Testimony of the New York City Department of Housing Preservation and Development

Regarding Fire Safety in Buildings: Two Years After Twin Parks

February 29, 2024

Good morning, Chair Sanchez, Chair Ariola and members of the Committees on Housing and Buildings and Fire and Emergency Management. I am AnnMarie Santiago, Deputy Commissioner of Enforcement and Neighborhood Services at the New York City Department of Housing Preservation and Development. Thank you for the opportunity to testify on agency enforcement related to fire safety in the aftermath of the Twin Parks tragic fire.

The fire that took place at Twin Parks North West in the Bronx on Sunday, January 9, 2022 was a devastating tragedy. We mourned the 17 New Yorkers, including 8 children, whose lives were lost that day. Importantly, as a result of a Mayoral Order, agency policy changes and Local Law changes, we took important steps forward to improve fire safety in the City..

One of the most important steps for HPD was to improve communication with both tenants and property owners regarding fire safety issues. First, HPD began to post information in buildings to directly communicate with tenants. Whenever at least one self-closing door violation is issued, the Inspector will post a notice in the public hallway that advises the tenants that HPD is issuing a violation for a self-closing door in the building, explains why and how doors should be self-closing and encourages the tenant to notify the building owner if they have an issue with their door. If the building owner fails to respond, the tenant should file a complaint with HPD. If a violation for a self-closing door is issued for a specific apartment, the tenant of that apartment receives a notification from HPD with a document included that explains to the tenants the importance of the self-closing door and how the door should work properly. The letter advises the tenant to allow access to the owner to correct the door condition. It also advises the tenant that, should the owner fail to correct the condition, the tenant should expect to hear from HPD's Emergency Repair Program which will hire a vendor to fix or replace the door.

For property owners, HPD now includes a document in the Notice of Violation which clearly explains the requirement for self-closing doors and encourages owners to check other doors within their building. HPD periodically raises the issue of compliance with self-closing door requirements with building owners as part of its general outreach strategy of email bulletins, urging them to be proactive in checking the doors to ensure that they are self-closing. In compliance with Mayor Adams' Executive Order 12, HPD also modified its inspection process to identify when the Fire Safety Notice, required under the Fire Code, is not in place behind the door of every apartment we inspect. If the inspector identifies that the proper Notice is not posted, a letter is sent to the owner notifying them about the requirement. The Fire Department receives monthly data files from HPD about the presence of these Fire Safety Notices, in addition to data regarding all violations issued by HPD, for any further analysis or use as they deem necessary. We believe, as Mayor Adams stressed repeatedly in his discussions of this issue, that education for both property owners and

tenants about how to stay safe and what to do in the event of a fire will go a long way towards preventing tragedies like the one at Twin Parks.

We have also made the issue of fire safety, including some general information on the dangers of lithium-ion batteries, more prominent in our general communications with tenants and owners, including updates to our *ABCs of Housing* information guide, the informational pamphlet that we distribute on every inspection and through our webpage on Fire Safety. HPD and the Fire Department worked together to conduct outreach in neighborhoods throughout the City for the past two summers and we are already talking about how best to do joint outreach this summer.

Now I would like to focus on the implementation of local laws passed in 2022 related to fire safety issues. Local Law 63 of 2022 clarified the definition of a self-closing doors in local code, requiring doors which must be self-closing, which includes all doors providing access to interior corridors or stairs, to return to the closed position and self-latch when opened and released.. Pursuant to this law, in July 2022, the time for landlords to correct a violation for a door which is not self-closing was reduced from 21 days to 14 days. This legislation also required HPD to reinspect all self-closing door violations whether certified or not certified beginning in January 2023. All of these changes were implemented. Working with the Fire Department, we refreshed our training regarding self-closing doors, re-trained existing inspectors and included this training with all new inspector training. We refocused our efforts to ensure that inspectors are looking at public area doors in their line of travel during inspections, resulting in an increase in violations issued between FY21 and FY23, from just over 23,000 to almost 50,000. Between July and October 2023, HPD issued 22,000 self-closing door violations compared to 16,000 during the same period in 2022. We continue to aggressively inspect for these issues.

HPD continues to work towards reinspecting all self-closing doors within 20 days. As of January 30, 2024, we have attempted to reinspect more than 55,000 violations. Our average time to reinspect is 13 days for calendar year 2023 and overall, we reinspect within 20 days 80% percent of the time. This is a very challenging mandate for the agency to meet, especially during heat season when we need to focus our resources on responding to heat and hot water complaints and violations during the coldest periods.

Local Law 71 of 2022 required HPD to create a proactive program to inspect self-closing doors at 300 buildings identified in consultation with the Fire Department. HPD worked closely with the Fire Department and the Department of Buildings (DOB) to create criteria for selection and created the first list of properties as required. Obviously, it is impossible to know which building might have a fire or when. In selecting criteria, we considered what available city data might be useful in identifying buildings at a higher risk. Criteria for selection of class A multiple dwelling buildings for inspections of self-closing doors includes buildings with six or more dwelling units and at least one of the following criteria within the three years prior to selection: at least one complaint regarding a self-closing door; more than five heat complaints in each of the three heat seasons; at least one fire-safety related violation issued by the Department of Buildings; and buildings that have failed to file an annual boiler report with DOB, where applicable. That list of buildings is then shared with the Fire Department to help rank those buildings based on fire safety risk. Certain buildings which had comprehensive building inspections from HPD recently, such as Alternative Enforcement Program buildings, are excluded. Owners were notified when the buildings were

selected, with the intent of prompting those owners to proactively take steps to address self-closing door requirements at their buildings prior to inspection. Of the buildings selected, 22% are in the Bronx, 30% are in Brooklyn, 29% are in Manhattan, 17% in Queens and 2% in Staten Island. HPD has until June 30 to complete these inspections. As of February 22, 2024, HPD has completed inspections at almost 250 buildings, attempting to inspect over 10,000 doors. Over 1,700 violations have been issued for self-closing doors. A report regarding these inspections is due to the City Council in September 2024, and the list of buildings inspected with results is required to be posted online.

Regarding Intro 6, HPD agrees that it is important for tenants to understand the procedural steps if there has been a fire that has resulted in a vacate order for their home. Information regarding the availability of emergency services, including relocation and other services available through the American Red Cross in the short term and through HPD's Emergency Housing Services after a few days, is provided to tenants at buildings where there has been a fire if HPD or DOB conducts an inspection and ARC is usually on site. Information about the timelines for return to the property and the owner's responsibilities to allow re-occupancy is very specific to the extent of the fire and the conditions existing after the fire. In cases where there is extensive damage, and multiple agencies issue vacate orders, the building may not be safe for any type of re-occupancy even to allow tenants to retrieve belongings. Determining the timelines for such access can be very difficult for both the agencies and the owners. Assessments need to be completed by the agencies and the owner's construction professionals, and at least the preliminary clean up, such as broken glass and debris removal, need to be completed. We have found that in most cases, property owners work collaboratively with tenants to allow at least supervised access to damaged areas of the building for the retrieval of the most important belongings such as medicines, documents and pets. Information about the revocation of agency vacate orders can be found on each agency's website. Without the revocation of any applicable vacates, tenants cannot permanently reoccupy the building. The process of lifting a vacate order is, for HPD, a process which requires a full building inspection, correction of the conditions which were the reason for the vacate and the meeting of general health and safety minimum standards. I understand that it is frustrating for tenants who, understandably, just want to return to their homes, but each situation is unique and our priority is the safety of all tenants.

Thank you for your time and we look forward to your questions.

February 29, 2024
Testimony of Chief Kevin Woods, FDNY
"Fire Safety in Buildings: Two Years After Twin Parks"

Good morning Chair Ariola, Chair Sanchez, members of the Fire & Emergency Management Committee, members of the Housing & Buildings Committee, and the sponsors of today's legislation. My name is Kevin Woods and I am the Assistant Chief of Fire Operations at the New York City Fire Department. I appreciate the opportunity to speak with you today about the second anniversary of the Twin Parks fire and the legislation being considered by the City Council.

The Twin Parks fire was a tragedy that remains imprinted on the minds of every firefighter and member of EMS who responded on that Sunday morning in the Bronx in 2022. It proved fatal for 17 members of our community and resulted in the hospitalization of 46 other residents. We remember the fire's devastation, but we also remember the brave efforts of the firefighters, EMTs, and paramedics who provided life-saving care. 200 firefighters and 57 ambulances responded to the incident, with the first units arriving in roughly three minutes. Through their tenacious efforts, including at times placing the safety of the residents above their own, FDNY members rescued 15 residents who were discovered in cardiac arrest, transporting them to local hospitals and ultimately saving their lives. FDNY members assisted dozens of other patients so that they were able to escape the building - including many who were trapped or unconscious - and provided immediate medical care.

In the wake of the Twin Parks fire, the Department shifted our outreach and education efforts into overdrive. The Fire Safety Education unit worked with community and faith-based organizations, schools, tenant associations, and local and elected stakeholders to enhance fire safety programming citywide. We partnered with our fellow agencies and mayoral offices to ensure that our reach was as broad as possible, including the Department of Youth and Community Development, the Mayor's Office of Criminal Justice, Health + Hospitals, the Administration of Child Services, the Department of Education, and the New York Police Department's Community Affairs unit. These programs focus on educating residents to be prepared for and prevent fires and other emergencies. They include discussion of topics that were relevant to the Twin Parks fire, including space heaters, having an escape plan, and the importance of closing the door behind you when escaping a fire.

I will highlight a few statistics that demonstrate the agency's efforts to expand outreach in education. In 2021 - the year prior to the Twin Parks fire - the FDNY Fire Safety & Education Unit performed fire safety presentations for audiences totaling 151,000 people. In 2022, that number nearly doubled, to a total audience of 281,000. In 2023, the total number of individuals who attended a fire safety presentation leapt again, to approximately 423,000. That's an increase of 180% from the amount of public education we were providing prior to Twin Parks. That included a 30% increase in the number of fire safety presentations in schools from 2022 to 2023. I want to take this opportunity to thank the Councilmembers who coordinated with us to schedule fire safety education events in your districts, many of whom are here today, and I would

like to encourage all of you to partner with the Fire Department to hold education events for your constituents.

Another legacy of the Twin Parks fire is that we strengthened our partnerships and coordination. Fire inspectors do a great job inspecting the common areas of multiple dwelling buildings like Twin Parks, but they generally do not have access to individual apartments or private dwellings. FDNY worked with the Department of Housing Preservation & Development to refine training for HPD inspectors specifically on the topic of self-closing doors. We also worked with HPD to implement several data sharing activities. Some of that work came about as the result of conversations that we had with Councilmembers on the two committees hosting the hearing today and the legislation that resulted from those conversations. We are proud that we have been able to learn lessons from this tragedy and improve safety conditions across the City as a result.

I'll briefly address the legislation being heard today that directly affects the Fire Department.

Introduction 88 would amend the Fire Code and Building Code to establish periodic inspections, testing, maintenance, and reporting requirements for smoke dampers and smoke control systems. The existing New York City Fire Code requires that all smoke dampers shall be maintained in accordance with NFPA 105, which is the standard called for in the legislation. However, the cost and resources to both the building owner and Fire Department that would be necessary to maintain the inspection regime required by the legislation would likely be very high, especially when considering that the Fire Department does not consider ineffective or malfunctioning smoke dampers to be a pervasive problem that we face when responding to fires in the city.

Introduction 89 would require the Fire Department to provide notice within six hours of each fire to the respective councilmember, borough president, and community board in whose jurisdiction the fire occurred. The Fire Department currently provides notifications of fires involving a fatality or other characteristics of interest. We believe that the intent of the legislation is already substantially fulfilled by the Office of Emergency Management Watch Command notifications. Watch Command notifications are sent in a large variety of circumstances, including when a brush fire impacts an area within the five boroughs; if a fire occurs in a high traffic or sensitive area; if a fire reaches a third alarm status; if a fire involves potentially hazardous materials, as well as other circumstances involving FDNY activity. They also circulate notifications if a fire has occurred outside of New York City but has an impact within the City, including smell, smoke, or other factors.

To give you a sense of volume, there were approximately 34,800 fires in New York City in 2023. That's almost 100 fires a day on average, and some days have much higher than average incidents of fire. The vast majority are quickly contained without substantial impact to locations beyond the fire itself. Ther FDNY strives to keep councilmembers, borough presidents, and community boards updated. However, the personnel and time necessary to comply with this legislation would be substantial and not the best use of the Fire Department's resources.

Introduction 903 would require the Fire Department to provide body armor to all Emergency Medical Services (EMS) members. Under the legislation, the body armor shall meet a ballistic resistance or stab resistance standard of the national institute of justice or any successor standard.

No employee shall be permitted to retain the body armor after leaving the Fire Department or moving to a position that does not involve the provision of emergency medical services. The Fire Department currently makes ballistic vests available to all EMS members. Each new member is fitted for a vest upon leaving the EMS Academy. Replacement vests are made available every five years. The Fire Department values the safety of our members above all else. We agree with and are supportive of this legislation.

Introduction 904 would require the Fire Department to develop de-escalation and self-defense training for all Emergency Medical Services employees. De-escalation and self-defense training is necessary and the Department does provide this type of training. EMS members participate in a twelve-hour training regimen that is conducted in partnership with New York City Health & Hospitals. The program is focused on situational awareness, de-escalation techniques, managing patients who are experiencing a mental health crisis, and patients who are potentially violent. In addition, members receive instruction on contacting others for assistance during an escalating situation or emergency, including communicating with law enforcement. The training that we provide now does not comply with the provision of Introduction 904 that would require it to be offered annually. However, the Department does offer a portion of that training on the Learning Management System, which is available in all EMS stations at any time. We are always exploring ways to make our members safer, so we are happy to continue engaging with the Council to develop a version of this legislation that is satisfactory for all.

Thank you very much. I would be happy to take your questions at this time.

Department of Transportation Testimony
Before the Committees on Housing and Buildings and Fire and Emergency Management
February 29, 2024

Good morning, Chair Sanchez, Chair Ariola, and members of the Committees on Housing and Buildings and Fire and Emergency Management. I am Ydanis Rodriguez, Commissioner of the Department of Transportation. Thank you for the opportunity to submit written testimony on Introduction 17 sponsored by Council Member Brannan.

