

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY WITH  
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT JOINTLY WITH  
COMMITTEE ON HEALTH JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS 1

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND  
INVESTIGATIONS JOINTLY WITH  
COMMITTEE ON FIRE AND EMERGENCY  
MANAGEMENT JOINTLY WITH COMMITTEE ON  
HEALTH JOINTLY WITH COMMITTEE ON  
HOUSING AND BUILDINGS

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B E F O R E: Gale A. Brewer, Chairperson of the  
Committee on Oversight and  
Investigations

Joann Ariola, Chairperson of the  
Committee on Fire and Emergency  
Management

Lynn C. Schulman, Chairperson of  
the Committee on Health

Pierina Ana Sanchez, Chairperson  
of the Committee on Housing and  
Buildings

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COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT JOINTLY WITH  
COMMITTEE ON HEALTH JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS 2

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COMMITTEE ON HEALTH JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS 3

A P P E A R A N C E S

John Esposito, Chief of Fire Operations at the  
Fire Department of New York

Michael Fields, Chief of EMS Operations at Fire  
Department of New York

Ricky Wong, Assistant Commissioner of Government  
Affairs at Department of Health and Mental  
Hygiene

AnnMarie Santiago, Deputy Commissioner for  
Enforcement at Department of Housing  
Preservation and Development

Kazimir Vilenchik, First Deputy Commissioner at  
Department of Buildings

Constadino (Gus) Sirakis, Deputy Commissioner of  
Development and Technical Affairs at Department  
of Buildings

Darryl Chalmers, Local 2507 Union

Lyric Thompson, self

1  
2 SERGEANT-AT-ARMS: Good morning. Welcome  
3 to the New York City Council hearing on Oversight and  
4 Investigations joint with Housing and Buildings,  
5 Health, Fire and Emergency Management.

6 At this time, everyone please silence  
7 your cell phones.

8 If any wishes to testify, please go to  
9 the Sergeant-at-Arms desk.

10 Written testimony can be emailed to  
11 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

12 At this time forward, no one is to  
13 approach the dais.

14 Chair, we are ready to begin.

15 CO-CHAIRPERSON BREWER: Good morning.  
16 Thank you very much. [GAVEL] This hearing is now in  
17 session. I am Gale Brewer. I'm the Chair of the  
18 Council's Committee on Oversight and Investigations.

19 I would like to welcome my Colleagues and  
20 members of the Administration to today's joint  
21 hearing with the Committees for Fire and Emergency  
22 Management, Health Committee, and Housing and  
23 Buildings Committee.

24 We're here to discuss findings on the  
25 most recent Mayor's Management Report released last

1 month, and I love my copy. Thank you very much. For  
2 more than 40 years, the MMR, or Mayor's Management  
3 Report, has been the City government's bill of  
4 health. It now has more than 2,000 indicators of New  
5 York City's public sector performance with 100 added  
6 in FY-23 alone. The MMR gives policymakers and  
7 members of the public the best picture of whether our  
8 tax dollars are being put to effective use.  
9  
10 Unfortunately, the most recent MMR, the one I just  
11 showed you, has a number of bright flashing warning  
12 alarms regarding City government performance. A  
13 number of crucial indicators have been I would say  
14 deteriorated, meaning they have decreased or  
15 increased, depending on the problem with, in my  
16 opinion, dire implications for health, safety, and  
17 welfare of some of the City's most vulnerable  
18 residents. The MMR paints a picture of City  
19 government performance going in the wrong direction.  
20 Across a number of agencies, emergency responses,  
21 inspections, and aid application processing, they're  
22 all taking longer and longer. Ambulances are taking  
23 longer to get people to dire medical need. The Fire  
24 Department is responding more slowly to fires. FDNY  
25 also conducted fewer building inspections this year

1 than the year before, which has implications. When  
2 buildings can't get inspected, residents and  
3 businesses can't move in, and a squeeze on our city's  
4 limited real estate gets even tighter, and I've  
5 experienced that many times. Similarly, the  
6 Department of Health has fallen behind in restaurant  
7 and daycare inspections while Buildings Department is  
8 inspecting fewer buildings than it did in recent  
9 years. Today, we need leaders of these agencies to  
10 explain why the daily workings of City government  
11 have so clearly slowed down and what they need to do  
12 to get back on track. The Administration says it  
13 prioritizes righting the ship after COVID shocked our  
14 city and its economy, but a crucial part of the  
15 City's economic recovery will be efficient and  
16 reliable public services, and obviously you need more  
17 staff do that, I'm glad the Mayor has finally  
18 realized that it's important to have virtual.

19  
20           Before we begin, I would like to thank  
21 the following people for all their hard work.  
22 Obviously, the Committee Staff of Oversight and  
23 Investigations, Legislative Counsel Nicole Catá and  
24 Policy Analyst Alex Yablon and from my office, Sam  
25 Goldsmith.

Now, before we introduce the most wonderful Chair of Fire, I'd like to thank her, but also to let you know here we have Council Members Hudson, Narcisse, Kagan, and Holden. First, we'll have the Chair of the Fire Committee, Council Member Ariola.

