York

RE: Int 341 - In relation to retroactively requiring secondary power for lighting for egress paths and elevators

*Currently emergency Powered Lighting is required on most altered Elevators.*

*Requiring for all elevator's retro-actively through appendix K3 would be a good idea.*

Int 414 - In relation to safety signs in elevators.

**Not an Elevator Industry Issue, but it's a Building owners' issue.**

Int 565 - In relation to elevator service outage accommodations

***Not an Elevator Industry Issue, but it's a Building owners' issue.***

Int 786 - In relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems.

*The Maintenance of the "Brake Monitoring "devices are part of existing*

*Maintenance Control Programs.*

*The Elevator Industry would look forward to the outcome of this report.*

*Remote Elevator Monitoring is a very broad statement and would need to be defined on what data is to be reported on. These systems would need Internet access as well as a monitoring Company.*

Int 787 - In relation to maintaining brake monitors and elevator monitoring systems

*This is a current requirement to be tested annually and tagged.*

*The Elevator Industry does maintenance on brake according to their Maintenance Control Program.*

*Elevator Monitoring is a very expensive system to install, further requirements need to be defined .*

Usually found in large complexes such hospitals

Richmond Elevator Company James Duffy President

# Testimony of the Real Estate Board of New York before the NYC Council Committee on Housing and Buildings in Relation to Improving Elevator Safety in all Existing Buildings

April 11, 2019

## INTRODUCTION

As the City's leading real estate trade association representing residential and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate, the Real Estate Board of New York (REBNY) appreciates the opportunity to provide comments in response to these bills.

REBNY agrees with the City Council that there is a continued need to assess elevator regulations to ensure the safety of residents and increase preparedness during emergency situations. Many of the bills being heard today work toward that shared goal. However, REBNY is also concerned that certain proposals under consideration could not be implemented without significant detrimental consequences to building owners and residents.

In addition to the legislation being considered today, REBNY also encourages the Council to act on a separate elevator-related issue. Specifically, the City's building code requires all automatic passenger and freight elevators to be equipped with a system to monitor and prevent movement of elevators with open doors by January 1, 2020. However, reaching full compliance with this deadline is not practical.

This is primarily demonstrated by the existing workforce's inability to perform all the work required to bring the city's elevator stock into full compliance over the next eight months. According to industry participants, as of January 2019 as many as 40,000 elevators in New York City needed to be brought into compliance with the door lock requirement. Given that the work requires specially trained elevator mechanics, and combined with the fact that the elevator industry is currently experiencing the busiest period of work in recent memory, bringing all the elevators in the city up to this standard would require far more hours of labor than the workforce can complete by the 2020 deadline. That is why the firms who install these systems are telling customers seeking to meet the year-end deadline that they will not be able to complete those jobs on time.

Notwithstanding the six year compliance timeframe established by the inclusion of this requirement in the 2014 building code, we find ourselves in this situation because some manufacturers (including large supplies like Motion Control Engineering and Schindler) did not have an effective solution available to the market for a few years. As a result, the lack of readily available product shrunk the 6-year compliance period almost by half and many building owners were unable to install these systems as quickly as they would otherwise have wanted to.

In addition, we understand from the NYC Department of Buildings (DOB) that an owner's ongoing work to modernize an elevator or elevator fleet will not be considered proof of compliance with the door lock requirement unless the work is completed by the 2020 deadline. Elevator modernizations can be lengthy projects, lasting three to four months per elevator, with typically one elevator per bank being placed out of service at a time. Consequently, buildings that are in the process of modernizing their elevator fleet may have some individual elevators that are not in compliance with the door lock monitoring deadline by the end of the year. We believe that the City's interests are not served by penalizing owners who are taking affirmative steps to improve their elevator's safety and reliability through complete modernizations begun in advance of the 2020 deadline, as such action would both disincentive full modernizations and encourage owners to face sizeable, duplicative costs rather than undertake more comprehensive elevator upgrades.

Therefore, rather than place tens of thousands of elevators out of compliance with City policy, we believe that extending the compliance deadline to January 1, 2022 is warranted. In addition, in the case of elevator fleets undergoing modernizations, we believe it would be appropriate for DOB to allow permit applications of elevator modernizations filed before the compliance deadline to be sufficient proof of compliance so long as the owner submits regular compliance reports to the City until the elevator is in full compliance with the door lock monitoring requirement once the modernization is complete.

Our specific comments are provided below in greater detail.

BILL: Intro No. 341

SUBJECT: A local Law to amend the administrative code of the city of New York, in relation to retroactively requiring secondary power for lighting for egress paths and elevators.

SPONSORS: Rose, King

Intro No. 341 would require owners of existing buildings to install a secondary power source to power certain elevators and egress paths during emergency situations. REBNY's membership certainly understands the desire for all buildings to have a back-up power source in cases of emergency. During Hurricane Sandy, many New Yorkers—including our members—experienced power outages that made owners and residents recognize the utility of a secondary power source. Unfortunately, many of our members who have considered the option of installing a secondary power source with the ability to power an elevator have found that doing so in existing structures is incredibly challenging due to significant structural, regulatory, and cost barriers.

On the structural side, the weight and space required to install a generator is significant. Many older buildings do not currently have the space available and would need to construct and enclose a new structure to house these devices—an extraordinarily high expense for most owners. Furthermore, determining the best place for a generator or other device would require the expertise of an engineer to assess whether the building can handle the additional load, which could be well over 40-50,000 pounds in some instances. In buildings that are vertically constrained, these devices could require more than 2,000 aggregate square feet, which may not be available to a building owner and may only be achieved by taking over rental space, resulting in the loss of housing and revenue to the building.