Climate change is the defining environmental challenge of our time and New York City is particularly vulnerable to its impacts, including rising sea levels, more severe storms, and more frequent heat waves. After buildings, the transportation sector is the second leading source of the city's greenhouse gas emissions, making up 28% of all emissions. Eighty-four percent of these transportation-related emissions come from light-duty vehicles, such as personal cars and SUVs. To do our fair share to address climate change, New York City is committed to achieving carbon neutrality in the transportation sector by 2050, with an interim goal of cutting emissions 50% by 2030. To achieve this ambitious goal, we are simultaneously advancing two strategies. We are encouraging New Yorkers to walk, bike, and take transit instead of traveling by car. And for the remaining trips taken by car, we are working to transition as many trips as possible from cars with internal combustion engines to electric vehicles (EVs). Additionally, only zero-emission passenger vehicles will be available for sale in New York starting in 2035. While the city is slightly ahead of New York State in new EV registrations, we are far behind the states leading the EV transition.

Limited access to charging is holding back EV adoption in New York City. A massive increase in charging infrastructure across the five boroughs is required to advance and expedite the City's EV transition and to meet the market demand for EVs. While most New York City residents do not own cars, those that do are more likely to rely upon curbside and garage parking than the typical American. Currently, publicly accessible EV chargers are clustered in high-income areas and in garages with high parking fees. New York City needs a network that serves all New Yorkers, and a successful transition requires a comprehensive charging strategy tailored to New York City.

To support the widespread adoption of EVs, the city will need hundreds of thousands of public and private EV chargers—the majority in parking lots and garages given the many competing demands for curb space. One important step to getting there is Introduction 17 sponsored by Council Member Brannan. DOT strongly supports this bill, which would require existing parking facilities with 10 or more spaces to install Level 2 (L2) chargers at 20% of parking spaces and make 40% of parking spaces capable of supporting L2 chargers, or be EV ready, by 2035. The bill would also require new parking facilities and existing facilities undergoing significant alterations to install L2 chargers at 20% of parking spaces and make 60% of spaces EV ready and gives garage and lot owners ample time to plan and implement these requirements. This legislation is integral to making chargers more accessible for New Yorkers, supporting the adoption of EVs, and helping New York City achieve carbon neutrality by 2050.

JUMAANE D. WILLIAMS

STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO THE NEW YORK CITY COUNCIL COMMITTEES ON HOUSING AND BUILDINGS AND FIRE AND EMERGENCY MANAGEMENT FEBRUARY 29TH, 2024

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you very much to Chair Sanchez and Chair Ariola, and members of the Committee on Housing and Buildings, and Fire and Emergency Management, for holding this hearing and allowing me the opportunity to provide a statement.

Two years ago, New York City experienced one of the deadliest fires in recent years. It was a terrible tragedy with 17 people (including 8 children) who lost their lives. I would like to honor the firefighters who risked their lives to save people. It is no surprise that many times these fires take place in communities of more color. According to a study that assessed the association of heating complaints with structural fires in New York City, Black and Latinx communities have been marginally impacted.[1] They are constantly being ignored when it comes to heating complaints, which can lead to an overreliance on self-purchased space heaters causing fires and death.[2]

The Twin Parks Fire was devastating to the families living in the Twin Parks properties, and in the memory of the victims the New York City Council has responded strongly. Through this committee, Int 0106-2022 was signed into law regulating space heaters, so there could never be another Twin Parks-style fire. Unfortunately the work is not done, as there are still fires resulting from faulty space heaters. To properly meet the moment, we must improve on executing New York City regulation. Even though there is city legislation enacted, many online stores like Amazon still carry illegal space heaters. In fact, the official Amazon mini space heater for sale today has no safeguards required in Int 0106, such as a thermostat, automatic shut off during overheating, or is checked by a nationally tested lab. The committee may come up with excellent plans today, but we must see the execution. This may mean increasing penalties for businesses and mandatory outreach to businesses.

I want to highlight three bills being heard today that I support. Int 0006-2024 would require the Department of Housing Preservation and Development, Department of Buildings, and the Fire Department to provide tenant education and outreach about what to do when a fire occurs. Int 0089-2024 would alert certain elected officials and community boards when there was a fire within their jurisdiction. Finally, Int 0088-2024 changes the qualifications individuals are required to have in order to conduct

[1] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9984975/#zld230009r2
[2] Ibid.

periodic inspection, test and maintenance fire and smoke dampers and smoke control systems. The three bills will strengthen the Council's efforts on protecting residents and preventing future fires.

The Twin Parks fire caused so much pain for the families and communities who lost their loved ones. It has caused suffering and trauma to those who survived. I am expecting the administration to provide a clear and direct update about their commitment to prevent future tragedies and how they are currently assisting the families who were impacted.

Thank you.

REBNY Testimony | February 29, 2024

The Real Estate Board of New York to
The City Council Committees on Housing and Buildings and on Fire and Emergency Management Hearing on Electric Vehicle Chargers

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association. Founded in 1896, REBNY represents commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople and other organizations and individuals active in New York City real estate. We appreciate the opportunity to testify on Proposed Intro. Number 17-A, regarding installing electric vehicle chargers and charger infrastructure in parking lots and garages.

Bill: Intro 17-A—2024

Subject: This legislation would require that (1) 20% of spaces in existing parking garages and lots install electric vehicle supply equipment (EVSE) by 2035, and that these structures have the capability of supporting EVSE in 40% of spaces by 2035; and (2) that new garages and lots or those undergoing alterations have 20% of spaces with EVSE installed and 40% of spaces capable of supporting EVSE. These percentages only apply to garages and lots that are registered with the Department of Consumer and Worker Protection .

Sponsors: Justin L. Brannan, Farah N. Louis, Lincoln Restler, Althea V. Stevens, James F. Gennaro, Gale A. Brewer, Crystal Hudson, Eric Dinowitz, (by request of the Queens Borough President)

REBNY supports the goal of this bill to make electric vehicle charging equipment more available. Doing so will further the City and State's ambitious plans to cut greenhouse gas emissions (GHG) from the transportation sector by facilitating the transition from gas-powered to electric vehicles. Scaling up EV infrastructure, along with intensive efforts to green the electric grid, will also help to improve local air quality.

REBNY urges the Council to consider the following practical challenges that must be addressed should this legislation move forward.

First, we appreciate that the bill provides a number of waivers and exemptions for situations where meeting the requirements of the proposed legislation is very difficult or even infeasible. The bill would be improved by strengthening the exemption for garages and lots associated with buildings that are 100% affordable as these buildings are least able to manage the added cost of the project without tapping into highly limited City subsidies. A more explicit exemption for these properties is therefore appropriate..

In addition, because existing lots and garages must be updated to meet the bill's requirements by 2035, we do not think it makes sense to have a second standard for such facilities that are undertaking alterations. The reality is that upgrading electric infrastructure in existing facilities is expensive and time-consuming. Allowing existing facilities until 2035 to comply with the law acknowledges and responds to that reality. Furthermore, many alterations undertaken at a building will pertain to other aspects of the garage or lot that are unrelated to electric capacity, for example a roof replacement or lobby renovation. Therefore, the bill should exclude alterations of existing structures from its mandates.

Once again, REBNY appreciates and supports the Council's desire to increase the capacity to charge EVs in New York City. Such an effort is vital to cutting the use of fossil fuels and therefore greenhouse gas emissions. We look forward to collaborating with you to help shape the smartest and most effective approach to doing so. Thank you for this opportunity to submit testimony on this proposed legislation.

CONTACT:

Ryan Monell

Vice President of Government Affairs
Real Estate Board of New York
rmonell@rebny.com

Dan Avery

Director of Policy
Real Estate Board of New York
davery@rebny.com

Submitted Testimony of Con Edison to the
New York City Council Regarding Intro. Number 0017-2024
February 29, 2024

Con Edison is pleased to submit this testimony in support of Intro 17-2024, legislation that would require owners of parking garages and open parking lots with 10 or more spaces that are licensed by the Department of Consumer and Worker Protection ("DCWP") to install Electric Vehicle Supply Equipment ("EVSE") in 20% of parking spots and ensure 40% of parking spots are capable of supporting EVSE by January 1, 2035.

Con Edison's "Clean Energy Commitment," outlines our dedication to, and leadership in, the transition to a clean energy future. This commitment includes investing in, building, and operating reliable, resilient, and innovative energy infrastructure, advancing electrification of heating and transportation, and providing our customers with 100% clean energy by 2040.

Con Edison is accelerating electric vehicle ("EV") adoption through a portfolio of initiatives and programs that benefit both EV drivers and EV charging developers. In 2021, Con Edison partnered with the New York City Department of Transportation to develop and pilot 100 curbside EV chargers across 35 locations in all five boroughs.[1]

The buildout of EV chargers in parking garages and open parking lots reduces range anxiety and therefore plays a critical role in encouraging EV adoption, which, in turn, brings a myriad of positive outcomes, including improved local air quality and lower greenhouse gas emissions.

Furthermore, Con Edison's PowerReady Program, currently the largest EV charging make-ready infrastructure incentive program in the nation, provides incentives to help offset the electric infrastructure costs associated with chargers for light-duty EVs, including cars and small vans. Eligible parking garages and open parking lots can apply to receive EV charger infrastructure make-ready incentives through the PowerReady program, including incentives for load management technology to support grid beneficial charging behavior.

To help mitigate the impact of EV charging on the grid, Con Edison offers a managed charging program called SmartCharge New York that pays EV drivers incentives to encourage charging outside of grid peak periods and overnight. Con Edison also recently launched SmartCharge Commercial, a new managed charging incentive program – the first of its kind – which provides operating cost relief to a broad range of commercial station operators and technology types.[2]

[1] New York City Department of Transportation. "NYC DOT Curbside Level 2 EV Charing Pilot: Evaluation Report." May 2023. Available Curbside-level-2-charging-pilot-evaluation-report.pdf

[2] Information on Con Edison's managed charging rewards program for commercial charging station operators is available at https://www.coned.com/en/our-energy-future/electric-vehicles/commercial-electric-vehicle-charging-station-rewards

While Con Edison is supporting installation of increasing numbers of EV chargers under its programs today, the Company is also working to evolve its robust planning processes to prepare for the ramp in clean transportation loads, which are expected to drive significant grid impacts in New York State. The timeline to install EV chargers is short compared to that of traditional new customer infrastructure, such as new buildings. However, the buildout of utility-side grid infrastructure to meet the significant increase in demand from EV chargers requires longer timelines than that of a new building, upwards of five to seven years.

A proactive grid planning process to meet near-term needs and buildout the grid in advance to support long-term growth in the deployment of EVs is being considered in New York State's Medium- and Heavy-Duty Vehicle Proceeding, by the New York State Public Service Commission.[3] Con Edison, along with other NY State Utilities, filed comments[4] proposing a proactive utility infrastructure planning framework to prepare the grid in advance of future transportation electrification needs, inclusive of EV charging in parking garages and open parking lots.

This legislation once enacted will help accelerate the development of geographically diverse and visible charging infrastructure across the city. This will in turn raise the public's confidence in driving an EV. Range anxiety due to insufficient access to EV charging is widely recognized as a leading barrier to EV adoption, and it is a particularly acute challenge in a dense urban environment like New York City, where many drivers do not have access to at-home charging.

A robust charging network is critical to advancing the clean transportation transition. As highlighted in a 2021 study[5] published by the NYC Mayor's Office of Sustainability and its utility partners, including Con Edison, large scale adoption of EVs is essential for NYC to achieve its decarbonization goals. On-road transportation accounts for 26 percent of NYC's greenhouse gas emissions and decarbonizing the transportation sector requires meaningful vehicle electrification and corresponding vehicle charging infrastructure.[6]

In summary, Con Edison supports Intro 0017-2024 and is committed to working with the Council and Administration to meet our shared sustainability goals.

[3] Case 23-E-0070, *Proceeding on Motion of the Commission to Address Barriers to Medium- and Heavy-Duty Electric Vehicle Charging Infrastructure (MHDV Proceeding)*, Notice for Electric Vehicle Proactive Planning Technical Conference (filed October 5, 2025) and information on the proceeding is available at https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=23-E-0070&CaseSearch=Search.

[4] *MHDV Proceeding, JU MHDV Reply Comments* (filed June 26, 2023).

[5] New York City Mayor's Office of Sustainability, Con Edison, and National Grid. "Pathways to Carbon-Neutral NYC: Modernize, Reimagine, Reach." April 2021. Available Carbon-Neutral-NYC.pdf

[6] Ibid.

TESTIMONY FROM THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF GREATER NEW YORK ON INTRO 17-A
February 29, 2024

The Building Owners & Managers Association of Greater New York (BOMA) is pleased to submit testimony regarding NYC Council Intro 17-A of 2024, which would require electric vehicle charging infrastructure in public parking lots.

ABOUT BOMA

BOMA represents commercial real estate professionals in the five boroughs – the largest industry in the market area, contributing approximately $27 billion to the state economy. BOMA members are responsible for the ownership and management of approximately 529 million square feet of office space, including some of the world's most prestigious properties. Members include building owners, professional property management firms, professional service providers (architects, engineers, systems consultants, etc.) and contract services providers in construction, elevator maintenance, cleaning services, and others.

BOMA & SUSTAINABILITY

BOMA is actively invested in the promotion and implementation of green and sustainable energy in our industry. BOMA's Energy and Sustainability Committee encourages the efficient use of energy while engaging in sustainable business and social practices. This committee plans and executes the Annual Energy Action Day program and keeps our membership informed on changes to the policy landscape and best practices.

RECOMMENDATIONS ON INTRO 17-A

BOMA broadly supports the goals of the legislation that would allow for more electric vehicles and we are grateful for the City Council's efforts to implement changes in this new bill from the previous version of the bill (Intro 150). Amendments regarding the law's phase-in period, fast chargers, the use of stackers in garages and the additional waivers and hardship exemptions were responsive to previous concerns shared by our industry and again we appreciate the Council's flexibility in the development of this new legislation. We do, however, have one additional suggestion regarding this current draft:

While existing lots and garages are required to be updated to meet the bill's requirements by 2035, there is a separate section in the bill regarding requirements for new parking garages or "a parking garage in an existing structure undergoing alterations." We would propose amending this section of the bill to solely reference new facilities and not include alterations to existing structures, as these existing structures are already captured by the 2035 compliance date and this could create a second standard. Upgrading electrical infrastructure represents a significant and time-consuming expense – especially for a commercial building industry that is facing historic financial challenges – and allowing existing buildings until 2035 to comply would respond to this reality. Finally, it is also important to note that as written, this reference to "alterations" could capture work in a building that is wholly unrelated to a

garage or electrical infrastructure (such as a roof, elevator work or a lobby upgrade), and so we respectfully request excluding alterations.