CO-CHAIRPERSON ARIOLA: Thank you, Chair. Good morning. As stated by my Colleague, Gale Brewer, my name is Joann Ariola, and I am the Chair to the Fire and Emergency Management Committee.

I would like to take a moment to thank Chair Brewer for spearheading this joint Committee hearing. I would also like to thank Co-Chairs Schulman and Sanchez for their work on this topic. I would also like to thank from the Fire Department, Chief Esposito and Chief Fields, as well as the Administration representatives and those who are providing testimony today.

Today, we're going to discuss the City's emergency first responders, specifically members of the FDNY and EMS, who are tasked with providing essential life-saving services to the public. These men and women deal with stressful work environments as well as long hours to ensure the City meets its

1 responsibility in delivering timely emergency  
2 services to all New Yorkers. Year after year, the  
3 demand on our FDNY and EMS services increases while  
4 response times to fires and emergencies have  
5 continued to increase according to the Mayor's last  
6 Management Report. The combined response times  
7 according to the report for life-threatening medical  
8 emergencies increased from 6 minutes and 22 seconds  
9 from Fiscal Year 2019 to 7 minutes and 3 seconds for  
10 Fiscal Year 2023, nearly a 10 percent increase. We  
11 know that every second counts in these types of  
12 emergencies, and it is incredibly alarming to the  
13 Council to see this report which reflects these  
14 increases, but I'd like to discuss the increase in  
15 response times and the reasons, such as how minimal  
16 approval for overtime is given to emergency services,  
17 heavily trafficked roads filled with cars,  
18 pedestrians, illegal scooters, motorbikes, bike  
19 lanes, bus lanes, etc. may have impacted this  
20 increase. I commend the FDNY because through all  
21 adversity, the staffing issues, and the lack of  
22 overtime, you continue to meet goals and expectations  
23 of many budgetary restraints placed on you by the  
24 Department and you meet those goals by 98 percent,  
25



1 sometimes far above all other agencies. That said, we  
2 are once again flirting with the public safety by  
3 talking about transitioning, discussing, or  
4 reassigning duties of trained fire inspection  
5 professionals within the FDNY to other agencies. That  
6 brings me to the topic of compliance with local fire  
7 and life safety regulations, including provisions  
8 contained by the City's Fire and Building Code  
9 provisions. The Bureau of Fire Protection ensures  
10 fire protection and public safety in both the  
11 residential and commercial occupancies through direct  
12 inspections and code enforcement. According to the  
13 Mayor's Management Report, we have also seen a  
14 drastic decrease in completed mandatory inspections  
15 and completed risk-based inspections performed by  
16 uniformed personnel for Fiscal Year 2019 to Fiscal  
17 Year 2023. In the report, it gives the example that  
18 during Fiscal Year 2019 there were 54,072 risk-based  
19 inspections and 47,273 mandatory inspections when  
20 compared to 43,343 and 32,896 during Fiscal Year 2023  
21 respectively. In previous hearings on this topic, the  
22 backlog of inspections was attributed to inspectors  
23 being diverted to COVID compliance duties. At later  
24 hearings, inspectors were placed back on fire  
25

1 prevention inspections and the backlog had seriously  
2 decreased. The only thing that was holding up the  
3 entire backlog was noncompliance and lack of  
4 expedient violation remedies by members of the  
5 public, small business owners, landlords, etc.

7 I'm interested in hearing the FDNY's  
8 current backlog from your stats and see if there was  
9 a reduction or if there has been a continued backlog.  
10 As Chair of the Fire and Emergency Management  
11 Committee, I expect to hear testimony from the  
12 Administration that will provide clarity to why there  
13 is such a great disparity in these numbers and what  
14 we as the Council can do to support the FDNY. We will  
15 explore these and other related issues pertaining to  
16 the Mayor's Management Report, and we look forward to  
17 having a productive discussion with the  
18 Administration and related stakeholders. I now yield  
19 to Chair Schulman for opening remarks.

20 I'd also like to recognize Council  
21 Members Carr, Bottcher, Avilés, and Abreu have joined  
22 our Committee.

23 CO-CHAIRPERSON SCHULMAN: Thank you, Chair  
24 Ariola. Before I start, I want to recognize Council  
25 Members Menin and Carmen De La Rosa.

1  
2                   Good morning, everyone. I am Council  
3 Member Lynn Schulman, Chair of the Committee on  
4 Health. I want to thank all of you for joining us at  
5 today's oversight hearing.

6                   The purpose of today's hearing is to  
7 discuss the September 2023 Mayor's Management Report  
8 and how City agencies are fulfilling their duties and  
9 obligations. The Committee on Health oversees the  
10 Department of Health and Mental Hygiene which is  
11 empowered to enforce compliance with the Health Code  
12 and provide for the public health of all New Yorkers.  
13 This morning, we are giving special attention to two  
14 do DOHMH's most critical responsibilities, health and  
15 safety inspections of restaurants and the inspections  
16 of child daycare facilities.