Regulatory issues also complicate the ability for existing buildings to install these devices. In an older, landmarked building, for example, the device would have to clear many regulatory layers to ensure compliance with zoning, landmark, and safety regulations. Our members have found that the approval process to install a back-up power source to be so extensive that it can take as much as three years to complete.

Additionally, the cost of installing these devices will be extraordinarily high for most owners. Costs for these systems can easily reach hundreds of thousands of dollars, if not more. Given that this legislation applies the requirement to install these devices widely across all existing buildings, this kind of cost increase could potentially cripple the ability of owners to maintain safe and quality housing for tenants, particularly for affordable housing.

Further, many generators capable of providing power to elevators are fuel-sourced. Considering the sustainability initiatives being pursued by the City, we urge the Council to reconsider this mandate as it would indubitably impact a building's ability to comply with the carbon caps and the City's broader sustainability goals.

Placing a blanket mandate to install these devices, as this bill does, ignores many of the practical constraints of existing buildings. While we want to emphasize that we share the goal of ensuring residents are safe when emergencies happen, we do not believe this legislation can practically be accomplished.

We urge the Council to allow DOB the opportunity to engage technical experts to determine a more practical course of action as part of its revision of the existing building and construction codes. Considering the extraordinary limitations of existing buildings, the Council should limit the application of this policy to new construction only or at least narrowing the focus to certain properties in areas most at risk of experiencing power outages due to natural disasters.

BILL: Intro No. 414

SUBJECT: A local Law to amend the administrative code of the city of New York, in relation to safety signs in elevators

SPONSORS: Chin, Rosenthal

Intro No. 414 would amend the building code to require signs be posted inside all new and existing elevators instructing passengers on what to do in the event of an elevator malfunction. REBNY is generally supportive of greater transparency. To make compliance as easy as possible, we believe the Council should allow the option for information to be digitally displayed in elevators with screens. Additionally, the compliance deadline in the legislation should be amended to provide owners with sufficient time to comply following the promulgation of rules.

BILL: Intro No. 565

SUBJECT: A local Law to amend the administrative code of the city of New York, in relation to elevator service outage accommodations

SPONSORS: Treyger, Rosenthal

Intro No. 565 would require owners of R-1 and R-2 buildings to provide reasonable accommodations to residents with disabilities where an elevator will be out of service for more than 24 hours. The legislation would also require the creation of a written accommodation plan.

Ensuring that all building residents have equal ability to enjoy housing without regard to ability is an important principle enshrined in federal, state, and local housing and human rights law. Consequently, under current law, owners are required to make reasonable accommodations for residents with disabilities that uphold this principle. This is one of the reasons why building owners generally do not take more than one elevator out of service at a time for repairs and strive to make repairs during hours when residents are most likely to be at work and out of their homes.

Given that current law already provides a high level of protection for people with disabilities, we have several concerns about how this proposal would impact current law. For instance, Intro No. 565. introduces the concept of time, in this case 24 hours, into whether an owner is required to make reasonable accommodations. This concept does not exist in current law, and therefore may add uncertainty for owners about when reasonable accommodations are required. In addition, while courts have recognized that requiring building service staff to physically carry people down flights of stairs is a significant health, safety, and liability risk and is therefore not a reasonable accommodation, it appears to be contemplated by this proposal.

Furthermore, current laws require that resident's request that owners make reasonable accommodations since owners may not know whether a given resident has a disability. However, this legislation would require owners to create an accommodation plan without knowing the particular circumstances of a given

resident and prior to that resident's request. Doing so forces owners to speculate about unforeseen circumstances and significantly limits the value of the accommodation plan contemplated by the bill.

Given these questions, we encourage the Council to consult closely with the Mayor's Office for People with Disabilities and the Human Rights Commission to more carefully consider how this proposal interacts with current law. REBNY would welcome the chance to be part of that dialogue.

BILL: Intro No. 786

SUBJECT: A local Law in relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems

SPONSORS: Torres, Rosenthal

Intro No. 786 would require DOB to write a report on whether brake monitors and remote electronic monitoring systems should be installed on all elevators in residential buildings. We fully support efforts to ensure the safety of elevators and believe a study of these issues is an appropriate first step.

BILL: Intro No. 787

SUBJECT: A local Law to amend the New York City building code, in relation to maintaining brake monitors and elevator monitoring systems.

SPONSORS: Torres, Cornegy Jr, Ampry-Samuel, Yeger, Rosenthal, Richards, Williams, Gjonaj

Intro No. 787 bill amends the Building Code to require brake monitors and elevator monitoring systems to the list of items that need to be maintained annually. REBNY is fully in support of improving the safety of elevators to the highest level technology will allow. However, we believe this legislation should not be adopted prior the completion of the report required by Intro No. 786 to more fully consider this issue.

BILL: Intro No. 788-A

SUBJECT: A local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses.

SPONSORS: Torres, Cornegy, Ampry-Samuel

Intro No. 788-A would require persons and/or companies performing elevator maintenance, repair, and replacement work to be licensed by DOB. The bill would also require DOB to develop a licensing and training program be developed in tandem with the rollout of the training.