BOMA is ready to work with the sponsors, staff, and the entire Council to help achieve the overall goals of this legislation while addressing the concerns of numerous stakeholders across New York City. Should you have any questions, please do not hesitate to reach out to BOMA Executive Director Lori Raphael (Lori@BOMANY.com) or our public affairs firm, Yoswein New York at 212-233-5700 or via email to Jamie Van Bramer (Jamie@YNY.com). Thank you for listening to our concerns.

TESTIMONY ON BEHALF OF THE
NEW YORK ELECTRICAL CONTRACTORS ASSOCIATION

TO THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

FEBRUARY 29, 2024

10:00 AM

Housing and Buildings Committee Chairwoman Sanchez, Fire and Emergency Management Committee Chairwoman Ariola, and distinguished members of the City Council, I am Peter Rescigno, Executive Secretary of the New York Electrical Contractors Association (NYECA). NYECA is the leading association of union electrical contractors in New York City. I thank you for the opportunity to submit testimony on Proposed Int. No. 17-A (Brannan).

NYECA takes great pride in our members' ongoing work to expand access to EV charging stations. However, one of the most significant barriers to the widespread adoption of electric vehicles remains the City's inadequate EVSE infrastructure. That is why NYECA supports Int. 17-A, which requires owners of parking garages and open parking lots licensed by the Department of Consumer and Worker Protection ("DCWP") with 10 or more spaces to install Electric Vehicle Supply Equipment ("EVSE") in 20% of parking spots, and ensure that 40% of parking spots are capable of supporting EVSE by January 1, 2035. It is important that we plan ahead and ensure that our infrastructure increases the viability of EV ownership, and this legislation sets achievable benchmarks to help do so.

We strongly support the continued expansion of New York City's EVSE infrastructure, and we also believe that this critical work should pay a living or prevailing wage, to the extent that the Council has the authority to mandate such payment. Doing so protects the financial security of local construction workers, attracts the best talent, and injects money back into the local economy. Paying a living wage further ensures that construction is not driven to unscrupulous contractors (over local contractors with higher professional standards) who cut costs by driving down wages to a below-market level, maximizing profits off the backs of workers. As green energy projects (such as EVSE infrastructure) and investments ramp up across the City, the state, and the nation, we hope this legislation can be a model that ultimately protects the livelihood of countless electrical workers.

Thank you for the opportunity to submit testimony for NYECA. If you have any questions or need additional information, you may contact me at rescigno@nyeca.org.

3180 Fairview Park Drive, Suite 400 • Falls Church, Virginia 22042
(o) 703-739-7100 • (f) 703-683-7615 • www.nemionline.org

February 29, 2024

Int 0088-2024 Qualifications of individuals to perform periodic inspection, test and maintenance fire and smoke dampers and smoke control systems.

Chair Sanchez, Chair Ariola, and Members of the Committees on Housing and Buildings and Fire and Emergency Management, thank you for the opportunity to provide written testimony regarding Int 0088-2024.

The National Energy Management Institute (NEMI) works with public, private, and government organizations as well as companies nationwide to make environments safer for people in schools, hospitals, and commercial buildings nationwide.
NEMI also creates training and certification opportunities, so consumers know the workers — who assure fire safe safety systems are inspected, verify the indoor air quality in schools, and make sure the heating and air conditioning systems in office buildings are energy efficient — are at the top of their industry and experts in their field. NEMI works with state and federal officials, as subject matter experts (SME), to make sure legislation and safety align, allowing members of the International Association of Sheet Metal, Air, Rail and Transportation (SMART) workers and the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) to use their training and experience to ensure the safety of building occupants and first responders.

Intent

The overarching goal of Int 0088-2024 is to ensure the fire safety systems in commercial, industrial, and public buildings in New York City are safe for the occupants and first responders if there were a fire or smoke event.

Problem

Currently, sprinkler systems, fire alarms, and fire extinguishers are periodically inspected to ensure they are working. However, other components like fire dampers, smoke dampers, and smoke control systems are not clearly subject to inspection and testing requirements.

As an experienced field technician, I can tell you that a significant number of Fire Life Safety dampers and Smoke Control Systems do not operate as designed. During an event, building occupants depend on these systems and components to function as designed so they can safely exit the building. First responders depend on these same systems and components to safely enter a building during an event.

Unfortunately, the problems with Fire Life Safety dampers and Smoke Control Systems I identified as a field technician have proven to be systematic across the country. In 2021, the University of Maryland Study reviewed over 170,000 fire life safety dampers and found that 53% of dampers in existing buildings needed repairs. The same study reviewed 740 Smoke Control System Projects and found that 41% of Existing Buildings Stairwells required repairs or adjustment.

If any building had less than half of their sprinklers, fire alarms, or fire extinguishers in working order, that building would be evacuated and considered unfit for occupancy until repairs were made. Why would we treat fire and smoke dampers and smoke control systems any differently? Often the reason these items are overlooked is because they are installed above the ceilings or in mechanical spaces outside of view of most of the public, unlike fire sprinkler systems and fire extinguishers.

Solution

Int 0088-2024 would bring New York City in line with the approved standards of the National Fire Protection Association which are already part of the New York City Fire Code. Int 0088-2024 ensures that technicians performing the work are qualified by an internationally recognized certification, accredited under ISO/IEC 17024. This accreditation gives assurance to the state and municipal inspectors that the life safety testing and inspections have been done in accordance with the applicable codes, adopted standards, and manufacturer's instructions.

Legislation

The proposed solution that is outlined in this bill is not unique, in fact many other states and municipalities have adopted similar legislation or ordinances; New Mexico passed SB143, Washington State passed HB2701, Nevada passed AB297, Illinois passed HB2408, New Jersey passed A5179, and Delaware passed SB208. In addition, Fire Safety Legislation has passed in Pittsburgh, Philadelphia, and a dozen counties and municipalities in Ohio.

Thank you for your time and your attention to this matter of immense importance to the public's safety. I would be happy to provide further information to the committee if desired, my contact information is below.

Christopher Ruch
Director of Education
cruch@nemionline.org
916-280-6281

February 29, 2024

PLUMBING FOUNDATION CITY OF NEW YORK

535 8th Ave, 17th Floor
New York, NY 10018
T: (212) 481-9740
F: (212) 481-7185

plumbingfoundation.nyc

NYC Council
Committee on Housing & Buildings
Committee on Fire & Emergency Management
City Hall
City Hall Park
New York, NY 10007

Re: Testimony in Support of Intro. 88

Dear Chair Sanchez, Chair Ariola, and Members of the Committees:

The Plumbing Foundation City of New York, Inc. was founded in 1986 and is a non profit organization of small and large, union and non-union licensed plumbing contractors, engineering associations, wholesalers, and manufacturers whose mission is to protect the public health and safety of New York City through the enactment and enforcement of safe plumbing codes. A large portion of the NYC Department of Buildings (DOB) Fire Suppression Contractor licenses are held by NYC Licensed Master Plumbers, making legislation like Int. 88 extremely important to our members.

Thank you for the opportunity to comment on Intro. 88, a local law to amend the New York City fire and building codes and the administrative code of the city of New York, in relation to the qualifications of individuals to perform periodic inspection, test and maintenance of fire and smoke dampers and smoke control systems.

This important safety legislation will clarify the intent and requirements of our current codes and standards regarding fire dampers, smoke dampers and smoke control systems while adding important additional code language that will ensure that these fire life safety systems are inspected, tested, and maintained by qualified, competent individuals.

Fire and smoke dampers along with smoke control systems are vital building and life safety equipment, just like sprinklers and fire extinguishers, that protect people and buildings from the effects of fire. When properly installed and maintained dampers and smoke control systems improve fire event outcomes for building occupants.

A fire damper is a part of a building's HVAC system that is installed within its air ducts. During a fire event, fire dampers detect excessive heat from spreading through a fire barrier and turning a "nuisance" fire into a significant fire event that can endanger lives and damage property.

A smoke damper is typically operated by a smoke detector, usually within your HVAC system. When the smoke detector senses smoke, it signals the smoke damper to shut and restrict the airflow and smoke, through the ducts. Some smoke dampers are connected to a system smoke detector, which is usually tied to the building's fire alarm system. Most fatalities in fire events are caused by smoke inhalation and not from fire. These devices, when operating properly, can help to reduce building occupants' exposure to smoke during a fire.

A smoke control system is a system that controls the movement of smoke and air in a building. It can be made up of multiple different components and use several methods to achieve its design objective, which is typically to maintain a tenable environment long enough for all occupants to egress the building and first responders to safely enter and combat the fire. The design objective for a smoke control system can vary depending on the situation in which it is being used, for example a hospital might have a design objective of containing smoke to the zone of fire origin. These systems can also be part of the existing HVAC systems, or they can be standalone systems.

According to the National Institute for Health, within New York City's 59 community districts, there were 3,989 structural fires from 2017 to 2022. Unfortunately, it is inevitable the fires will continue to occur.

Intro. 88 is a step in the right direction to improve fire event outcomes in New York City by ensuring that these life-saving devices function properly when they are needed most. We urge the Council to pass this important piece of legislation.

Thank you for the opportunity to comment. Please do not hesitate to contact me for any reason.

Sincerely,

April M McIver

April McIver, Esq.,
Executive Director

Testimony of Felice Farber, Executive Director
Subcontractors Trade Association
Committee on Housing and Buildings jointly with the
Committee on Fire and Emergency Management
Council Chambers – City Hall
February 29, 2024

Thank you Chair Sanchez, Chair Ariola and Members of the Committees on Housing and Buildings and Fire and Emergency Management for the opportunity to provide written testimony on Intro. 88 and Intro. 17-A.

The Subcontractors Trade Association represents over 350 union subcontractors in the New York Metropolitan Area. Our members span every trade involved in the building and construction industry in New York City including electrical and mechanical trades.

Intro. 88

We strongly support Intro. 88, a bill that will ensure fire and life safety systems are inspected, tested, and maintained by qualified, competent individuals and in doing so, help protect the life and well-being of New Yorkers.

Fire and smoke dampers, and smoke control systems, are critical life safety systems that, when functioning properly, can help save lives. These systems are part of a building's HVAC system and help prevent fire and smoke from spreading when in good working order. Smoke control systems can be part of an existing HVAC system or a standalone system.

While sprinkler systems, fire extinguishers, and fire alarms are periodically tested and inspected, fire dampers, smoke dampers, and smoke control systems – critical life safety systems – are not subject to clear inspection and testing requirements.

Intro. 88 sets clear testing requirements and ensures that technicians inspecting and maintaining this critical life safety equipment are qualified by an internationally recognized certification, accredited by ISO/IEC 17024. This accreditation assures that the life safety testing and inspections have been done per the applicable codes, adopted standards, and manufacturers' instructions. This bill would bring New York City in line with the approved

standards of the National Fire Protection Association which are already part of the New York City Fire Code.

Intro. 17-A

We strongly support Intro 17-A as well. To effectively address the City's and State's mandate to reduce carbon emissions, it is essential to expand the City's Electric Vehicle Supply Equipment (EVSE) infrastructure to support and encourage increased electric vehicle ownership.

In alignment with this goal, we propose that the City Council, within its jurisdiction, consider implementing a living wage or prevailing wage requirement for this crucial work. Such a mandate ensures that local construction workers who are the backbone of our economy can afford to live here. Moreover, including such a mandate has the added benefit of attracting skilled workers, ensuring a workforce of high competence and dedication, and elevating the overall quality of the work undertaken.

The adoption of a living wage or prevailing wage mandate for the expansion of the City's EVSE infrastructure is a strategic and ethical decision. It not only safeguards the well-being of local workers but also fortifies the foundation of the community, positioning this initiative as a win-win for both economic sustainability and environmental progress.

Thank you for the opportunity to submit testimony on behalf of the Subcontractors Trade Association.

The Uniformed EMTs, Paramedics and Inspectors – F.D.N.Y
Local 2507, District Council 37, AFSCME, AFL-CIO
150-39 14th Avenue, 2nd Floor
Whitestone, New York, 11357
(718)371-0310 Fax: (718) 371-0318

TESTIMONY OF OREN BARZILAY, PRESIDENT FDNY EMS, LOCAL 2507 February 29, 2024

Good morning, Committee Chairpersons, and Honorable Councilmembers.

My name is Oren Barzilay. I'm a 25-year veteran of the FDNY EMS and I am President of EMS Local 2507. I am here today to speak on behalf of more than 4,000 Uniformed FDNY EMTs, Paramedics & Fire Inspectors.

New York's EMTs serve in the most renowned fire department in the country, perhaps one of the most renowned in the entire world. And they are tasked with responding to an incredible number of emergencies each year.

In 2023, EMS responded to 1,619,863 medical emergencies, another record setting year for the department and a nearly 40,000 increase from 2022.

Since the start of the COVID-19 pandemic in 2020, responses by NYC medical first responders are up 14.67%. From 2003 to last year, FDNY EMS has responded to over 28 million medical emergencies.

I am here today to spotlight very considerable issues for our city's EMTs, who despite their pivotal role in serving and protecting New Yorkers, we are horrifically supported with resources from our city government.

EMT assaults are at an all-time high within the past two years, where FDNY EMTs and paramedics were attacked or threatened 386 times in 2021 and 363 times in 2022. Many hundreds of members are not even reporting them

due to a lack of any action at all by both the Department, the city, and the judicial system.

When we arrive at the scene of an emergency, we don't carry guns like NYPD has. We don't have axes like our FDNY Firefighter brethren. We roll up to the scene of an emergency with a doctor's bag to provide medical care.

And in return, members are being punched, kicked, spat on, bit, stabbed, and sexually harassed.

What is the city going to do to fix this crisis?
I urge this committee to pass legislation so that all EMTs or paramedics are not left alone in the back of ambulances. It must be mandated for the FDNY to require a three-man crew in an ambulance, this way no one is ever left alone. Furthermore, all of our supervisors respond on their own without any additional resources, and they need to have an aide as well.

If you faced such a high chance of getting assaulted in your workplace, it's an employer's responsibility to keep the workforce safe. That protection of our members is absolutely not happening right now.

Perhaps it is time that the city designated EMTs and paramedics as peace officers.

EMS is being totally and completely starved of necessary resources to allow us to work safely and protect this city's citizens at the same time.

Right now, the FDNY is providing body armor and ballistic vests on a voluntary basis. The tragic uptick in stories about EMTs and paramedics being brutally assaulted is worrying.