17                   Restaurant inspections help ensure that  
18 our city's dining establishments are maintaining  
19 safe, healthy, and clean environments, and the City's  
20 grading system for restaurants has greatly increased  
21 public awareness of food safety. The most recent MMR  
22 shows that DOHMH inspected 83 percent of all  
23 restaurants in the city in Fiscal Year 2023. By  
24 comparison, DOHMH inspected 99.5 percent of all such  
25 restaurants in Fiscal Year 2019, the last reported

1 year before the COVID-19 pandemic significantly  
2 impacted these inspections. The MMR cites staffing  
3 issues as a key factor in this performance decline,  
4 and I look forward to discussing ways that we can  
5 support recruitment efforts as well as other  
6 potential policy solutions to implement a 21st  
7 century approach to the inspection process.  
8

9 DOHMH also holds a solemn responsibility  
10 to protect our young children in daycare facilities.  
11 DOHMH is responsible for conducting inspections of  
12 certain childcare programs at least once a year to  
13 ensure compliance with the Health Code. In addition,  
14 New York State has contracted with DOHMH to conduct  
15 such inspections of family daycare programs on behalf  
16 of New York State's Office of Children and Family  
17 Services. According to the 2023 MMR, the number of  
18 full inspections of group childcare centers has not  
19 reached Fiscal Year 2019 levels, which is 8,624. Due  
20 to the COVID-19 pandemic, the inspection rates  
21 significant dropped in the past few years. While the  
22 inspection rates are steadily increasing, a trend  
23 that is attributed to the recruitment of additional  
24 staff and resuming of normal operational functioning,  
25 DOHMH is still behind by over 2,000 inspections from

1 pre-pandemic levels. As the recent and tragic passing  
2 of 1-year-old Nicholas Dominici in a family daycare  
3 program facility so painfully demonstrates, we have  
4 to take a very hard look at the childcare inspection  
5 process and ensure that there are enough resources  
6 and properly trained staff to conduct thorough and  
7 wide-ranging inspections of these facilities. The  
8 health and safety of our children is paramount. The  
9 City should spare no expense to ensure that every  
10 facility is properly inspected and vetted so that  
11 young children are not put in harm's way. My sincere  
12 hope is that the Administration can share the steps  
13 it is taking to ensure that a tragedy like this never  
14 happens again.

16 I am looking forward to hearing from the  
17 Administration on how we can improve these  
18 performance metrics and better protect the health and  
19 safety of all New Yorkers.

20 I want to conclude by thanking the  
21 Committee Staff for their work on this hearing,  
22 Committee Counsels Chris Pepe and Sara Sucher, Policy  
23 Analyst Mahnoor Butt, Data Scientists Julia  
24 Fredenburg and Anne Driscoll, Financial Analyst  
25 Danielle Glants as well as my team, Jonathan Boucher,

1 my Chief-of-Staff; Kevin McAleer, my Legislative  
2 Director; and Andrew Davis, my Legislative Fellow.

3 I will now turn it back to Chair Brewer.

4 CO-CHAIRPERSON BREWER: Thank you very  
5 much. We've also been joined by Council Member Barron  
6 on Zoom, and now we'll hear from the very great  
7 Council Member Sanchez, Head of Housing.

8 CO-CHAIRPERSON SANCHEZ: Thank you so  
9 much, Chair Brewer. Good morning, everyone. I am  
10 Council Member Pierina Sanchez, Chair of the  
11 Committee on Housing and Buildings. Good to see  
12 everyone. Thank you to my Co-Chairs, Council Members  
13 Brewer, Ariola, Schulman, for holding this joint  
14 hearing on the Mayor's Management Report.

15 Each year the Mayor's Office Final  
16 Management Report with performance indicators  
17 releases a report with performance indicators for  
18 each agency. The Department of Buildings and the  
19 Department of Housing Preservation and Development,  
20 which my Committee oversees, have wide inspection  
21 powers to enforce compliance with Building Code,  
22 Zoning Resolution, the Multiple Dwelling Law, the  
23 Housing Maintenance Code, and other laws relating to  
24 housing quality and safety. Together, these agencies  
25

1 play a critical role in keeping New Yorkers safe both  
2 in their homes and in all buildings across our city.

3  
4 In the latest Mayor's Management Report,  
5 however, we observe some troubling trends. Just this  
6 week, I have attended several community board  
7 meetings and a nascent resident association meeting  
8 in a building that I have on University Avenue where  
9 the landlord is perennially unresponsive. The  
10 building has 74 heat and hot water complaints, 12  
11 pest complaints, 9 paint and plaster-related  
12 complaints, and, when we were discussing with the  
13 tenants how they should move forward together, tenant  
14 organizers provided Know Your Rights information,  
15 sharing that the first step is to call 3-1-1. They  
16 were met with an uproar. We call, the tenants said,  
17 but nothing changes. And their experience is borne in  
18 the latest MMR numbers. At HPD where 500,000  
19 inspections are conducted annually, this MMR we  
20 observe a lower number of total emergency violations  
21 addressed, both by private owners and the agency  
22 itself. The agency is also closing non-emergency  
23 complaints at a rate that is four days slower this  
24 time this year compared to last even while HPD is  
25 finding more violations at all the buildings that