The elevator industry is currently in one of its busiest periods in recent memory. REBNY supports the adoption of a reasonable licensing program that ensures workers are well-trained and operate safely and with appropriate supervision. However, any legislation that implements a new licensing system must be implemented in such a way that it does not stop the ability of the workforce to complete projects in a timely manner. As we have seen with the Construction Safety Act, adopting requirements that cannot reasonably be met in the timeframe set forth in local law will force the Council to reconsider its initial actions. For that reason, we urge the Council to work with DOB and the industry to ensure a realistic timeframe is pursued that will not prevent owners from meeting City imposed compliance-related deadlines due to a further reduced workforce.

BILL: Intro No. 1508

SUBJECT: A local Law to amend the New York City building code, in relation to requiring that vents in elevator hoistway enclosures be closed to prevent air leakage.

SPONSORS: Levine

Intro No. 1508 would require vents in elevator hoistway enclosures to be sealed to prevent air leaks in existing buildings. REBNY acknowledges the substantial energy savings that can be achieved through this requirement and is supportive of the City's efforts to maximize energy efficiency during this crucial time in history. However, as written, this proposal would present a significant burden to the existing building stock. Depending on what has already been done to each elevator, bringing each elevator into compliance with this new requirement could require extensive retrofitting that may include the installation of smoke detectors, dampers and controls. This would require elevator shutdowns and possibly a reinspection of the system by DOB's elevator division.

The NYC Fire Department, in conjunction with DOB, is currently reviewing a proposal to eliminate hoistways for new construction in accordance with the latest IBC requirements. We strongly urge the Council to await the results of this effort and to work with both groups to come up with a proposal that could be applied to existing buildings during the revision of the existing building code, which is set to begin in a year or so.

BILL: Intro No. 4176

SUBJECT: A local Law to amend the New York City building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date.

SPONSORS: The Public Advocate (Williams)

REBNY would like to echo earlier sentiments submitted from our comments on the Construction Safety Act. We are fully supportive of regulations that improve construction safety. The recent tragic death of yet another construction laborer demonstrates the need to address continued lapses in safety training.[1] But we have consistently raised the concern of training capacity challenges especially for day laborers, MWBEs and other workers without immediate access to training.

We support the Council's recognition of the training capacity challenges by proposing to extend the compliance dates for safety training until Dec 1, 2019. However, this date should be only adopted if the Department is confident that all of the estimated 180,000 construction workers can meet LL196's training requirements. This will mean significant expansion of the City's efforts to offer free construction safety training through its Workforce1 Centers. Otherwise, we will be faced with yet another request for an extension.

Thank you for the opportunity to provide comments. REBNY looks forward to continuing its work with the Council to further explore the alternatives outlined in this document.

[1] "7 Stories Up, a 'Coping Stone' Strikes Construction Worker, Killing Him." *The New York Times*. April 8, 2019. Accessed April 9, 2019. <https://www.nytimes.com/2019/04/08/nyregion/construction-worker-death-nyc-midtown-east.html>

JOINT INDUSTRY BOARD OF THE ELECTRICAL INDUSTRY
158-11 HARRY VAN ARSDALE JR. AVENUE • FLUSHING, N.Y. 11365
TEL: (718) 591-2000 • FAX: (718) 380-7741 • www.jibel.org



MEMORANDUM IN SUPPORT

TESTIMONY OF THE JOINT INDUSTRY BOARD OF THE

ELECTRICAL INDUSTRY

BEFORE THE COMMITTEE ON HOUSING AND BUILDINGS

REGARDING T2019-4176: IN RELATION TO THE DEFINITION OF SITE SAFETY TRAINING FULL COMPLIANCE DATE AND SITE SAFETY TRAINING SECOND COMPLETION DATE.

APRIL 11, 2019

Good morning Chairman Robert E. Cornegy, Jr. and distinguished committee members. Thank you for the opportunity to testify at today's hearing. My name is Dr. Gerald Finkel; I am the Chairman of the Joint Industry Board of the Electrical Industry.

The Joint Industry Board of the Electrical Industry (JIB) is a labor- management organization founded in 1943 comprised of Local Union No. 3 of the International Brotherhood of Electrical Workers (I.B.E.W), the New York Chapter of the National Electrical Contractors Association (NYECA) and the Association of Electrical Contractors, Inc. (AEC). The JIB is the ERISA administrator for a family of multi-employer benefits plans serving Local Union No. 3 and its affiliated electrical contractors in the greater New York area.

The JIB joins Local 3 I.B.E.W, NYECA and the AEC in support of T2019-4147.

Given the thousands of tradespeople that have to comply with the new site safety training under Local Law 196 the existing deadline of June 1, 2019 for a Limited Site Safety card seems quite a hurdle to overcome. The suggested full compliance date of September 1, 2020 and the second compliance date of December 1, 2019 are more reasonable deadlines to ensure that the training is properly completed. It is in the interest of all in the construction industry, and the NYC public at large, that its construction workforce be given the appropriate time frame to more effectively and efficiently complete the required training.

The JIB respectfully asks that this sensible and important amendment be approved by the Housing and Buildings Committee, as well as the NYC Council.

Respectfully submitted on behalf of The Joint Industry Board of the Electrical Industry.