That is why we need a guaranteed permanent five year replacement policy in the provisions of body armor.

EMTs must be guaranteed functional and new body armor, not hand-me downs that have a higher probability of low effectiveness.

We feel strongly about keeping our members prepared for any situation or scenario, even in the case they are faced with danger. The FDNY's de-

escalation and self-defense training course for emergency first responders is a good step of members.

However, it is clear to us that given the frequency of assaults on our members, this training needs to be more than just one and done. It needs to be mandatory yearly training.

If the expectation is to keep EMTs with the FDNY while also attracting new members, there must be a sizable investment from the city that demonstrates a commitment to this department.

The alarming trend of surging assaults is causing members to leave the Department altogether to find work that is safer and also pays more.

The dedicated women and men of EMS – and the citizens we are sworn to protect – absolutely deserve better attention and protection.

Thank You all for your time and consideration.

Association for Neighborhood & Housing Development

ANHD
50 Broad Street, Suite 1402
New York, NY 10004
Tel: (212) 747-1117

Testimony Before the New York City Committee on Housing & Buildings with the Committee on Fire and Emergency Management

February 29th 2024

Thank you to Committee Chair Sanchez and members of the Committee on Housing and Buildings for hearing these bills to ensure further safety for tenants in our city.

About the Association for Neighborhood and Housing Development (ANHD)

ANHD is one of the City's leading policy, advocacy, technical assistance, and capacity-building organizations. We maintain a membership of 80+ neighborhood-based and city-wide nonprofit organizations that have affordable housing and/or equitable economic development as a central component of their mission. We bridge the power and impact of our member groups to build community power and ensure the right to affordable housing and thriving, equitable neighborhoods for all New Yorkers. We value justice, equity and opportunity, and we believe in the importance of movement building that centers marginalized communities in our work. We believe housing justice is economic justice is racial justice.

Intro No. 88 - qualifications or individuals to perform periodic inspection, test and maintenance of fire and smoke dampers and smoke control systems

Two years ago, The Bronx was hit with one of the worst residential fires in recent years. The Twin parks fire showed us the dire conditions many of the buildings in New York are currently in, and the consequences that can result for the tenants who live in them.

Code enforcement does not often get the attention it deserves. A more effective code enforcement process would allow tenants to have the resources to resolve issues/repairs/hazards in their homes before they become much more serious. We know from data that conditions in apartments across the city are worsening, and lower renting apartments and public housing are in particularly dire conditions [1] These conditions can include mold and rodent infestations, lack of repairs, lack of heat and hot water and can often be deadly. It is not an issue that we can continue to ignore, we must take oversight of these buildings seriously, and ensure that repairs are addressed when they are needed.

In addition to more frequent and timely inspections, robust enforcement when violations are recorded is critical. It is all too common for b and c violations to linger for years; for housing court cases to result in settlements that forgive fines but do not result in actual remedies; and for tenants to experience the same problems over and over because bandaid solutions are implemented but root issues are left unaddressed.

[1] css

Several common types of code violations have a direct relationship to fire hazards. In buildings without adequate heat, tenants are forced to resort to space heaters, stoves, and other unsafe measures for warmth. Old or faulty electrical wiring, and leaks that intersect with electrical wiring are another obvious fire hazard. Better coordination both across agencies and between agencies, tenants, and community organizations is needed to address these hazards - and to do before they reach a point where vacate orders are needed.

ANHD supports Int 88, to improve the inspection process specifically with regards to fire safety devices; Int 89, to ensure that timely information gets to the community board members and elected officials who residents turn to for support and guidance in an emergency; and Int 6, to ensure that tenants have clear information about their rights related to vacate orders before they find themselves in an emergency situation.

ANHD also recommends that the council and relevant agencies explore options for better interagency coordination with regards to fire safety, which could be modeled after the Task Force on Construction in Occupied Multiple Dwellings.

Thank you for the opportunity to testify. If you have any questions or for more information, please contact Emily Goldstein at emily.g@anhd.org.

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February 29, 2024

CHIP Testimony on Fire Safety

Thank you for holding this hearing today. I am Adam Roberts, Policy Director for the Community Housing Improvement Program (CHIP). We represent New York's housing providers, including apartment building owners and managers.

Two years after the Twin Parks tragedy, the danger from fire in residential buildings has not abated. The risks posed by e-bikes and their batteries have caused the threat of fires to grow. We thank the council for its work in addressing this issue. However, more is needed to ensure tenants and building workers are safe.

The council's recent laws have focused on preventing the sale of unsafe batteries and bikes and ensuring bike operators are aware of safe practices. The council must also look for ways to allow for removal of unsafe batteries and correcting unsafe conditions (illegal repair shops, charging stations) in residential buildings. Currently there is little to no cooperation between housing providers and the enforcement agencies. Partly because a housing provider who reports an unsafe condition to NYPD, FDNY, and DEP will face violations and fines simply because the tenant was creating an unsafe condition.

Housing providers, whether they be owners, managers, or building workers, do not have legal authority to enter apartments and remove illegal batteries. Housing providers must go through the courts before being able to do so, which can take months if not years. By putting the onus on housing providers to enforce the law, it allows unsafe batteries and storage conditions to persist rather than encouraging coordination between NYPD, FDNY, and DEP and housing providers.

While the council has taken measures to reduce fire risks from e-bikes, we have serious concerns about Int. 17-2024, which would mandate the installation of electric vehicle charging stations, due to the financial stress this would impose on rent-stabilized housing. The installation of EV chargers requires significant structural upgrades, which can be prohibitively expensive.

The bill does account for this by exempting some types of affordable housing, but it is only exempting buildings that have regulatory agreements with government agencies. These regulatory agreements involve an influx of government funding to maintain buildings.

This is a problem since most rent-stabilized buildings do not have the benefit of receiving government subsidies. As currently written, this bill exempts the best-funded affordable housing, instead of the housing that is struggling the most, like rent-stabilized housing. We ask that the council correct this to ensure the housing with the greatest financial need is the one receiving exemptions.

Again, thank you for holding this hearing today.

Adam Roberts, Policy Director
Community Housing Improvement Program (CHIP)
516-510-2773
aroberts@chipnyc.org

Reliability of Fire Dampers, Smoke Dampers and Smoke Control Systems

by

James Milke and Robert Ayoub

Department of Fire Protection Engineering

University of Maryland

July 21, 2021

ABSTRACT

The purpose of this project is to create awareness of the importance of periodic inspections of fire dampers, smoke dampers, and smoke control systems. A reliability analysis of fire dampers, smoke dampers and smoke control systems will be conducted by collecting data from inspections of such equipment or systems. The analysis will seek to distinguish components that are fully operational, not operational, and operational but not at required performance levels.

1. BACKGROUND

While reliability data exists for some fire protection equipment and systems, such as sprinkler, detection and firestopping systems, no data exists in the public domain for fire life safety (FLS) dampers or smoke control systems.

The International Fire Code adopted in 42 of 50 states recognizes standards that have been developed by committees of the National Fire Protection Association (NFPA). This research project is intended to collect data to provide support to the following NFPA standards committee relative to the specified periodic inspection frequencies:

- **NFPA 80:** Fire dampers shall be inspected 1 year after installation, every 4 years thereafter, except hospitals, which have a 6-year inspection frequency.
- **NFPA 92:** Dedicated smoke control systems shall be inspected at least every six months and non-dedicated smoke control systems shall be inspected at least annually.
- **NFPA 105:** Smoke dampers shall be inspected 1 year after installation, every 4 years thereafter, except hospitals, which have a 6-year inspection frequency.

2. RESEARCH METHODOLOGY

The principal approach for this proposed research included the collection of data from inspections or any post-incident investigations of the performance of fire dampers, smoke dampers and smoke control systems. The survey form included in Appendix A was distributed to contractors, engineering consultants and government agencies who conduct such inspections. The contractors included on the distribution list are those who have been certified through a joint effort by NEMIC and the International Certification Board (ICB). This certification program is recognized by the American National Standards Institute (ANSI) under the ISO/IEC 17024 standard. Any technician or supervisor performing the periodic inspections of fire dampers, smoke dampers, or smoke control systems while employed by these ICB certified ANSI accredited contractors will have completed the required classroom educational requirements and successfully passed the requisite exam(s) required through the ICB certification process.

Engineering consulting companies conduct inspections for building owners or operators to comply with local regulations or in the case of health-care institutions to maintain accreditation by the Joint Commission, a nonprofit organization that accredits more than 22,000 US health care organizations and programs.

3. SURVEY RESULTS

3.1 FLS Damper Results

A total of 39 responses were received to the surveys that were distributed. In these 39 responses, the results from a total of 281 inspection projects in new buildings were reported along with 1,120 inspection projects in existing buildings. The inspection projects in new buildings included inspections of 18,964 fire dampers, smoke dampers, or combination fire/smoke dampers and 151,390 of those components in existing buildings. Hence, the survey results are obtained from conducting a total of 1,401 projects that included inspections of 170,354 FLS dampers.

A summary of the overall responses concerning dampers requiring repair, replacement or other adjustments is included in Table 1. As indicated in the results, the proportion of FLS dampers needing attention in the form of repair, replacement, improved access, or actuator replacement in existing buildings exceed the proportion in new buildings. A more in-depth review of the data is included in the remainder of this section.

Table 1. Summary of All Responses

Topic	New	Existing
1. In the past 36 months, how many FLS damper inspection and testing projects has your company completed?	281	1,120
2. How many FLS dampers (in total) were inspected on these projects?	18,964	151,390
3. Of the inspected FLS Dampers, how many were in need of:		
Repair?	808	80,230
Replacement?	75	3653
Better damper access requiring installation or modification of access (such as doors or other means)?	360	20,550
4. Of the electric or pneumatic actuated FLS dampers that were inspected, how many dampers (in total) required replacement of the actuators?	85	11,377
6. Of the FLS damper inspection projects, how many projects had more than 15% of the components that needed repair or replacement?	16	174

Question 1. In the past 36 months, how many fire and smoke damper inspection and testing projects has your company completed?

Each respondent provided two answers to this question, one relating to projects in new buildings and the other for existing buildings. The responses are depicted in Figure 1. For most of the respondents, the number of inspection projects completed were relatively small. Of the responses obtained, 17 related to inspections in new buildings while 35 were in existing buildings. 48 of 52 responses (or 92% of the non-zero responses) indicated involvement in up to 50 inspection projects during the three years. Only four responses indicated they had done more than 50 inspections in the last three years in either type of building, with a maximum of 705 projects being conducted by a respondent (in an existing building).

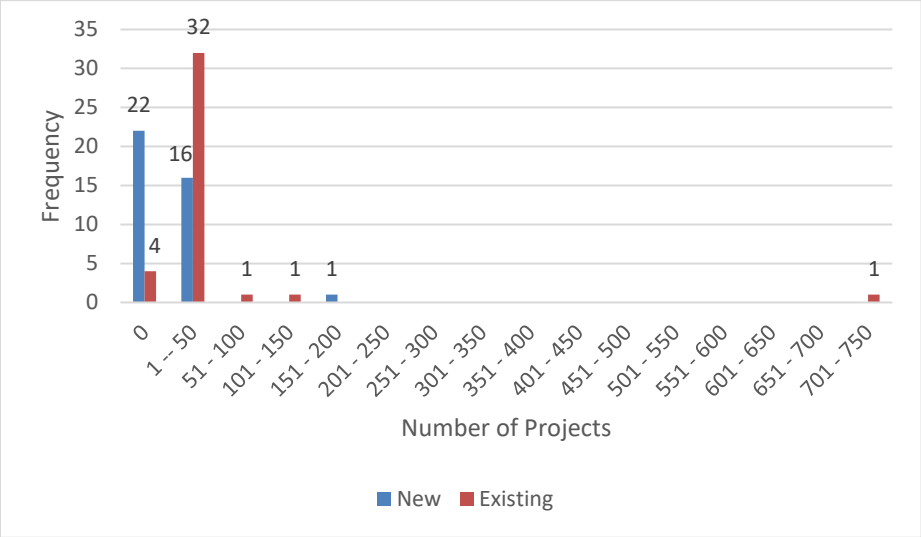

Figure 1. Inspection Projects in the Past 36 Months

Question 2. Total number of Fire Dampers, Smoke Dampers, or Fire/Smoke Dampers Inspected from these projects in the past 36 months

For those respondents who had projects that included FLS damper inspections, 31 of 52 responses (or 60% of the non-zero responses) reported inspecting 500 dampers or less. The maximum numbers of dampers inspected in new and existing buildings were 9,000 and 105,000.

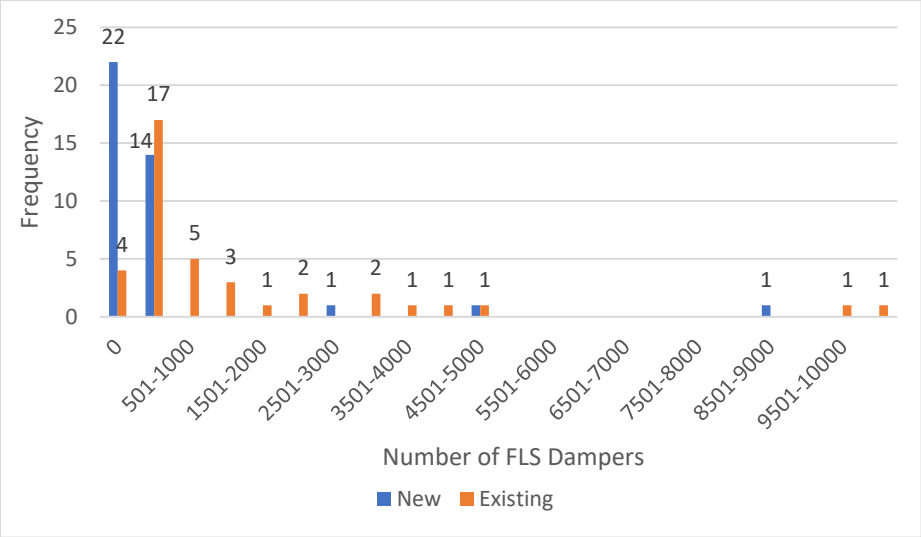

Figure 2. Total number of FLS Dampers Inspected in Past 36 Months

Question 3. Of the inspected Fire Life Safety Dampers, how many were in need of

a) Repair
b) Replacement
c) Better damper access requiring installation or modification of access (such as doors or other means)?