1 they are inspecting, 136,350 such violations in 2023.  
2 Together, these data suggest that the current HPD  
3 enforcement tools are insufficient to compel property  
4 owners to correct emergency violations.  
5

6 At DOB, to highlight one stark figure,  
7 construction injuries are way up in Fiscal 2023 as  
8 compared to last year, from 487 injuries in Fiscal  
9 Year 2022 to 658 in 2023. That is a 35 percent  
10 increase. Yes, there is more construction activity in  
11 the City of New York, but that's only a 6 percent  
12 increase in work permits and a 7 percent increase in  
13 the workforce so there's a delta here to be  
14 understood. I'd also like to understand DOB's  
15 proactive inspection trends as they relate to the  
16 work of the agency.

17 For both agencies, we would like to  
18 understand how your vacancy rates are impacting these  
19 trends. DOB had a vacancy rate of 15.2 percent with  
20 over 250 unfilled staff positions as of August 2023,  
21 and HPD had a 10.7 percent rate with over 287  
22 unfilled positions as of March 2023. I will admit,  
23 notable improvements over the last Fiscal Year and  
24 over the last hearings that we've had but still  
25 troubling given the critical role of your agencies.



1 Since 1970, the MMR's reporting on agency's  
2 performance with inspection indicators allow us to  
3 ask our agency representatives what may be affecting  
4 your ability to conduct inspections in a timely or  
5 effective manner. With that, we can also see trends  
6 over time to ensure that agencies are improving their  
7 responsiveness to New Yorkers. I appreciate the hard  
8 work of our inspectors, and I always say to them when  
9 I run into the on the field if we aren't achieving  
10 your goals, it's not necessarily because the  
11 inspectors on the ground aren't working hard, we have  
12 to revisit our capacity and our practices.

14 At the Council, we work hard to draft and  
15 discuss laws that will empower agencies to best  
16 respond to issues raised by our constituents. Too  
17 often we hear that there are laws that are not being  
18 enforced or agencies that may take too long to  
19 fulfill mandated duties as I've just described with  
20 the University Avenue building. By analyzing trends  
21 over time, we are able to better pinpoint what may be  
22 causing the delays, whether it may be funding,  
23 staffing shortages, or new law or programs that need  
24 to be enacted in order to better address the  
25 underlying issues.

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18

1  
2 Today, I look forward to hearing from DOB  
3 and HPD on where you see room for improvement,  
4 especially with respect to inspections.

5 I'd like to thank my Staff, Sam  
6 Cardenas, Kadeem Robinson (phonetic) as well as the  
7 Housing and Buildings Committee Staff, Taylor Zelony,  
8 Claire MacLachlan, Jose Conde, Andrew Bourne, Dan  
9 Kroop, and Brooke Fry (phonetic).

10 I will now turn it back to Council Member  
11 Brewer. Thank you.

12 COMMITTEE COUNSEL: Thank you, Chairs. We  
13 will now hear testimony from the Administration. We  
14 will hear from Chief John Esposito, Chief of Fire  
15 Operations, Chief Michael Fields, Chief of EMS  
16 Operations at FDNY, Ricky Wong, Assistant  
17 Commissioner of External Affairs at DOHMH, AnnMarie  
18 Santiago, Deputy Commissioner for Enforcement at NYC  
19 HPD, Kazimir Vilenchik, First Deputy Commissioner NYC  
20 DOB, and Constadino (Gus) Sirakis, Deputy  
21 Commissioner of Development and Technical Affairs at  
22 NYC DOB.

23 Before we begin, I will administer the  
24 affirmation. Panelists, please raise your right hand.

25

1  
2 Do you affirm to tell the truth, the  
3 whole truth, and nothing but the truth before this  
4 Committee and to respond honestly to Council Member  
5 questions?

6 ADMINISTRATION: (INAUDIBLE)

7 COMMITTEE COUNSEL: Thank you. You may  
8 begin when ready.

9 CO-CHAIRPERSON BREWER: I want to ask the  
10 same question of all three agencies to start with.  
11 How specifically at your agencies do you use MMR to  
12 improve the agency's functions, who oversees that at  
13 your agency, and what specific actions do they take,  
14 and then how did last year's MMR inform your work  
15 over the 12 months between September 2022 and  
16 September 2023, and, if we could start with the Fire  
17 Department?

18 When you're giving your testimony, can  
19 you keep those ideas in mind? Thank you. Fire  
20 Department, please begin.

21 CHIEF ESPOSITO: Good morning, Council  
22 Members. My name is John Esposito. I'm the Chief  
23 of Fire Operations for the New York City Fire  
24 Department. I am joined today by Chief Michael  
25 Fields, Chief of EMS Operations at the New York

1 City Fire Department. Thank you for the  
2  
3 opportunity to speak with you today about FDNY's  
4 MMR and Agency Performance.