Sincerely,

Gerald Finkel

Dr. Gerald Finkel
Chairman, Joint Industry Board of the Electrical Industry

# Association of Electrical Contractors, Inc.

315 W. 36th St. Suite 5.071 New York, NY 10018
Phone: 718.752.0800 Fax: 718.752.0805 www.aecnyc.com




April 10, 2019

To Whom It May Concern:

The Association of Electrical Contractors, Inc. (AEC) represents over 50 Local Union No. 3, I.B.E.W Electrical Contractors. The AEC joins Local 3 I.B.E.W, the Joint Industry Board of the Electrical Industry (JIB), and the New York Electrical Contractors Association (NYECA) in support of T2019-4147.

We agree that the extended deadlines to comply with the new site safety training under Local Law 196 will be in the best interest of all in the construction industry to ensure that the training is properly completed. It is important in maintaining the safety and well-being of not only those in the industry, but the NYC public as a whole.

The AEC supports the position of the JIB in requesting this amendment be approved by the Housing and Building Committee as well as the NYC Council.

Sincerely,

Danielle Mannino
Executive Director

# Comments of the National Elevator Industry, Inc.
# to the New York City Council
# Committee on Housing and Buildings
# April 11, 2019

Chairman Cornegy and members of the committee. To follow are comments from the National Elevator Industry Inc. (NEII®) related to legislation and other issues before this committee and the New York City Council. NEII is the premier national trade association representing the interest of firms that install, maintain and/or manufacture elevators, escalators and other building transportation products, including parts or components. Its membership includes the major elevator companies in the U.S. including Otis, KONE, ThyssenKrupp, Schindler and others, which collectively report more than 85 percent of the hours worked in the industry.

NEII's comments are as follows:

- Int 0414-2018, a bill related to safety signs in elevators.

  COMMENT:
  NEII strongly recommends that the New York Department of Buildings ("DOB") be required to get input from elevator manufacturers and other industry stakeholders when developing the safety signs prescribed in this bill and the associated posting requirements. It is important that any signs added to an elevator car do not interfere with the operation of the elevator or block access to any of the controls.

  NEII has developed basic safety instructions, which are available on the NEII website at www.neii.org. NEII recommends the DOB consider the following language when developing any rider safety instructions when a car stops between floors:

  *"In the event the elevator stops unexpectedly:*
  1. *Remain calm.*
  2. *Push the "Door Open" button.*
  3. *If the door does not open, push the "Phone" button (or "Help" button or alarm depending on the elevator).*
  4. *Wait for help – Do not attempt to extract yourself from the elevator."*

- Int 0786-2018, a bill related to DOB report on elevator brake monitors and remote elevator monitoring systems.

  COMMENT:
  NEII supports the use of remote monitoring systems to collect data about the functionality and operation of elevator equipment. NEII and its member companies believe remote monitoring tools can add value and improve safety, but there are important considerations that need to be evaluated before any recommendation is made as to whether or not to require their installation in residential or other buildings.

  NEII strongly recommends that the NY City Council require that industry stakeholders, including representatives from the major elevator manufacturers with extensive experience in this area, participate in the development of the report as mandated by this bill. More specifically, industry stakeholders should be engaged when the scope of the report is established, during the information gathering and research phase, and when evaluating various recommendations to ensure key factors and technical input are provided and duly considered before a course of action is determined.

- Int 0788-A-2018, a bill related to elevator maintenance company and elevator maintenance company director licensing.

  COMMENT:
  The bill creates elevator maintenance company licenses and elevator maintenance company directors who are in charge of and supervise all elevator work and associated personnel. The approach mirrors the established agency director for codes and applies that concept to the people side of the business. Most of the large elevator companies have one agency director for codes and maybe one back-up for the code oversight.

  Applying the same model to an agency director over mechanics and helpers is not appropriate.

  First, the larger companies have hundreds of mechanics working numerous jobs throughout New York City simultaneously. The sheer size and complexity of these larger operations would require them to secure numerous agency director licenses. Having multiple agency directors dilutes the bill's intent to have one central person overseeing elevator work and related personnel.

  Second, this bill would impose unnecessary strain on the larger elevator companies to secure numerous employees who meet the specific requirements of this new "agency director" designation (i.e., an engineer or architect with supervisory experience). There are very few people that would meet the standards in this bill because these types of professionals do not typically supervise mechanics in the field.

Third, the term "supervise" (and related derivatives) is not defined but NEII understands would be interpreted as "direct and continuing" as applied to other trades. NEII and its member companies are concerned that such a system could prove to be unworkable when applied to their sizable organizations and recommend that the standard be "under the general supervision of" instead.

Thank you for your attention to these important industry comments. NEII, as well as representatives from its member companies operating in New York City, are available to provide additional information or meet to discuss any of these comments in more detail. NEII also reserves the right to clarify or modify any of the comments provided today when as new information becomes available and/or offer new comments on other legislation before the NY City Council.

CONTACTS:

Amy J. Blankenbiller
Vice President, Government Affairs
National Elevator Industry, Inc.
Direct: (785) 589-9813
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Kevin L. Brinkman, PE
Vice-President, Codes & Safety
National Elevator Industry, Inc.
Direct: (703) 589-9814
klbrinkman@neii.org

BOMA New York

# THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF GREATER NEW YORK'S TESTIMONY ON ELEVATOR AND EMERGENCY SAFETY BILLS

April 11, 2019

The Building Owners and Managers Association of Greater New York (BOMA New York) appreciates this opportunity to submit the below comments for the record. BOMA/NY represents more than 750 property owners, managers, and building professionals who own or manage 400 million square feet of commercial space in New York City. We are an association within BOMA International, a federation of 90 US associations and 19 international affiliates that own and operate approximately 10.5 billion square feet of office space in the United States.