The distribution of responses provided for these three questions are presented in Figures 3-5. For question 3a, only 19 of the 53 responses indicated that repair was not needed to a damper, or 36% of the responses. Of these 19 responses, a substantial majority (16 of 19) were in new buildings. One respondent indicated that they had observed 40,000 dampers as needing repair during the 36 month period. Overall, the dampers needing repair were more often found in existing buildings rather than new buildings.

The responses to questions 3b and 3c follow the same pattern as question 3a. In only 25 of the 53 responses (47%), was no replacement of dampers needed. Of those 25 responses, about two-thirds of them (17 responses) were in new buildings. Only one damper in a new building needed replacement, or 5.6% of the sample, though 77% of responses indicated a need for damper replacement in existing buildings.

For question 3c, 16 of 53 responses indicated that no improvement to access was needed, comprising 30% of the responses. The need for improved access was noted in 91% of the responses for existing buildings.

For questions 3a-3c, most of the responses of dampers needing repair, replacement or access modification were relatively small in number. However, for each question, there were a small number of responses indicating the need for action for a large number of dampers.

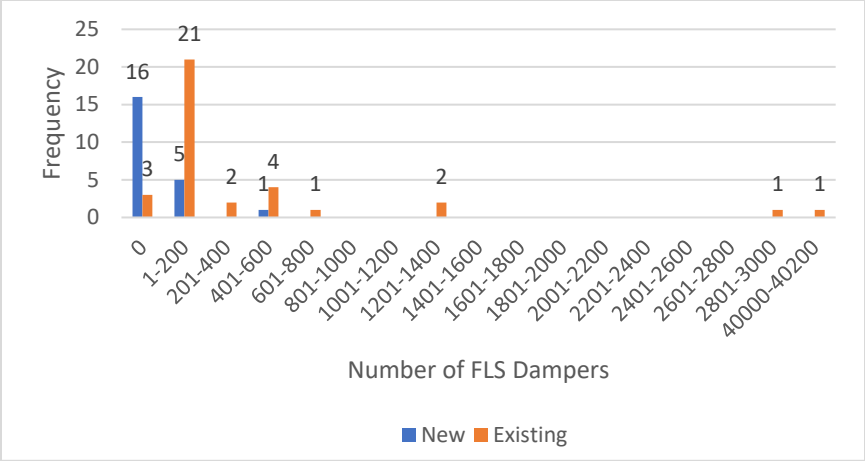

Figure 3. FLS Dampers Needing Repair

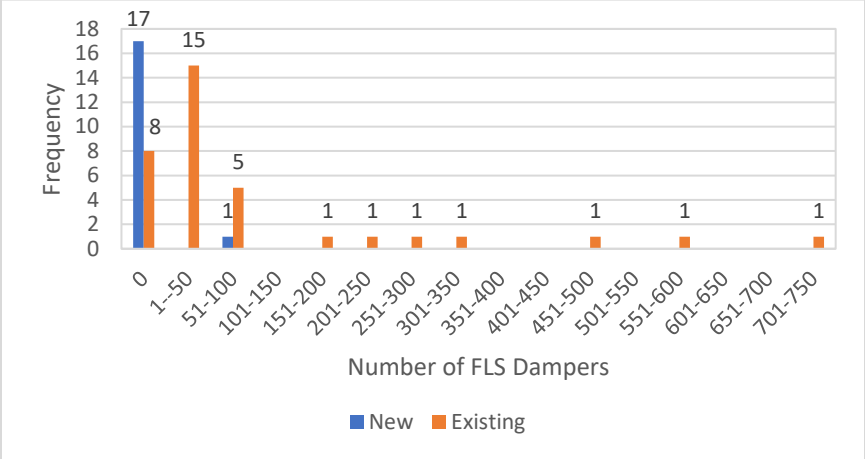

Figure 4. FLS Dampers Needing Replacement

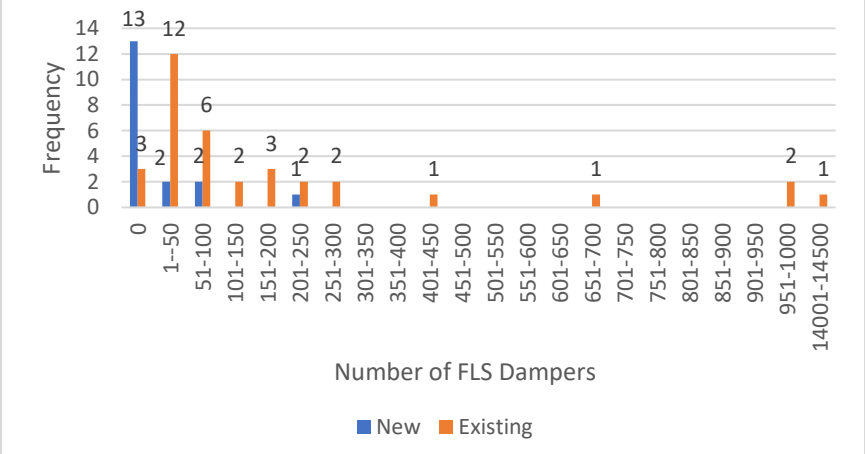

Figure 5. FLS Dampers Needing Better Damper Access Installation or Modification of Access

A comparison of the responses in new versus existing buildings for questions 3-7 are included in Table 2. For each of the responses, it is noteworthy that the issues are substantially greater in existing buildings than new buildings. For every question, a majority of the responses for existing buildings identified the need for service (repair or replacement of dampers, access issues, actuator replacement, reliability and the need to provide immediate attention in order to keep the building open. While the issues are much less prominent in new buildings, the number of issues identified are still substantial, especially given the equipment is new.

Table 2. Responses Indicating Concerns with Dampers or Actuators (%)

Question	New Buildings	Existing Buildings	All Buildings
3a. FLS dampers needing repair	39	91	67
3b. FLS dampers needing replacement	5.6	77	53
3c. FLS dampers needing improved access	28	91	70
4. Actuators needing replacement	17	80	58
5. FLS damper projects with reliability concerns	29	79	38
6. Projects with >15% of components needing repair or replacement	17	71	53
7. FLS dampers needing immediate attention	5.6	63	43

Question 4. Of the electric or pneumatic actuated FLS dampers that were inspected, how many dampers (in total) required replacement of the actuators?

The responses to question 4 are presented in Figure 6. There were 53 responses to this question, with 31 of the responses (58% of the total) indicating a need to replace the actuator.

As in question 3a-3c, the need for replacement of actuators was more prevalent in existing buildings than in new buildings (80% in existing buildings versus 17% in new buildings). A comparison of the response to this question for new versus existing buildings is presented in Table 2. Also similar to the responses to questions 3a-3c is the indication of a very large number of actuators needing replacement in one response.

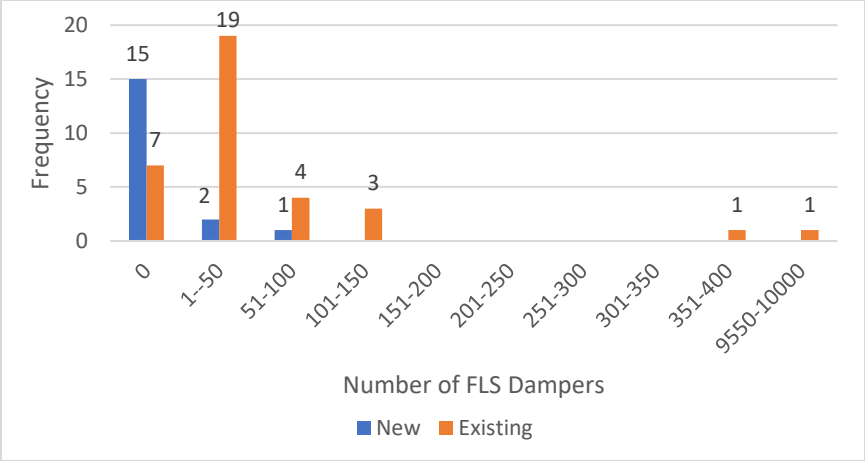

Figure 6. Electrical or Pneumatic FLS Dampers Requiring Replacement of Actuators

Question 5. Of the total number of FLS dampers inspected in the past 24 months, what percentage of fire and smoke damper projects have areas of concern with the reliability of the installed fire, smoke and/or combination dampers?

The frequency distribution of the responses to question 5 are presented in Figure 7. The proportion of FLS damper projects with evidence of reliability concerns was 29% in existing buildings, but 79% in existing buildings. In five of the responses (four of them in existing buildings), reliability was questioned in excess of 90% of the projects. The comparison of the responses for new versus existing buildings is presented in Table 2.

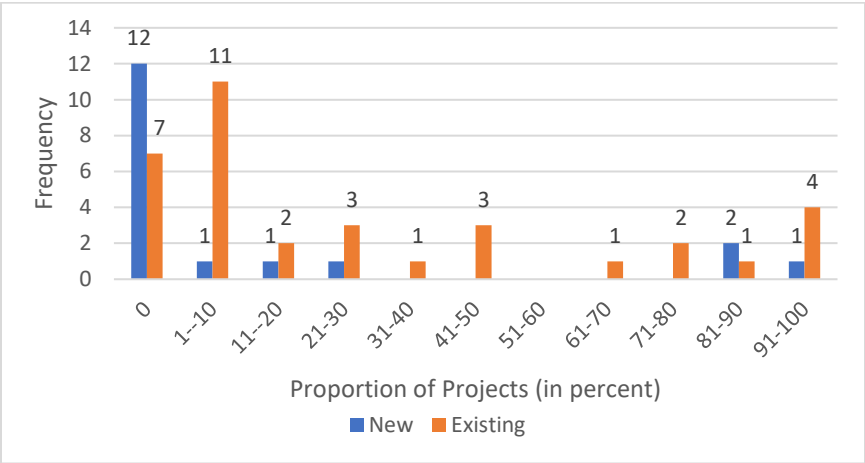

Figure 7. Proportion of FLS Damper Projects with Reliability Concerns

Question 6. Of the FLS damper inspection projects, how many projects had more than 15% of the components that needed repair or replacement?

The responses to question 6 are presented in Figure 8. In 28 of the 53 responses (53% of the responses), individuals indicated that at least 15% of the components needed repair or replacement. As with the previously discussed questions, a greater proportion of projects in existing buildings had an appreciable number of components (15% or greater) needing repair or replacement than with new buildings. The comparison of the responses for new versus existing buildings is presented in Table 2.

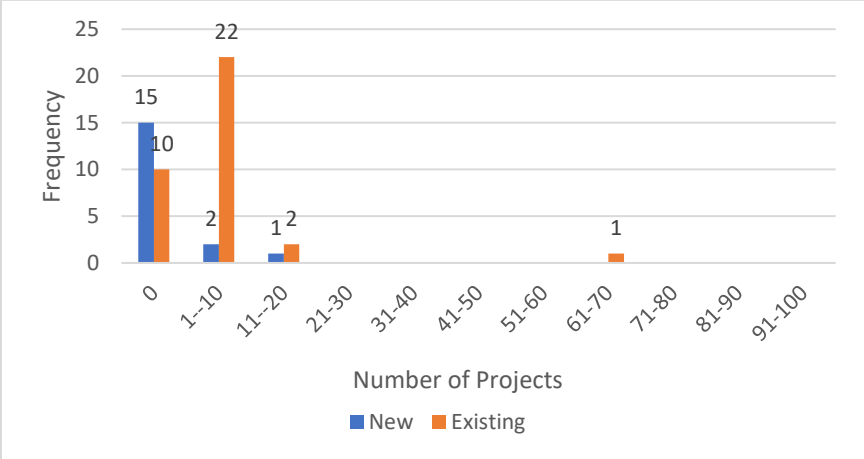

Figure 8. 8 Projects with More than 15% of Components Needing Repair or Replacement

Question 7. Of those requiring attention, in what proportion of FLS dampers was immediate attention required in order to keep the building open as the problem was life threatening?

The responses to question 7 are included in Figure 9. The difference in the responses for new versus existing buildings is noteworthy. Only one response (out of 17) indicated issues needing immediate attention for a new building (or 5.6% of the responses), while for existing buildings the majority of responses (63%) indicated the need for immediate change. One significant observation is the substantial number of responses (10 of 22) that indicated that 90-100% of the dampers needed immediate attention.

Question 8. Of the projects needing repair or replacement, what proportion required the following actions?

8.1 Damper
- a. Adjustment needed
- b. Replacement needed
- c. Other

8.2 Actuation by fire alarm system
- a. Reprogramming needed
- b. Replacement of parts in fire alarm system needed
- c. Other

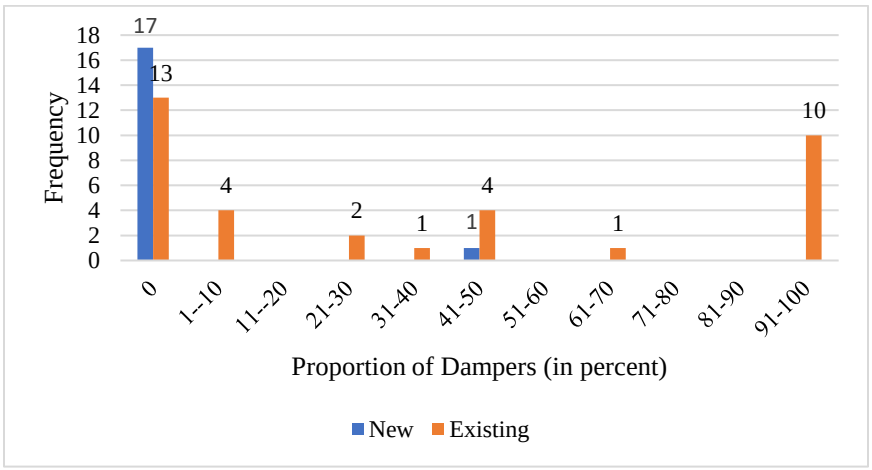

Figure 9. Proportion of FLS Dampers Requiring Immediate Attention

The responses pertaining to actions involving dampers are depicted in Figure 10. As in the case of the previous questions, many more remedial actions were identified for dampers in existing buildings rather than new buildings.