5           Following the Twin Parks Fire in January  
6 2022, the Council passed a package of bills to  
7 promote fire and life safety through boosting  
8 interagency coordination. Since this fire safety  
9 package passed, we've made great strides in  
10 collaborating with our sister agencies to increase  
11 communication, data coordination, and fire safety  
12 education efforts. This year alone, we've reached  
13 over 300,000 New Yorkers through fire safety  
14 programming, at least a third of whom have been  
15 school-age children.

16           In Fiscal Year 2023, the New York City  
17 Fire Department continued to protect life and  
18 property while navigating the unique challenges  
19 associated with the Covid-19 pandemic, lithium-ion  
20 batteries, and increased call volume. We have seen  
21 moderate increases in response times due to  
22 increased congestion on city streets, changes in  
23 street design, and higher call volume,  
24 particularly life-threatening medical emergencies.  
25 During COVID, we staffed and ran more ambulances

1 which positively impacted response times, but our  
2 staffing and tour counts have now returned to pre-  
3 COVID levels. We remain committed to working with  
4 agency and healthcare partners to further  
5 streamline hospital transfer processes.  
6

7 Over the past year, we have reduced  
8 fire alarm plan review and inspection plan wait  
9 times by almost 90 percent. Specifically, our fire  
10 alarm plan approval wait times have decreased from  
11 an average of 13 to 16 weeks to 2 to 4 weeks. We  
12 achieved these gains through increased staffing  
13 levels and streamlined departmental review  
14 processes. Additionally, we have removed  
15 redundancies and shortened inspection application  
16 processes length without compromising fire and  
17 life safety.

18 As always, we appreciate your continuous  
19 support to the Fire Department. I would now like  
20 to pass it to my colleague, Ricky Wong from the  
21 New York City Department of Health and Mental  
22 Hygiene.

23 ASSISTANT COMMISSIONER WONG: Good  
24 morning, Council Members. My name is Ricky Wong  
25 and I am the Assistant Commissioner for the Bureau

1 of Government Affairs at the New York City  
2 Department of Health and Mental Hygiene. On behalf  
3 of Commissioner Vasan, thank you for the  
4 opportunity to testify today about DOHMH's MMR and  
5 agency performance in the context of inspections  
6 and responses.  
7

8           The Health Department is charged with  
9 protecting and promoting the health of all New  
10 Yorkers. Those responsibilities include regulating  
11 a variety of businesses including, for example,  
12 restaurants and childcare centers. The Department  
13 issues permits, conducts education about  
14 requirements, and conducts unannounced inspections  
15 to check how well those businesses are performing.  
16 Inspections are conducted annually and more often  
17 if the inspection shows poorer compliance as well  
18 as in response to complaints.

19           As shown in the Mayor's Management  
20 Report, the Department inspected 83.4 percent of  
21 restaurants in Fiscal Year 2023. This was a 12  
22 percent increase over the prior Fiscal Year, when  
23 inspectors were still engaged in COVID-19  
24 emergency response work but short of our goal to  
25 inspect 100 percent of the city's restaurants.

1  
2 Over 6,500 childcare centers had a full  
3 inspection in Fiscal Year 2023, up 7 percent from  
4 Fiscal Year 2022. Centers without an inspection  
5 are typically inspected soon after in the  
6 following year.

7 Regarding our pest control operations,  
8 in Fiscal Year 2023, 22.3 percent of properties  
9 failed their initial inspection due to signs of  
10 rat activity, a 3.1 percentage point decline from  
11 Fiscal Year 2022. This improvement can be  
12 attributed to the City ramping up response efforts  
13 to neighborhood level rat infestations.

14 Thank you for the opportunity to testify  
15 here today. I would like to pass it on to my  
16 colleagues from the New York City Department of  
17 Buildings.

18 FIRST DEPUTY COMMISSIONER VILENCHIK: Good  
19 morning, Chair Brewer, Chair Sanchez, Chair  
20 Ariola, Chair Schulman, and Members of the  
21 Committees on Oversight and Investigations,  
22 Housing and Buildings, Fire and Emergency  
23 Management, and Health. My name is Kazimir  
24 Vilenchik, First Deputy Commissioner for the  
25 Department of Buildings. I am joined today by my

1 colleague, Gus Sirakis, Deputy Commissioner of  
2 Development and Technical Affairs. We are pleased  
3 to discuss with you the Department of Buildings'  
4 performance during Fiscal Year 2023.  
5

6           New York City is home to nearly 1.1  
7 million buildings and tens of thousands of active  
8 construction sites. With the support of its 1,600  
9 dedicated employees, the Department serves as the  
10 primary regulator of the development and  
11 construction industry. Through its work, including  
12 reviewing plans and performing inspections, the  
13 Department strives to strike the right balance  
14 between compliant development and safety. To  
15 further its mission, the Department enforces the  
16 City's Construction Codes, the Zoning Resolution,  
17 and the New York State Multiple Dwelling Law, to  
18 protect those who live, work, or visit the City.