**Int. No. 341: A Local Law to amend the administrative code of the city of New York, in relation to retroactively requiring secondary power for lighting for egress paths and elevators.**

This bill would require stand alone backup lighting for certain elevators, communications systems, and emergency egress systems currently required in new buildings to also be retrofitted into existing buildings.

This bill would have significant cost and logistical issues for existing buildings, especially as regards powering elevators. The space required for a large backup generator that would be required to meet the bill's mandates could be difficult to find and/or take up significant, valuable building space. This generator would rarely, if ever, come into use. Storing fuel for such a generator would also be difficult and costly, if possible at all, and could create health and safety issues. In addition, tying a new power source into the equipment covered by the bill might also pose significant costs and problems. There also can be structural impediments, especially regarding the weight and height of these generators.

It should be noted that backup power to get people to and down emergency stairways and out exits is already required and in place in existing buildings. The elevator issue is, as has been noted, complicated, and should be addressed via the City's code revision committees, including the current development of an Existing Building Code.

Building owners and managers take protecting their tenants very seriously, especially in the event of an emergency. Many buildings, however, would at best struggle to meet the requirements of Int. No. 341. We look forward to working with the City on these issues.

One Penn Plaza, Suite 2205 . New York, New York 10119 . Phone: (212) 239-3662 . EFax: (646) 706-0503 . Website: www.bomany.org

**Int. No. 414: A Local Law to amend the administrative code of the city of New York, in relation to safety signs in elevators.**
This bill would require buildings to post conspicuous signage in elevators instructing people what to do if an elevator stops between floors. BOMA New York believes that the proper actions—such as ringing the alarm or using the phone—are self-apparent and not in need of instructions.

**Int. No. 787: A Local Law to amend the New York city building code, in relation to maintaining brake monitors and elevator monitoring systems.**
This bill calls on current annual maintenance practices to be expanded to include elevator brake monitors and elevator monitoring systems, if installed. BOMA New York supports this bill but would ask that the terms "elevator brake monitors" and "elevator monitoring systems" be clearly defined in the legislation.

**Int. No. 788: A Local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses.**
This bill adds a number of provisions related to regulating elevator installation, replacement, and repair, as well licensing, training, and other requirements for those who oversee and/or conduct elevator work. Among other things, it requires DOB licenses for elevator maintenance companies and directors, that elevator mechanics demonstrate their qualifications, and that elevator helpers enroll in vocational, trade, or apprenticeship programs. It also mandates training and ongoing education for elevator workers.

BOMA New York Does not take issue with this bill. There is some concern with meeting the requirement of mechanics to demonstrate their qualifications "based on experience or certification," but there appears to be sufficient time to do so by 2023. In addition, there is high demand for elevator workers, in part to comply with City mandates, and sufficient time will be needed for this bill's requirements so as not to delay that work.

**T2015-3410: A Local Law to amend the New York city building code, in relation to requiring that vents in elevator hoistways enclosures be closed to prevent air leakage.**
This bill would require vents in elevator hoistways to be partially or fully closed during normal operations to prevent air leakage. It would apply to existing buildings, which would need to be retrofitted.

It is our understanding that the stakeholders upgrading the building codes, including the FDNY, have agreed to change existing code to not allow elevator vents in new buildings, as they are not only not effective at venting smoke during a fire, they are counterproductive. When that occurs, this bill would only apply to existing buildings, and would help to alleviate air loss through elevator vents. BOMA NY appreciates the need for this action, as air loss creates heating and cooling needs, which impact building energy efficiency. We would note, however, that there are tens of thousands of elevators in New York City, so there needs to be sufficient time allowed to comply with the bill's requirements.

RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

# MEMORANDUM IN OPPOSITION
# INTRO. 341 & INTRO. 565

The Rent Stabilization Association (RSA) represents 25,000 owners and managers of multiple dwellings in New York. The buildings that they own and manage collectively contain over 1 million units of housing. RSA supports the concept of elevator safety and encourages owners and managers to maintain elevators using the highest standards available. However, these two bills impose an impossible standard on many buildings with regard to compliance.

**Intro No. 341** would require owners of existing buildings to install a secondary power source to power certain elevators and egress paths during emergency situations. Many owners and managers have considered the option of installing a secondary power source with the ability to power an elevator have found that doing so in existing structures is challenging and impossible in many instances due to structural, regulatory, and cost barriers.

On the structural side, the weight and space required to install a generator is significant. Many older buildings do not currently have the space available and would need to construct and enclose a new structure to house these devices—an extraordinarily high expense for most owners. Furthermore, determining the best place for a generator or other device would require the expertise of an engineer to assess whether the building can handle the additional load, which could be well over 40-50,000 pounds. In buildings that are vertically constrained, these devices could require more than 2,000 aggregate square feet, which may not be available to a building owner and may only be achieved by taking over rental space, resulting in the loss of housing and revenue to the building.

In an older, landmarked buildings, the device would have to clear many regulatory layers to ensure compliance with zoning, landmark, and safety regulations. The approval process to install a back-up power source to can take as much as three years to complete.