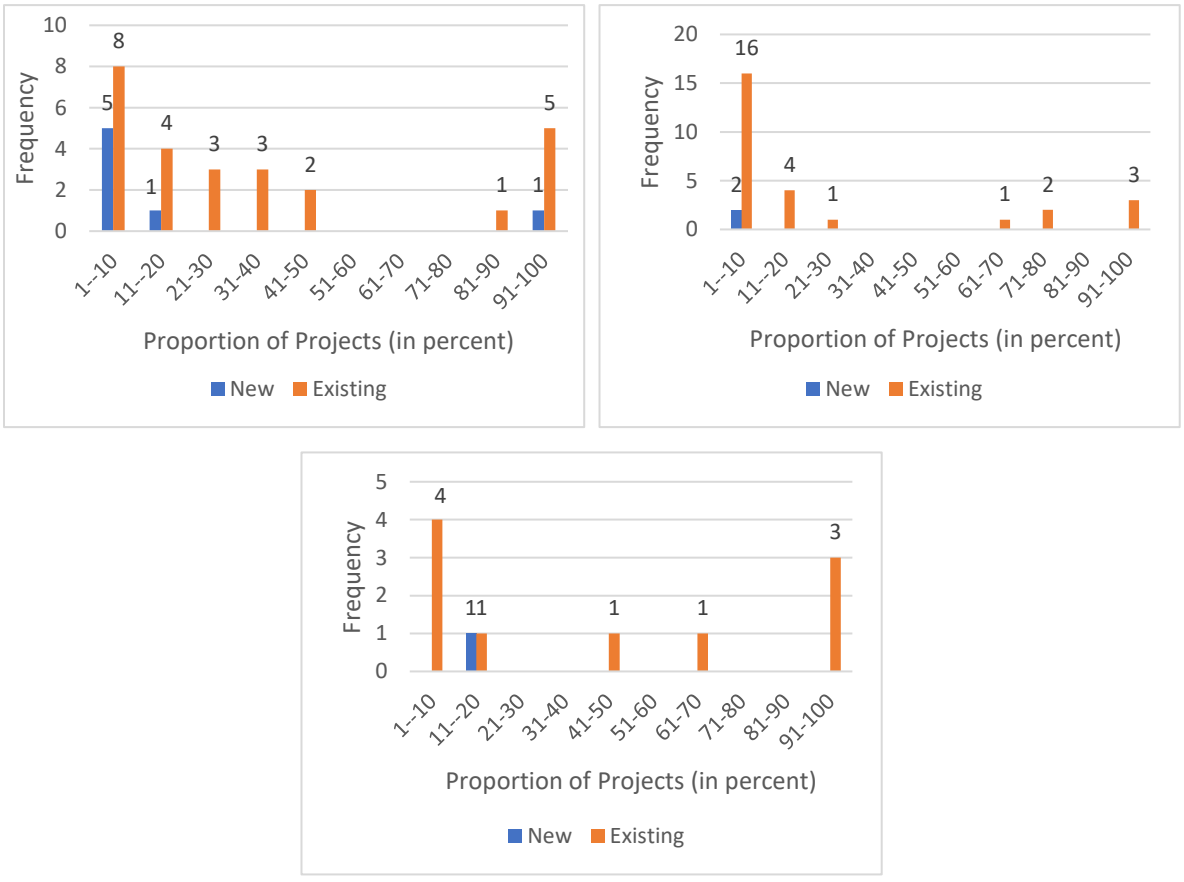

Figure 10. Remedial Actions for Dampers
(upper left: 8.1a, upper right: 8.1b, bottom: 8.1c)

The responses pertaining to actions involving actuation of dampers are depicted in Figure 11. As in the case of the previous questions, many more remedial actions were identified for actuation components in existing buildings rather than new buildings.

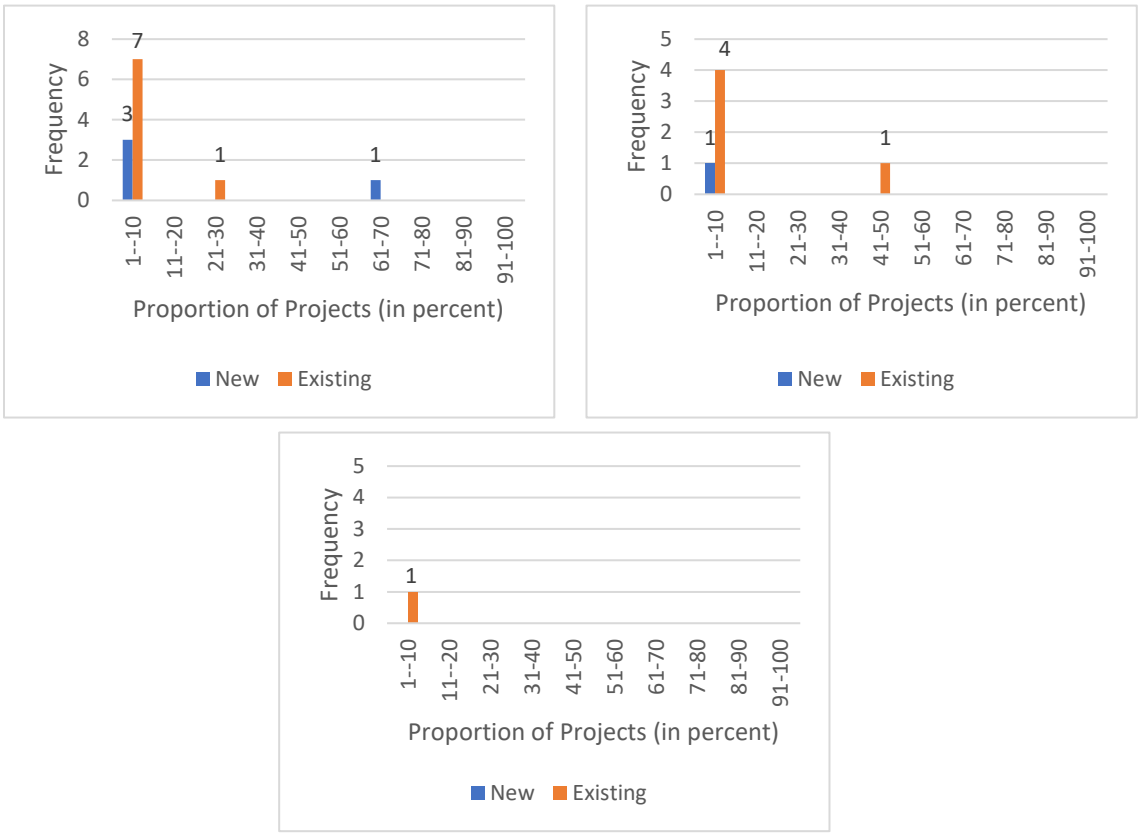

Figure 11. Remedial Actions for Dampers
(upper left: 8.2a, upper right: 8.2b, bottom: 8.2c)

3.2 Smoke Control System Results

The responses pertaining to inspections of smoke control systems varied by the type of system and are generally less than the number obtained for fire dampers (described in the previous section).

Question 9. How many inspection projects has your company completed in the past 36 months?

The number of responses to question 9 from those companies who had conducted at least one inspection of a smoke control system is summarized in Table 3.

Table 3. Respondents Conducting Inspections of Smoke Control Systems

Type of System	New Building	Existing System	Total
Stairwell Pressurization	10	10	20
Zoned Smoke Control	8	6	14
Atrium Smoke Management	6	7	13

The number of inspections conducted by any respondent varied appreciably. The range in the number of inspections conducted is presented in Figures 12-14 for the three types of systems. The total number of systems that the responding companies inspected is summarized in Table 4.

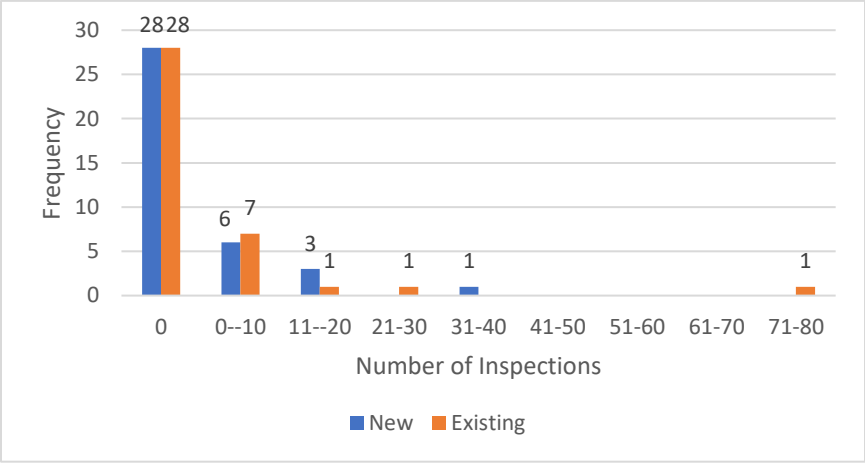

Figure 12. Inspections of Stairwell Pressurization Systems

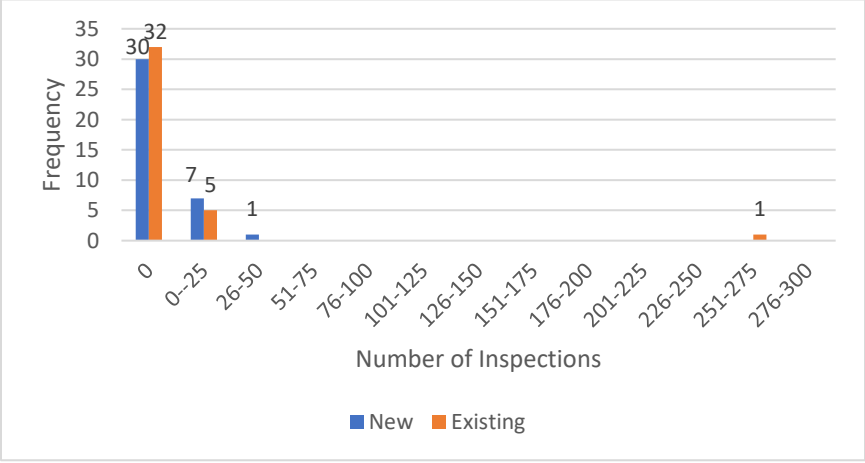

Figure 13. Inspections of Zoned Smoke Control Systems

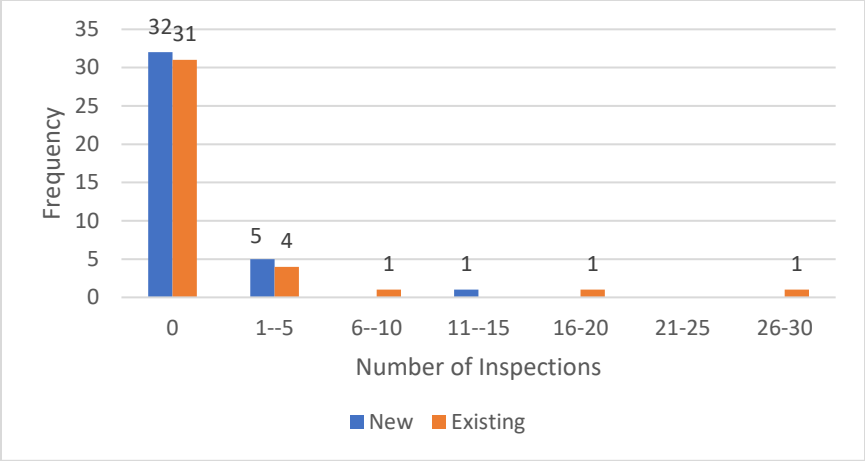

Figure 14. Inspections of Atrium Smoke Management Systems

Table 4. Responses on Smoke Control Systems

Question	Stairwell	Zoned	Atrium
9. How many inspection projects has your company completed in the past 36 months?			
New construction	118	84	27
Existing building	149	297	65
10. How many projects required repairs, adjusting, and/or balancing of the system, including associated dampers?			
New construction	100	72	22
Existing building	61	37	14
11. How many projects required that more than 15% of the components needed adjustments, repairs or replacements?			
New construction	82	66	20
Existing building	29	22	7

Question 10. How many projects required repairs, adjusting, and/or balancing of the system, including associated dampers?

The responses to question 10 for the three types of smoke control systems are included in Figures 15-17. The proportion of smoke control projects requiring repair, adjustment or balancing in new and existing buildings is indicated in Table 5. The proportion of inspection projects that identified the need for service, i.e. repair, adjustment or balancing, were similar for the three types. The proportion of systems needing service were much greater in new versus existing buildings.

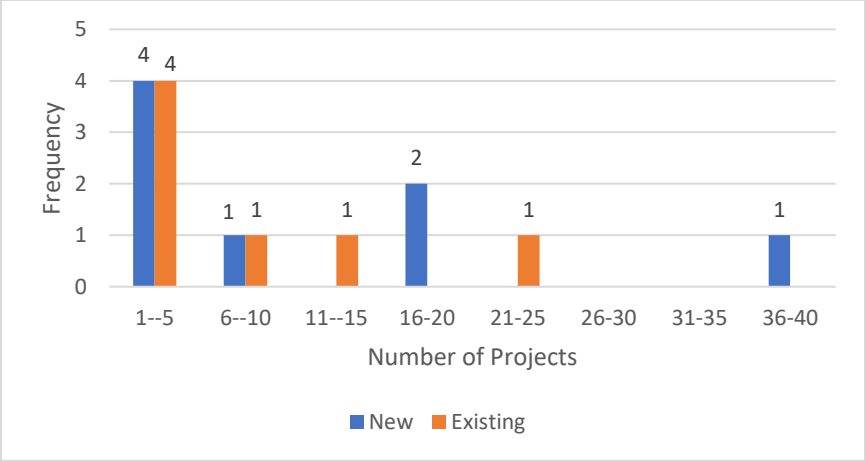

Figure 15. Inspection Projects of Stairwell Pressurization Systems Identifying Need for Repair, Adjustment or Balancing

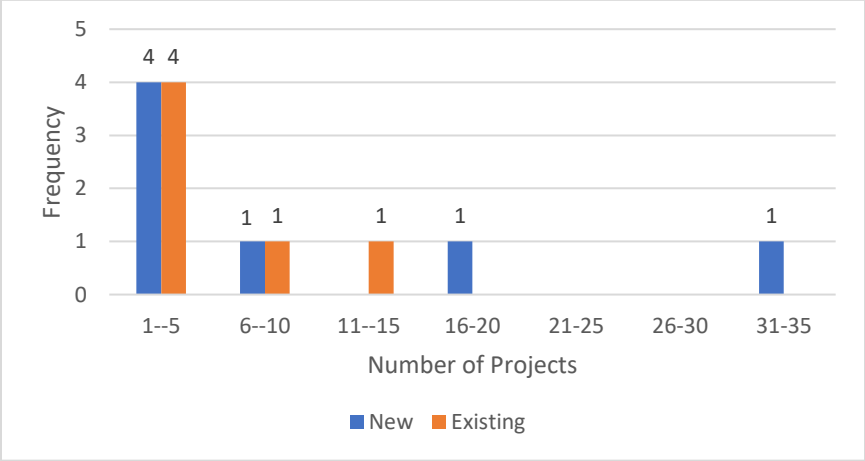

Figure 16. Inspection Projects of Zoned Smoke Control Systems Identifying Need for Repair, Adjustment or Balancing