19           Despite recent increases in  
20 construction activity, the Department continues to  
21 review plans for new buildings, major renovations,  
22 and minor renovations expeditiously. In Fiscal  
23 Year 2023, there was a four percent increase in  
24 construction job filings. Despite this uptick, the  
25 Department's service levels to complete first plan



1 reviews improved for the second consecutive Fiscal  
2 Year. On average, it took the Department seven  
3 days to review applications submitted in  
4 connection with new buildings, five days to review  
5 applications submitted in connection with major  
6 alterations, and two days to review applications  
7 submitted in connection with minor alterations.  
8

9           While seeing the industry hard at work  
10 is encouraging, we remind construction  
11 professionals that they are the first line of  
12 defense when it comes to safeguarding construction  
13 work sites. The Department is committed to  
14 enforcing the stringent safety regulations in the  
15 City's Construction Codes with the goal of driving  
16 down serious injuries and fatalities on permitted  
17 construction sites. During Fiscal Year 2023, the  
18 Department completed 373,838 inspections, a near 6  
19 percent increase from the prior Fiscal Year.

20 Although, the total number of inspections has  
21 increased for both development and enforcement  
22 inspections, the Department continues to maintain  
23 strong inspection response times for reported  
24 emergency and immediately hazardous conditions,  
25

1 responding to the most serious incidents and  
2 complaints in a matter of hours.  
3

4 Thank you for the opportunity to  
5 testify before you today. We look forward to  
6 working closely with you to achieve our collective  
7 goal of improving safety, both on construction  
8 sites and in our built environment. I would like  
9 to now pass it along to my colleague from the New  
10 York City Dept of Housing Preservation and  
11 Development.

12 DEPUTY COMMISSIONER SANTIAGO: Good  
13 morning, Chairs and Council Members. My name is  
14 AnnMarie Santiago, and I am the Deputy Commissioner  
15 for Enforcement at the Department of Housing  
16 Preservation and Development. Thank you for the  
17 opportunity to speak with you about the data  
18 reflected in the MMR about HPD's enforcement  
19 activity. HPD's mission in the area of enforcement is  
20 to ensure that privately owned housing throughout NYC  
21 is physically safe and habitable. Towards that goal,  
22 we use the MMR to report information on our goals to  
23 1) respond to complaints efficiently, 2) promote the  
24 resolution of violations, and 3) resolve significant  
25 and persistent housing quality issues through

1 enforcement actions or litigation. In FY-23, HPD's  
2 MMR reporting in the area of enforcement showed a  
3 continued high level of enforcement. Complaints  
4 remained relatively flat with just under 600,000  
5 housing maintenance problems reported, an increase of  
6 2.5 percent. Overall, violations issued decreased 1  
7 percent, but immediately hazardous violations which  
8 required an emergency response increased almost 22  
9 percent. Primarily, this increase reflects stronger  
10 enforcement resulting in an increase of almost 18,000  
11 self-closing door violations in the wake of the Twin  
12 Parks fire and the legislation passed as a result of  
13 that tragedy.

14  
15 HPD also added a new section to its  
16 enforcement indicators in relation to units affected  
17 through the work of HPD enhanced enforcement actions,  
18 including litigation, the emergency repair program,  
19 and the Alternative Enforcement Program. We hope to  
20 bring greater transparency to the positive effect  
21 that these programs are having on New Yorkers living  
22 in poor conditions as part of our enforcement  
23 strategy.

24 Our enforcement activity was supported by  
25 the significant increase in staff for Enforcement

1 Services. During FY-23, taking into account both new  
2 hires and attrition, we were able to reduce vacancies  
3 by over 100 positions. Our team has worked incredibly  
4 hard to interview, process for hire, and train staff  
5 as quickly as possible. For the title of\_Housing  
6 Inspector specifically, in June 2022, we had 129  
7 Housing Inspector vacancies and as of the end of this  
8 past June that number was only 44. We do still have  
9 vacancies that we are working hard to fill and will  
10 be holding a job fair in early November, but we are  
11 in a better place going into this heat season than we  
12 were going into last.

14 As enforcement agencies, we all take very  
15 seriously the important impact that our work has on  
16 everyday New Yorkers and our offices strive to meet  
17 our goals towards improving the health and safety  
18 across the City. We want to thank the Council for  
19 their continued support of our efforts.