The cost of installing these devices will be extraordinarily high for most owners. Costs for these systems can easily reach hundreds of thousands of dollars, if not more. Given that this legislation applies the requirement to install these devices widely across all existing buildings, this kind of cost increase could potentially cripple the ability of owners to maintain safe and quality housing for tenants, particularly for affordable housing.

Placing a blanket mandate to install these devices, as this bill does, ignores many of the practical constraints of existing buildings.

**Intro. 565** would require owners of R-1 and R-2 buildings to provide reasonable accommodations to residents with disabilities where an elevator will be out of service for more than 24 hours. The legislation would also require the creation of a written accommodation plan.

Ensuring that all building residents have equal ability to enjoy housing without regard to ability is an important principle enshrined in federal, state, and local housing and human rights law. Consequently, under current law, owners are required to make reasonable accommodations for residents with disabilities that uphold this principle. This is one of the reasons why building owners generally do not take more than one elevator out of service at a time for repairs and strive to make repairs during hours when residents are most likely to be at work and out of their homes.

Given that current law already provides a high level of protection for people with disabilities, we have several concerns about how this proposal would impact current law. For instance, Intro No. 565 introduces the concept of time, in this case 24 hours, into whether an owner is required to make reasonable accommodations. This concept does not exist in current law, and therefore may add uncertainty for owners about when reasonable accommodations are required. In addition, while courts have recognized that requiring building service staff to physically carry people down flights of stairs is a significant health, safety, and liability risk and is therefore not a reasonable accommodation, it appears to be contemplated by this proposal.

Furthermore, current laws require that resident's request that owners make reasonable accommodations since owners may not know whether a given resident has a disability. However, this legislation would require owners to create an accommodation plan without knowing the particular circumstances of a given resident and prior to that resident's request. Doing so forces owners to speculate about unforeseen circumstances and significantly limits the value of the accommodation plan contemplated by the bill.

April 10, 2019

# MEMORANDUM IN SUPPORT

*T2019-4176 - A LOCAL LAW To amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date*

The New York Electrical Contractors Association (NYECA), the leading association of union electrical contractors in New York City, **SUPPORTS** the above referenced bill. This legislation would extend the compliance dates for Local Law 196 of 2017, requiring that construction workers complete an "Occupational Safety and Health Thirty Hour Course (OSHA-30) or an additional 20 hours of safety training or a 100-hour training program approved by the Department of Buildings. **We support this reasonable extension.**

Specifically, this bill extends the "Site Safety Training (SST) Second Compliance Date" six months to December 1, 2019 and makes firm the "Site Safety Training (SST) Full Compliance Date" of September 1, 2020. The current SST Second Compliance date established under Local Law 196, June 1, 2019, is swiftly approaching with practical compliance unlikely. This brief and reasonable extension is a sensible solution without risking any inordinate delay in implementing the new law.

Construction safety has always been of paramount importance to NYECA, and we have publicly and enthusiastically supported the Council's efforts in this regard since day one. But Local Law 196 is complex, with many details required for full compliance. This proposed, reasonable extension does not affect safety standards as stipulated in the law. Rather, it is in the best interest of the industry and the City that we be given a bit more time in order to meet realistic deadlines. This bill addresses the practical reality that the deadlines as currently stipulated in law are simply coming up too soon to expect full industry compliance. We just need a bit need more time, as we all continue to partner with the City in enhancing construction work safety in New York City.

Founded in 1892, NYECA helped build New York City by working on the City's most iconic structures, serving our communities in times of crisis, providing job opportunities

for minority and women-owned businesses, and of particular relevance here: promoting the highest standards of worker safety in the industry – that will never change.

NYECA therefore **supports** this bill and urges its passage into law.

Respectfully submitted on behalf of The New York Electrical Contractors Association.

**NEW YORK ELECTRICAL CONTRACTORS ASSOCIATION, INC.**

By: Edwin Lopez

Edwin Lopez
Executive Secretary

MTTF NY
MASON TENDERS TRAINING FUND OF NEW YORK
A LIUNA Training Provider

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SEAN A. BRENNAN
TRAINING DIRECTOR

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FUND ADMINISTRATOR

City Council Hearing to Amend Local Law 196

April 11, 2019

Testimony of Sean Brennan, Director – Mason Tenders' Training Fund

Good morning Mr. Chairman and members of the committee. Thank you for the opportunity to present testimony regarding this very important law.

My name is Sean Brennan. I am the Training Director for the Mason Tenders' District Council Training Fund. Additionally, I chair the Health and Safety Committee of the NYC Building and Construction Trades Council, and serve as an appointed member of the Site Safety Training (SST) Task Force convened in accordance with Local Law 196. In those capacities, I believe I possess a unique perspective from which to assess the successes and failures of the implementation of this law.

May I begin by stating that I wholeheartedly endorse the proposed amendment to Local Law 196 of 2017. Despite my endorsement however, there is more to be done to ensure that this amendment will achieve the desired outcome than merely moving the upcoming compliance date.

As a Training Director I am keenly aware of the capacity issues the training community, both Union and commercial, face in our efforts to make certain that the NYC construction industry is in compliance with this important law. I must say, however, that I'm a bit surprised and disappointed that the Council, and perhaps this Committee directly, has been led to believe that, currently, the capacity exists to get the required training done by June 1, 2019. I can assure you, that it is <u>not</u> the case. Neither I, nor any member of the training community that I'm aware of believes that there is even a remote possibility of getting all the training required by June 1, 2019 accomplished by that date. It cannot be achieved for the workers, and absolutely cannot for the supervisors.