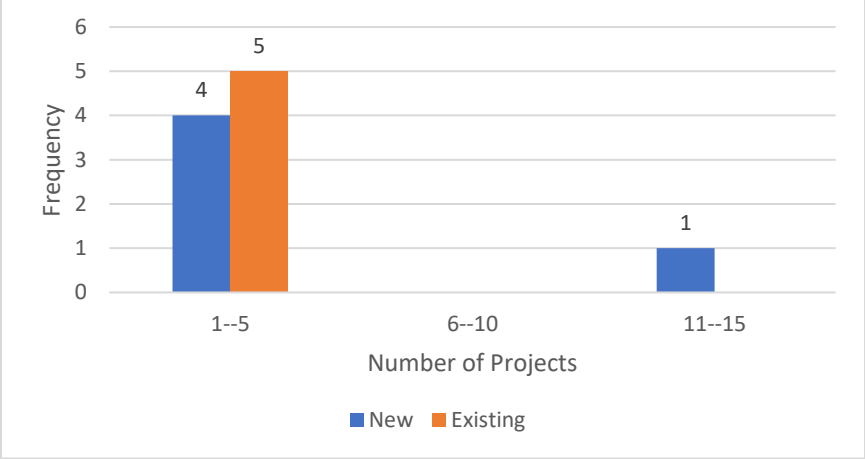

Figure 17. Inspection Projects of Atrium Smoke Management Systems Identifying Need for Repair, Adjustment or Balancing

Table 5. Smoke Control Systems Requiring Repairs, Adjustment or Balancing (%)

Building	Stairwell	Zoned	Atrium
New	85	86	81
Existing	41	12	22

Question 11. How many projects required that more than 15% of the components needed adjustments, repairs or replacements?

The responses to question 11 for the three types of smoke control systems are included in Figures 18-20. The proportion of smoke control projects with a substantial number (i.e. more than 15%) of the components needing adjustment, repair or replacement is summarized in Table 6. As indicated in the proportion of systems needing attention being greater in new buildings as compared to existing buildings, the proportion of systems with a substantial number of components needing attention is also greater in new buildings as compared to existing buildings.

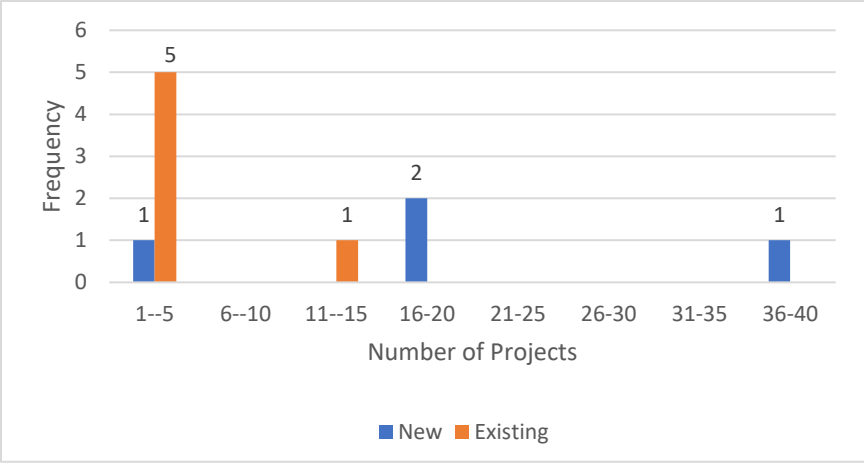

Figure 18. Proportion of Stairwell Pressurization System Inspection Projects with More Than 15% of the Components Needing Adjustments, Repairs or Replacements

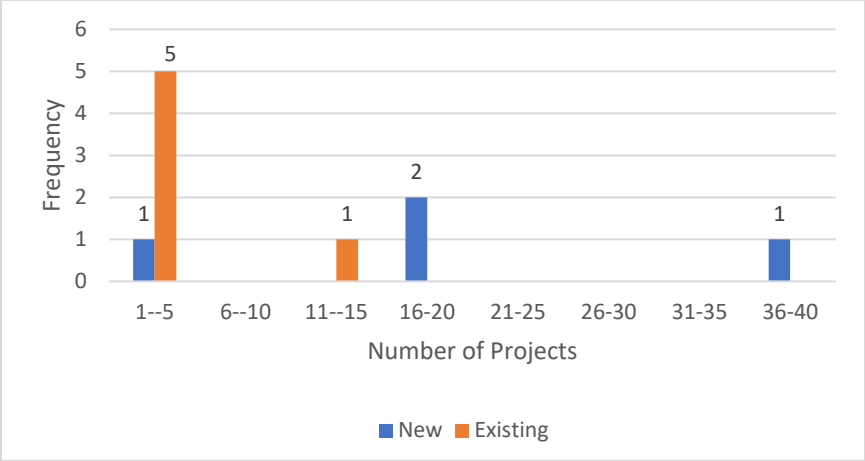

Figure 19. Proportion of Zoned Smoke Control System Inspection Projects with More Than 15% of the Components Needing Adjustments, Repairs or Replacements

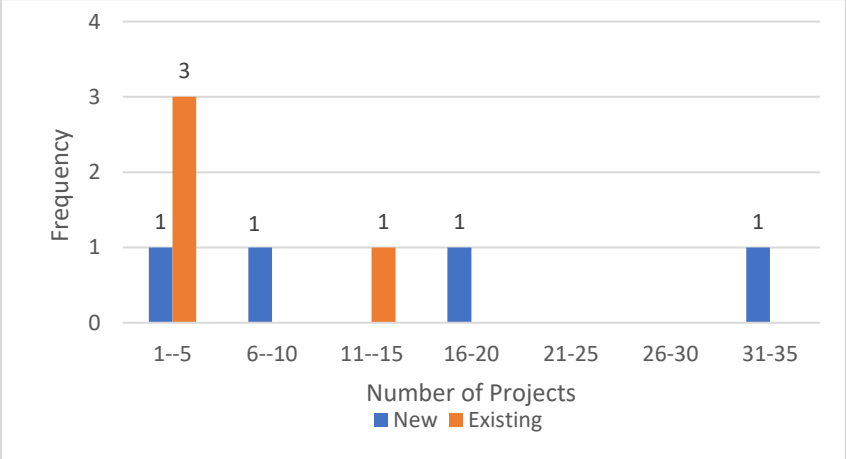

Figure 20. Proportion of Atrium Smoke Management System Inspection Projects with More Than 15% of the Components Needing Adjustments, Repairs or Replacements

Table 6. Smoke Control System Projects with More Than 15% of Components Requiring Repairs, Adjustment or Balancing (%)

Building	Stairwell	Zoned	Atrium
New	69	79	74
Existing	19	7	11

4. SUMMARY

The results of the survey indicate that inspections of FLS dampers and smoke control systems are identifying a substantial number of issues concerning these components or systems.

The trends are in the results for new versus existing buildings is opposite for FLS dampers than smoke control systems. Issues with FLS dampers were far more prominent in existing buildings, while issues with smoke control systems were observed more often in new buildings.

The issues for FLS dampers in existing buildings were pervasive, with a majority of the responses to each question expressing concern. Even so, FLS dampers in new buildings were not immune from showing evidence of problems.

The issues for smoke control systems were more prominent in new buildings than existing buildings, which is expected given design practice. Because smoke control system design includes some key design assumptions, testing of the system typically identifies adjustments needed in fan capacities or damper settings in order to create acceptable pressure differences within the building.

Appendix A. Survey Form

UNIVERSITY OF MARYLAND
Department of Fire Protection Engineering

NEMIC
NATIONAL ENERGY MANAGEMENT INSTITUTE COMMITTEE

Survey of Fire Life Safety Systems

General

In what state or region of the U.S. does your company provide inspection services of FLS Dampers or Smoke Control Systems? _____

Fire Life Safety Dampers

	New Construction	Existing Building
1. In the past 36 months, how many fire and smoke damper inspection and testing projects has your company completed?		
2. How many fire dampers, smoke dampers, or combination fire/smoke dampers (in total) were inspected on these projects?		
3. Of the inspected Fire Life Safety Dampers, how many were in need of:		
a. Repair?		
b. Replacement?		
c. Better damper access requiring installation or modification of access (such as doors or other means)?		
4. Of the electric or pneumatic actuated FLS dampers that were inspected, how many dampers (in total) required replacement of the actuators?		
5. Of the total number of FLS dampers inspected in the past 24 months, what percentage of fire and smoke damper projects have areas of concern with the reliability of the installed fire, smoke and/or combination dampers?		
6. Of the FLS damper inspection projects, how many projects had more than 15% of the components that needed repair or replacement		
7. Of those requiring attention, in what proportion was immediate attention required in order to keep the building open as the problem was life threatening		

8. Of the projects needing repair or replacement, what proportion required the following actions		
8.1 Damper		
a. Adjustment needed		
b. Replacement needed		
c. Other		
8.2 Actuation by fire alarm system		
a. Reprogramming needed		
b. Replacement of parts in fire alarm system needed		
c. Other		

Smoke Control Systems

Answer each of the following questions for each type of smoke control system inspected.			
	Stairwell Pressurization System	Zoned Smoke Control	Atrium Smoke Management[1]
9. How many inspection projects has your company completed in the past 36 months?			
New construction			
Existing building			
10. How many projects required repairs, adjusting, and/or balancing of the system, including associated dampers?			
New construction			
Existing building			
11. How many projects required that more than 15% of the components needed adjustments, repairs or replacements?			
New construction			
Existing building			

[1] "Atrium Smoke Management" is meant to refer to a system with smoke exhaust in a large, uncompartmented space such as an atrium, covered mall, arena, airport terminal, etc.

SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC.

February 28, 2024

Chairman Sanchez, Chairman Ariola and Committee Int. No. 88

Chair Sanchez, Chair Ariola, and Members of the Committees on Housing and Buildings and Fire and Emergency Management, thank you for the opportunity to provide written testimony regarding Int. No. 88.

The Sheet Metal and Air Conditioning Contractors National Association (SMACNA) is an international trade association representing 3,500 signatory contracting firms with more than 100 chapters throughout the United States, Canada, Australia, and Brazil. SMACNA provides its sheet metal and air conditioning contractor members with assistance in areas including business management, labor-relations, marketing, governmental affairs, and technical research and development – on both a national and local level. SMACNA's membership includes thousands of leading contractor corporations specializing in complex energy saving retrofit contracting, facilities energy management and residential, commercial, public, and industrial energy system construction at the local, state, and federal government levels.

SMACNA as an American National Standards (ANSI) setting organization develops standards for the HVAC, Architectural, Industrial, Energy, Indoor Air Quality industry. As an ANSI organization, our standards are vetted through an open consensus-based process to ensure the integrity of our standards that are then adopted by the Model Building Code and Design/Construction Community.

Our recently released SMACNA Fire, Smoke & Radiation Damper Manual meets the intent of Int. No. 88. As the SMACNA Fire, Smoke & Radiation Damper Manual requires compliance to NFPA 80 and NFPA 105, as well as UL 555, this ensures the requirement for the proper installation, service and lifetime inspection of all Fire/Smoke Dampers will be enforced thereby providing for a both resilient facility, but one that meets the modern requirements for Life Safety for all occupants.

On behalf of SMACNA, we thank you for the opportunity to provide this written testimony in strong support of Int. No. 88.

Professionally yours,

Eli P. Howard, III
Executive Director Technical Services
SMACNA
Ehoward@smacna.org
703-803-2980

SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC.

February 29, 2024

Committee on Fire and Emergency Management

Int. No. 88 – Qualifications of individuals to perform periodic inspection, test and maintenance fire and smoke dampers and smoke control systems.

Chair Sanchez, Chair Ariola, and Members of the Committees on Housing and Buildings and Fire and Emergency Management.

I am in support of this bill.

My name is Geoff Parks, Sr. Project Manager for the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA). An international trade association representing signatory contracting firms across the country. I've been in the sheet metal HVAC industry for nearly 30 years.

Supporting the industry in my current role at SMACNA includes providing training on the proper installation of Fire Life Safety Dampers. I'm also a former Maryland HVAC contractor that employed certified Fire and Smoke Damper Technicians who performed damper acceptance and inspection testing on many buildings throughout Maryland, Virginia, and the District of Columbia. I can attest firsthand to the pervasive issues with Fire Life Safety dampers as documented in a 2021 University of Maryland reliability study.

On many occasions, dampers were installed incorrectly, had no or limited access, broken fusible links, debris blocking damper blade function, broken damper shafts, inoperable actuators, and the list goes on. Many times, these deficiencies resulted in the need to repair or completely replace the dampers. Had those dampers I just described remained unchecked and in service during a fire life safety event, it could have been catastrophic to the safety of not only the occupants but the first responders responding to the event.

As previously stated, I am in full support of this bill.

Sincerely,

Geoff Parks
Senior Project Manager
Technical Services
SMACNA
703-803-2980

HEADQUARTERS 4201 LAFAYETTE CENTER DRIVE • CHANTILLY VA 20151-1219
MAIL ADDRESS P.O. BOX 221230 • CHANTILLY VA 20153-1230
PHONE 703 803 2980
FAX 703 803 3732
WEB www.smacna.org

SMACNA of Long Island, Inc.

One Corporate Drive, Suite GL-2 | Bohemia, NY 11716 | 631-777-4600 | melissa@smanca-li.org

Testimony in Support of Intro. 88
A Local Law to amend the New York City Fire and Building Codes and
the Administrative Code of the City of New York, in relation to the
qualifications of individuals to perform periodic inspection,
test and maintenance fire and smoke dampers and smoke control systems

Committee on Housing & Buildings
Committee on Fire & Emergency Management

February 29, 2024

Chair Sanchez, Chair Ariola, and Members of the Committee,

Thank you for the opportunity to testify before you on Intro. 88, a local law to amend the New York City fire and building codes and the administrative code of the city of New York, in relation to the qualifications of individuals to perform periodic inspection, test and maintenance of fire and smoke dampers and smoke control systems.