20 I and my colleagues are happy to answer  
21 any questions you may have today.

22 CHAIRPERSON BREWER: Thank you all very  
23 much. For each of the four agencies, now I can ask  
24 again. How specifically do you use MMR to improve  
25 your agency functions, who oversees that at your

1 agency, and what specific actions do they take, and  
2 how did last year's MMR inform your work over the 12  
3 months between September of last year and September  
4 of this year. If we could start with the Fire  
5 Department.  
6

7 CHIEF ESPOSITO: Good morning and thank  
8 you for the question. The Fire Department  
9 specifically looks at the response times and the  
10 number of fatal fires as part of our function with  
11 reporting the MMR. Comparing the one to another, if  
12 we start seeing there to be a change, we look at the  
13 specific reasons and take action. For example, the  
14 number of fatal fires this year or the number of  
15 people that have died in fires is 86 so far this  
16 year. We look at some of the causes for that, and an  
17 overriding cause is the lack of an operational smoke  
18 detector. In only approximately 30 percent of the  
19 fires where people die is there an operational smoke  
20 detector so 70 percent of the time there is not a  
21 smoke detector properly working. Today, we are  
22 reminding people of our coordination and partnership  
23 with the Red Cross where we will install smoke  
24 detectors in people's houses, people's apartments,  
25 living spaces that need them. We know smoke detectors

1 save lives. We also look at the response times for  
2 our fire companies to the scene of fires, and the MMR  
3 shows that the response to structural fires has  
4 remained constant or improved over the last year. The  
5 change in response times for total incidents has gone  
6 up, but for structural fires it has remained flat or  
7 a little bit better.

9 CHAIRPERSON BREWER: So 86 died this year.  
10 What was the comparison for the year before?

11 CHIEF ESPOSITO: Last year, in the 2022  
12 Calendar Year, there were a total of 99 for the  
13 total, and so far this year it's 86. We are, as I  
14 said, we're stressing the smoke detectors and  
15 ensuring that when our companies are out there in the  
16 field, and this includes EMS, that we notice that  
17 there's not a smoke detector we're going to be  
18 handing palm cards that have the QR code that  
19 somebody can go to and schedule the installation of a  
20 smoke detector.

21 CHAIRPERSON BREWER: All right. That's  
22 helpful. Thank you.

23 Health Department, same question. How do  
24 use the MMR to improve your functions and how has it  
25 impacted and informed your work in the last year?

1  
2 ASSISTANT COMMISSIONER WONG: Thank you  
3 for the question, Council Member.

4 With respect to restaurant inspections  
5 and childcare provider, we basically conduct  
6 comparisons to previous years in the MMR and measure  
7 our performance based off of that. If we see any  
8 discrepancies, we try to take and analyze it from an  
9 operational perspective and ensure that in the  
10 upcoming Fiscal Years these are obtainable and  
11 achievable goals for our inspections. I will say we  
12 also analyze trends that are happening in these  
13 commercial business industries to see if there are  
14 any needs for additional education or technical  
15 support, any information that's needed for our  
16 inspection processes as well, but this is how we  
17 utilize the MMR.

18 CHAIRPERSON BREWER: Do you have any  
19 specifics as the Fire Department does in terms of  
20 smoke detectors, either in restaurants or childcare  
21 centers that are troubling as we heard about the  
22 smoke detectors.

23 ASSISTANT COMMISSIONER WONG: Nothing  
24 specific about smoke detectors.

1  
2 CHAIRPERSON BREWER: I'm saying other  
3 ideas.

4 ASSISTANT COMMISSIONER WONG: Correct. For  
5 restaurants, I think the thing that we're looking at  
6 is adulterated food. That's kind of the new trend. We  
7 see people adding things into food prep that are not  
8 approved by the FDA to add. Previous years, we saw  
9 charcoal. Currently, we're seeing like CBD or  
10 cannabis being added to food prep, and that's not  
11 approved so we try to 1) educate food service  
12 establishments that these are not allowed, generally  
13 they would be given some information regarding that.  
14 If we find that, they generally are issued a  
15 violation and given an opportunity to correct that.  
16 Moving forward, if we see continued issues, then we  
17 would issue violations accordingly as well too.

18 For childcare providers, I think one of  
19 the positive things that we've done is that we've  
20 been able to implement an online system for  
21 background checks. That kind of has made the process...

22 CHAIRPERSON BREWER: Because there's a big  
23 backlog.

24 ASSISTANT COMMISSIONER WONG: There was a  
25 large backlog, but we've been able to address that



1 and, because implementing an online system in  
2 conjunction with the State implementing an online  
3 system, we were able to address that backlog and try  
4 to ensure a smoother transition as far as like  
5 checking the backgrounds of all staff that are  
6 employed at childcare providers.  
7

8 CHAIRPERSON BREWER: So you feel the  
9 backlog is no longer a backlog or is it still  
10 something to be addressed?

11 ASSISTANT COMMISSIONER WONG: There are  
12 still some outstanding issues but not quite when we  
13 were doing paper processing versus digital processing  
14 of background checks.

15 CHAIRPERSON BREWER: Okay. Department of  
16 Buildings, same question. How is the MMR used?

17 FIRST DEPUTY COMMISSIONER VILENCHIK: We  
18 at the Department of Buildings absolutely have a  
19 strong belief that any function or task performed by  
20 the Department is as good as we have a reasonable  
21 measure of success, and the MMR is obviously helping  
22 us to establish goals which we're trying to achieve,  
23 that it's a great document to follow and establish  
24 trends. For example, as you see, the MMR contained  
25 data on our plan examination time, and this is a very

1 important measure of success because one of the main  
2 tasks for the Department is to review plans to assure  
3 that permits issued for the site, construction is  
4 going, economy moving, and people can enjoy new  
5 housing, and, as you see from our MMR report, we are  
6 consistently improving our time of review. As I  
7 mentioned in my introductory statement, we review new  
8 building applications within seven days, which I  
9 believe it's a great success but we're not stopping  
10 it. We still see opportunities for improvement, and  
11 we will continue to improve.