In fact, the SST Task Force agrees. At our most recent meeting held on March 18, 2019, those present agreed without dissention that the training could not be completed by the June 1 deadline.

Even with the next compliance date moved to December 1 of this year however, the Committee should be cautioned regarding potential obstacles to reaching its desired goal even by that date. There are two issues that could seriously inhibit accomplishment of this training.

TRAINING CENTER:
42-53 21ST STREET
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First, the Department of Buildings (DOB) approved training providers must not be restricted from delivering training.

Upon passage of the law and with the best of intentions, the DOB sought to assure the quality of training being delivered by its approved training providers. Unfortunately, an overly burdensome and time consuming course approval process was created and, quite frankly, doomed to failure. While we applaud the intentions of the Department, we are gratified that they reconsidered their idea in February of this year, and restored the approval process that existed prior to this law.

The New York City approved training community is a robust and capable group of more than fifty. They have collectively trained hundreds of thousands of workers over the years. That said, they will not be able to meet even the December 1, 2019 date if those providers face any new administrative hurdles that prevent them from delivering this desperately needed training.

Second, the definition of Competent Person for the purpose of Local Law 196 needs to be narrowed and codified.

The term "competent person" is a very broad designation. Unlike the other supervisory personnel required to complete the 62-hour training associated with the SST Supervisor Card, the Construction Superintendent, Site Safety Manager, Site Safety Coordinator and Concrete Safety Manager, the Competent Person holds an assignment rather than a title. On any construction site there is typically one each of the Construction Superintendent, Site Safety Manager, Site Safety Coordinator and Concrete Safety Manager. These are the safety leaders on the job. The title of Competent Person for the purpose of this law should be no different. In the code the term Competent Person, however, is mentioned in regard to no less than 16 different roles on a jobsite. Many of these roles are required for each and every contractor on a site and those employers are at a loss to understand how many of their workers and which ones specifically need to have an SST Supervisor Card. In the end, if every Competent Person required to fill all those roles for all those contractors were required to receive 62-hours of training, the number of workers who would need this training would increase by thousands if not tens of thousands. This alone would render compliance by December 1, 2019 impossible for supervisors.

As a sensible remedy, we recommend aligning the definition of the Competent Person with that of Local Law 81 of 2017. The law's language, having been added to the Building Code, states:

3301.13.12 Competent person. The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions;

take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

Applying the logic in Local Law 81, and now 3301.13.12, with regard to the Competent Person to the requirement of Local Law 196, the Competent Person would then be an individual on a jobsite with the authority of the Construction Superintendent in his/her absence. This, then, would make the Competent Person consistent with the jobsite safety leadership position associated with the other four titles. As a result, the number of workers who would need this training would be manageable for the providers.

In closing, nothing recommended here would or should prevent any worker from seeking additional training in an effort to ensure their safety or advance their careers. The training community would, in fact, encourage it. We all want the unacceptable spate of 48 construction deaths that the city has experienced over the past four years to cease, and training is the answer. Allowing training providers to meet the demand is essential to meet that end. This amendment is a crucial next step in accomplishing that.

Thank you,
Sean Brennan, Director
Mason Tenders' Training Fund
42-53 21st Street
Long Island City, NY 11101

**TESTIMONY OF LEGAL SERVICES NYC REGARDING INTRO 565 – ACCOMODATIONS FOR TENANTS DURING ELEVATOR OUTAGES**

**New York City Council**
**Committee on Housing and Buildings**
**April 11, 2019**

Legal Services NYC welcomes the opportunity to offer this testimony to the New York City Committee on Housing and Buildings. We applaud the Council's efforts to provide protections for vulnerable tenants confronted with interruptions in elevator service, but offer some suggestions to strengthen the protections in the draft bill.

Legal Services NYC is one of the largest law firms for low income people in New York City. With 18 community-based offices and numerous outreach sites located throughout each of the city's five boroughs, Legal Services NYC's mission is to provide expert legal assistance that improves the lives and communities of low income New Yorkers. Legal Services NYC annually provides legal assistance to thousands of low income clients throughout New York City. Historically, Legal Services NYC's priority areas have included housing, government benefits and family law; in recent years, Legal Services NYC has vastly expanded services in areas of need critical to our client base, including consumer issues and foreclosure prevention, unemployment, language access, disability, education, immigration, and bankruptcy.

Our offices frequently encounter elderly and disabled tenants who face extreme hardship during interruptions in elevator service. Such tenants, who are unable to climb or ascend stairs, are effectively trapped in their apartments for the period of the outages, and prevented from attending medical appointments and taking care of shopping and other daily life activities. The lack of elevator service can become life-threatening in cases of medical emergency. Some landlords allow service outages to persist for unduly long periods, seemingly in hope that tenants will vacate and leave their apartments available for rental at deregulated rent levels.

Our Manhattan office had to file a federal court case on behalf of an elderly Chinatown resident who was told only days in advance that the only elevator would be taken out of service after New Year. Only the threat of a court order induced the landlord to relocate our client to a vacant first floor unit.