SMACNA of Long Island is an association of locally based sheet metal, HVAC and testing and balancing contractors. Since our incorporation in 1971, SMACNA of Long Island has remained committed to providing educational opportunities and technical guidance for our members and our industry partners. Our contractors are knowledgeable, well informed and dedicated to providing the highest quality of construction for our communities while providing the highest quality of employment for our workers.

The legislation presented here today will clarify the intent and requirements of our current codes and standards regarding fire dampers, smoke dampers and smoke control systems while adding important additional code language that will ensure that these fire life safety systems are inspected, tested, and maintained by qualified, competent individuals.

Fire and smoke dampers along with smoke control systems are vital building and life safety equipment, just like sprinklers and fire extinguishers, that protect people and buildings from the effects of fire. When properly installed and maintained dampers and smoke control systems improve fire event outcomes for building occupants.

SMACNA of Long Island, Inc.

One Corporate Drive, Suite GL-2 | Bohemia, NY 11716 | 631-777-4600 | melissa@smanca-li.org

A fire damper is a part of a building's HVAC system that is installed within its air ducts. During a fire event, fire dampers detect excessive heat from spreading through a fire barrier and turning a "nuisance" fire into a significant fire event that can endanger lives and damage property.

A smoke damper is typically operated by a smoke detector, usually within your HVAC system. When the smoke detector senses smoke, it signals the smoke damper to shut and restrict the airflow and smoke, through the ducts. Some smoke dampers are connected to a system smoke detector, which is usually tied to the building's fire alarm system. Most fatalities in fire events are caused by smoke inhalation and not from fire. These devices, when operating properly, can help to reduce building occupants' exposure to smoke during a fire.

A smoke control system is a system that controls the movement of smoke and air in a building. It can be made up of multiple different components and use several methods to achieve its design objective, which is typically to maintain a tenable environment long enough for all occupants to egress the building and first responders to safely enter and combat the fire. The design objective for a smoke control system can vary depending on the situation in which it is being used, for example a hospital might have a design objective of containing smoke to the zone of fire origin. These systems can also be part of the existing HVAC systems, or they can be standalone systems.

According to the National Institute for Health, within New York City's 59 community districts, there were 3989 structural fires from 2017 to 2022. Unfortunately, it is inevitable the fires will continue to occur.

Intro. 88 is a step in the right direction to improve fire event outcomes in New York City by ensuring that these life-saving devices function properly when they are needed most. We urge the Council to pass this important piece of legislation.

Thank you.

Melissa Barbour

Melissa Barbour
Executive Director

New York City Council
Committee on Economic Development
Support for I Intro 0004, "Our Water Our Air,"

Thank you to the City Council for the opportunity to submit written testimony in support of the immediate termination of the docking of any cruise ships in New York City that do not utilize shore power. My name is Alyce Erdekian, and I have been a resident of Red Hook, Brooklyn for over 20 years.

While many of my neighbors have been here much longer, I've been here long enough to bear witness to constant changes and events that impact this amazing neighborhood, including when the Cruise Terminal first opened in Red Hook in 2006, and this conversation first started.

Many of the more recent changes to Red Hook have unfortunately had 1 common, and major, side effect - more vehicles - which means more traffic, more air pollution, more dangerous streets.

You have a bill before you, Intro 0004, that is specific to 1 set of vehicle issues impacting Red Hook right now- Cruise Ships and the vehicles that come when Cruise Ships are at the terminal- and I urge you to work to put Intro 0004 into action as soon as possible. The recent piece published in the Brooklyn Eagle here does a good job of summarizing many of the issues at stake, and why this proposed bill is necessary. If you haven't already read it, I urge you to do so. I would like to call attention to 1 passage of the piece (emphasis mine):

"***The Red Hook community fought for years for shore power*** *(the use of a shore-side electrical hookup to power ships that are at berth, enabling the ship's engines to be shut down and cutting down on toxic fumes).*

Then, following Mayor Bloomberg's announcement of shore power in 2011*, it took five years to implement it, and there was never a requirement for ships to use it. In 2017, the EDC signed a new operations agreement with Ports America announcing a zero-emissions requirement,* ***but without any enforcement provision. To date, very few ships plug in, and many are unable to due to the design of the system***"

Our community started fighting for this over 15 years ago. Leaders agreed it was an issue then, and told us it was solved over 10 years ago. Unfortunately, that was a lie from the EDC.

There should be absolutely no question that this needs to be addressed, it needs to be addressed now, and a mandate is required to ensure it happens.

Since the terminal opened in 2006, and the Red Hook Community started its fight to protect our air, the environment and the community from the impacts, the situation has

only gotten more complicated. More and more hyper-local environmental issues have surfaced: Post-Hurricane Sandy repair work persists, with ongoing construction creating terrible conditions throughout the complexes, and many units with unaddressed, serious mold issues. The explosion of Last-Mile Distribution centers coupled with the BQE Cantilever construction has created crippling traffic, increased exhaust, and more threats to street safety. This is all occurring here in Red Hook, a known Environmental Justice, and Disadvantaged community, (per NYC and NYS, respectively), where it's hard to feel that there's any real concern for the people that live here and bear the burden of this situation. Please show us that you are taking it seriously. Help fulfill the decade-old promise to get the Atlantic Basin Cruise Terminal functioning better for the Red Hook Community it resides in.

Thank you to Alexa Avilés and Eric Bottcher for proposing this bill. Thank you to Councilmember Farías, for reading my testimony and your attention and consideration on behalf of all New Yorkers who deserve clean air, less traffic, and community input on these important matters. I hope you see how long overdue this bill is and can help us take real steps to righting this wrong.

Regards,

Alyce Erdekian

February 29, 2024

Int. No. 88: A Local Law to amend the New York city fire and building codes and the administrative code of the city of New York, in relation to the qualifications of individuals to perform periodic inspection, test and maintenance fire and smoke dampers and smoke control systems.

Good morning, Chair Sanchez, Chair Ariola, and Members of the Committees on Housing and Buildings and Fire and Emergency Management,

I am grateful for the opportunity to present my testimony on Intro. 88, which focuses on introducing qualifications for individuals responsible for conducting periodic inspections, testing, and maintenance of fire and smoke dampers and smoke control systems.

My name is Anthony Guerrero, a proud member of Local 28 Sheet Metal Workers for 30 years. I am here to emphasize the significance of Fire Life Safety. This crucial aspect of building safety extends beyond mere sprinklers and fire alarms; it encompasses systems such as fire and smoke dampers that grant crucial time for firefighters to enter a building and occupants to evacuate safely. Research indicates that most fire-related deaths result from smoke inhalation, underscoring the vital role of well-designed and well-maintained smoke control systems in safeguarding lives.

Statistics reveal a troubling trend where a significant portion of fire and smoke dampers are not functioning properly, jeopardizing public safety, and exposing individuals to potential danger. With an alarming 1.3 million fires causing scores of deaths and injuries annually, the imperative of routinely testing and inspecting fire life safety systems cannot be overstated.

Over the past 15 years, we have invested in training our workforce on fire life safety systems, specifically emphasizing the proper maintenance and inspection of fire and smoke dampers. This training forms an integral part of our curriculum, commencing from the 5th term and extending through the 9th term. The success of this program is evident as some participants return to further enhance their knowledge and skills in this critical domain.

Our certified technicians not only boast internationally recognized qualifications accredited under ISO/IEC 17024 but are also proficient sheet metal workers. This unique blend of certifications and skills equips us to fabricate, install, and repair dampers with finesse and accuracy.

By enacting regulations that emphasize the importance of qualified individuals overseeing these systems, we can significantly reduce the risk of fire-related incidents and protect countless lives who reside in our communities. It is necessary that we work together to uphold these standards and create a secure environment where residents can feel protected and at ease in their homes. Let us join hands in making fire safety a top priority for the well-being of all residents in our city.

Thank you for your attention and consideration.

Sincerely,

Anthony Guerrero

Good morning,

Chair Sanchez, Chair Ariola, and esteemed members of the committees on housing and buildings of fire and emergency management, I appreciate the opportunity to present my testimony on Intro 088-2024.

My name is Marvin Tavarez, a Business Representative overseeing the upper Eastside and upper Westside of Manhattan. Today, I advocate for the passage of this crucial bill, emphasizing its potential to save numerous lives in the event of a fire.

Our city has witnessed tragic incidents claiming many lives, Fire life safety, specifically the absence of stairwell pressurization systems, smoke purge systems, and fire smoke dampers, have been identified as a critical factor in these incidents.

In my role, I encounter numerous buildings lacking inspection and maintenance of these essential safety systems, with some even lacking them altogether. Given the information shared today and the importance of these systems in saving lives, it raises the question of whether any of you would feel secure in buildings lacking these crucial safety measures.

Our local takes pride in training our members rigorously on fire life safety through top-notch instructors and state-of-the-art facilities. Let us prioritize the maintenance and implementation of these systems across New York City, ensuring they play a vital role in preserving lives when the need arises.

Thank you for your attention to this critical matter.

Marvin Tavarez

Local 28 Business Representative

2/29/2024

Good morning, Chair Sanchez, Chair Ariola, and members of the committees on house and building and fire and emergency management.

My name is Phil Montuori. I am the Testing and Balancing and Fire Life Safety Instructor at the Sheetmetal Workers Local 28 Training Center in NYC and I'm here to speak in full support of Intro 88

Today, I want to talk to you about something that might not be on the top of our minds every day, but it plays a crucial role in keeping us safe – stairwell pressurization, smoke purge systems, and Fire Smoke Dampers especially when it comes to fire life safety.

Imagine you're in a building during a fire emergency. Flames and smoke are spreading, and you need to get out quickly. Stairwell pressurization and smoke purge systems are like unsung heroes in this situation. They work quietly in the background to ensure that stairwells, the escape routes we often take for granted, remain safe and accessible.

Stairwell pressurization is like a shield. It helps to keep smoke from entering the stairwell, creating a safer passage for building occupants to exit and a safe path for first responders to enter. You can think of it as a protective barrier that ensures the stairwell remains a clear and breathable space, allowing people to escape a building even when there's smoke everywhere else.

Regular maintenance and check-ups for these systems are so important. Just like your car needs regular servicing to run smoothly, these systems need attention too. Imagine relying on your car in an emergency, only to find out it won't start because it hasn't been maintained. The same goes for these safety systems.

Regular maintenance ensures that stairwell pressurization and smoke purge systems are ready to perform when we need them the most. A trained and certified technician would visually check for any faults, replace broken parts, and make sure everything is working as it should. It's a bit like a health check for the safety infrastructure of a building. At the Local 28 training center we train and certify technicians to identify and fix issues in Fire Smoke Damper and Stairwell Pressurization using our mock-up

If these systems aren't properly maintained, they might not function correctly during an emergency. Smoke could infiltrate the stairwells, making it difficult for people to evacuate safely. We want to avoid a situation where the very systems designed to protect people becomes unreliable.

In conclusion, stairwell pressurization and smoke purge systems are our silent guardians during a fire emergency, ensuring that our escape routes remain clear and safe. But for them to be effective, we must prioritize their maintenance. By passing Intro 88 it's a small investment in ensuring that when the time comes, these systems are ready to serve their crucial role in preserving life safety.

Thank you for your attention, and let's all keep safety as a top priority.

THE COUNCIL
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I represent: _____

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Name: Deputy Commissioner AnnMarie Santiago for HPD

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Address: _____

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Date: 2/29/24

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Name: Anthony Guerrero

Address: 501 Greenwich St

I represent: SMART Local 28

Address: 50 Greenwich

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Date: 2/29/24

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Name: Alfred Webb III

Address: 47-40 Metropolitan Ave

I represent: SMACNA, Local 28

Address: _____

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Date: 2/29/24

(PLEASE PRINT)

Name: JOHN JACKSON

Address: [redacted] JAMAICA AVE, JAMAICA NY

I represent: SMART LU 28

Address: _____

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☐ in favor ☐ in opposition Neutral

Date: 2/29

(PLEASE PRINT)

Name: Chris Buch

Address: [redacted] Riptide Way, Sacramento, CA

I represent: NEMI

Address: Virginia

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Date: 3/29/24

(PLEASE PRINT)

Name: PHIL MONTUORI

Address: [redacted] VERNON AVE [redacted] 11570

I represent: LOCAL 28 SHEETMETAL WORKERS

Address: _____

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Appearance Card

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☐ in favor ☐ in opposition

Date: 2/29/24

(PLEASE PRINT)

Name: MARVIN TAVAREZ

Address: 500 Greenwich St

I represent: LOCAL 28 Sheet Metal Workers

Address: 500 Greenwich St, NewYork, NY 10013

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☐ in favor ☐ in opposition

Date: 2/29/24

(PLEASE PRINT)

Name: Daniel Avery

Address: [redacted]

I represent: RFBNY

Address: 570 Lexington Ave

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Appearance Card

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Date: _____

(PLEASE PRINT)

Name: Casimir Ceesar

Address: [redacted] Jamaica, NY 11436

I represent: SMART Local 28

Address: 500 Greenwich

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☐ in favor ☐ in opposition

Date: 2/29/24

(PLEASE PRINT)

Name: Brian Smith

Address: [redacted] Jamaica NY 11435

I represent: Local 28

Address: 500 Greenwich

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Date: 2/29/24

(PLEASE PRINT)

Name: Sabrina Liriano

Address: Bronx ny

I represent: Local 28

Address: 500 Greenwich Ave ny ny

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Date: _____

(PLEASE PRINT)

Name: OREN BARZILAY

Address: _____

I represent: LOCAL 2507

Address: 150-39 14 AVE WHITESTONE NY 11357

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Date: 2/29/2024

(PLEASE PRINT)

Name: Raul Rivera

Address: _____

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: Melissa Barbour

Address: [redacted] Deer Run Water Mill, NY

I represent: Sheet Metal Air Conditioning Contractors Assoc.

Address: 1 Cap Drive Bohemia. NY 11716

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Date: 2/29/24

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: [redacted] Buffalo Ave [redacted]

I represent: Self

Address: _____

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Appearance Card

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☒ in favor ☐ in opposition

Date: 02/29/2024

(PLEASE PRINT)

Name: JAMES CALLAHAN 10301

Address: [redacted] HART BLVD. [redacted] S.I. N.Y.

I represent: SHEET METAL WORKERS L.U. #28

Address: 500 GREENWICH ST. N.Y. N.Y.

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