In a separate case, we were recently contacted by a tenant from a large rental building on the Upper West Side who had a notice slipped under her door stating that the only elevator in the building would

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**Raun J. Rasmussen**, Executive Director
**Joseph Steven Genova**, Board Chair

be taken out of service for a three-month period. The notice was sent only one week prior to the start date of the elevator repairs, and did not include any accommodations for disabled or elderly tenants. Our client was a senior citizen who had lived in her apartment on the fifth floor for over thirty years, and due to a physical disability she was unable to go up or down stairs. Since she was only given one week's notice before the elevator outage, she was forced to pack up her belongings and flee to a hotel because she was afraid of being stranded in her apartment. The client attempted to negotiate some sort of accommodation from her landlord so that she could stay in her building or at least in her neighborhood, but ultimately she had to leave New York City to stay with family for most of the three month period that the elevator was not working.

In Brooklyn, our office is currently working with tenants at, 48 units building who have been suffering for weeks with no working elevator. Multiple tenants are elderly and/or suffer from serious disabilities which make it extremely difficult, and in some cases, impossible for them to leave their homes and buy groceries, pick up medications, attend doctor's appointments, and perform other activities for daily living without use of the elevator. There was no written notice from the landlord notifying the tenants of the elevator outage or the timeline for its repair, and no concrete plan communicated to tenants when they repeatedly called their management office by phone, other than it would be about three months until the elevator was back in service. Only the threat of litigation induced the landlord to promise completion of repairs in 8 or 9 days. Throughout this time, there were no reasonable accommodations made for the affected tenants, many of whom became shut ins as a result of the loss of the elevator, or risked injury attempting to climb the stairs.

We therefore applaud the Council for proposing Intro 565, which requires advance notice to tenants of elevator outages, and mandates that landlords prepare an "accommodation plan" for disabled tenants. However, given the Department of Buildings' troubling record with respect to oversight of "tenant protection plans" in the context of building construction, we believe that the Local Law should contain more specific requirements for accommodations, including that owners be required to relocate tenants whenever apartments are vacant on a lower floor, or in another building controlled by the same entity or its principals, and that they provide package and delivery service and similar assistance. We also urge the Council to require that the "accommodation plan" be served on the tenants and DOB, rather than just being made "available for inspection," and that such service be made sufficiently in advance for DOB to have a meaningful opportunity for review. Lastly, the Law should provide for significant penalties on landlords who violate its provisions.

We thank the City Council for addressing these important issues and hope to work with you in the future to craft the most effective response to this widespread problem.

Respectfully submitted,

Edward Josephson, Esq.
Legal Services NYC
40 Worth Street, Suite 606
New York, NY 10013
(718)-237-5538

# 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:** Charlie Ufuchima

**Address:** 338 W 44th St. apt. 2FE

**I represent:** New York Committee for Occupational Safety & Health

**Address:** 50 Broadway 24th Fl. NY, NY 10004

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**Name:** Chhanjeet Singh, Director Elevator Unit

**Address:** Department of Buildings

**I represent:** _____

**Address:** _____

# THE COUNCIL
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**Name:** Patrick Weble, Assistant Commissioner, External Affairs

**Address:** Department of Buildings

**I represent:** _____

**Address:** _____

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

# THE COUNCIL
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I intend to appear and speak on Int. No. T2019-4176 Res. No. _____

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*Date:* 4/11/2019

**(PLEASE PRINT)**

**Name:** Margarita Arana

**Address:** Workers Justice Project

**I represent:** _____

**Address:** 365 Broadway, Brooklyn, NY 11211


# THE COUNCIL
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☐ in favor ☐ in opposition

*Date:* 4/11/2019

**(PLEASE PRINT)**

**Name:** Ligia Guallpa

**Address:** _____

**I represent:** Workers Justice Project

**Address:** 365 Broadway, Brooklyn, NY 11211


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☑ in favor ☐ in opposition

*Date:* 4/4/19

**(PLEASE PRINT)**

**Name:** SEAN BRENNAN

**Address:** 42-53 21ST ST LIC NY

**I represent:** MASON TENDERS TRAINING FUND

**Address:** 42-53 21ST ST LIC NY

*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:** Donald RANSAYE

**Address:** _____

**I represent:** BTEA

**Address:** 1325 Sixth Ave, 10th Floor

# THE COUNCIL
# THE CITY OF NEW YORK

*Appearance Card*

I intend to appear and speak on Int. No. 341 Res. No. _____

☐ in favor ☐ in opposition

*Date:* 4/11/19

**(PLEASE PRINT)**

**Name:** James Duffy

**Address:** 61 Todt Hill Rd SINY 10314

**I represent:** Elevator Conference of NY (ECNY)

**Address:** 1700 Parker Ave Bronx

# 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:* 4/11/2019

**(PLEASE PRINT)**

**Name:** ROBERT MARTIN

**Address:** ELEVATOR INDUSTRIES ASSOCIATION

**I represent:** _____

**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:* 4/11/2019

**(PLEASE PRINT)**

**Name:** MICHAEL DI MATTIA

**Address:** ELEVATOR INDUSTRIES ASSOCIATION

**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:** Zach Sternberg

**Address:** _____

**I represent:** Real Estate Board of New York

**Address:** _____

# THE COUNCIL
# THE CITY OF NEW YORK

*Appearance Card*

I intend to appear and speak on Int. No. T-2019-4176 Res. No. _____

☐ in favor ☐ in opposition

*Date:* 4/11/2019

**(PLEASE PRINT)**

**Name:** Nadia Marin-Molina

**Address:** 410 Jericho Tpk Apt 2B, New Hyde Park, NY

**I represent:** National Day Laborer Organizing Network

**Address:** 1030 S. Arroyo Parkway, Pasadena, CA

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