12  
13 In terms of inspections, we can establish  
14 number of inspections, daily performance of our  
15 inspectors, performance of their supervision. In  
16 order to improve this, if we see somewhere lacking  
17 behind, we are introducing new technology. For  
18 example, right now, we're introducing routing of our  
19 inspectors by IT so there's no need for manual  
20 routing as used to be done so this has allowed us to  
21 use inspectors more efficiently, save on gas, save on  
22 travel time, allow the inspector to spend more time  
23 in the field so to your question, yes, absolutely,  
24 it's a great working document respective for each  
25 area of work, respective Deputy Commissioner is

1 responsible to make sure that the tasks are signed  
2 and the MMR performed timely. I would like just to  
3 add that certain tasks where we cannot see measure of  
4 success, we have to reevaluate and see how this task  
5 will be performed.  
6

7 CHAIRPERSON BREWER: When I was Borough  
8 President, we had a task force on construction  
9 safety, something that I care deeply about. How does  
10 the MMR help you to ensure that people working on  
11 construction sites are safe?

12 FIRST DEPUTY COMMISSIONER VILENCHIK:  
13 That's a great question. I just want to say  
14 construction safety, we have 129 inspectors dedicated  
15 specifically, and, as you're probably well-aware, we  
16 have two units, construction safety enforcement and  
17 construction safety compliance unit, which totals 229  
18 inspectors all together, and these units are  
19 dedicated to either proactive inspection of the  
20 construction sites or reactive, which means it's when  
21 a complaint is received. Our complaint response time  
22 is great so for Type A complaints, we're responding  
23 within four hours. Type A are the most serious type  
24 of complaints which lead to unsafe conditions for  
25 citizens, for workers, and we are responding within

1 four hours which is I would say is a great response  
2 time. Absolutely, speaking about safety, as you know,  
3 City Council introduced Local Law where construction  
4 site requires construction safety supervision, site  
5 safety card for workers. At this time, we're over  
6 338,000 site safety cards issued. It means that those  
7 workers are trained up to 40 hours of OSHA course  
8 which is a great course and great safety provisions  
9 for workers to understand. On top of this, we  
10 introduced licensing for construction supervisors,  
11 superintendents, site safety managers, and site  
12 construction superintendent which used to be like one  
13 superintendent per 10 sites. Now, we have much less  
14 so it's gradually reduce (INAUDIBLE) five to three  
15 and eventually it will be one site per each  
16 superintendent so I think together, the laws are  
17 implemented and we're working with those  
18 implementation of those laws, they're leading to  
19 reduction.  
20

21 CHAIRPERSON BREWER: All right, we may ask  
22 more questions about this. HPD, how are you using the  
23 MMR, etc.?

24 DEPUTY COMMISSIONER SANTIAGO: Thank you,  
25 Council Member. The basic goal of the MMR is to share

1 with the public the work that we do. Internally, we  
2 use the MMR as a high-level check, but, of course, we  
3 run multiple reports internally to drill down into  
4 all of the indicators to figure out how our  
5 productivity is, how our response is. I think what we  
6 try to do is make sure that each Assistant  
7 Commissioner, and we have several, as you know HPD is  
8 kind of a continuity process so we do inspections, we  
9 do emergency repair, we do litigation. Everyone who's  
10 part of that continuum needs to understand what is  
11 happening in the other areas so that we understand  
12 what the impact will be on that particular area so I  
13 think that it's very helpful there. It informs our  
14 work to make sure that we're focused on the right  
15 things, and the increase in emergency violations, for  
16 example, shows that we are focused on emergencies,  
17 and I think that that's part of what we want to make  
18 sure people are aware of about the work that we do.

19  
20 CHAIRPERSON BREWER: Any examples like the  
21 smoke detectors that need help that you've been able  
22 to identify as a result of the MMR? Not everything's  
23 perfect in case anybody didn't know, so is there some  
24 way in which you think the MMR has been helpful in  
25

1 the last year to identify problems that have been  
2 addressed or not addressed?

3  
4 DEPUTY COMMISSIONER SANTIAGO: I think the  
5 MMR has also helped us to see that these numbers need  
6 to be constantly reviewed and the perception needs to  
7 be clear. For example, I want to just address the  
8 issue raised by Chair Sanchez about response to  
9 emergency violations and the number seeming to go  
10 down. That indicator is based on how many emergency  
11 violations are issued in a year. The total number  
12 closed divided by the total number of violations that  
13 we issue, and when you have such a high increase as  
14 we've had over the past couple of years, that  
15 denominator, numerator goes off and it's not clear  
16 that we are keeping up actually with emergency  
17 conditions. Also, the fact that we've issued so many  
18 more violations that go past the Fiscal Year period  
19 for correction. We've also stayed pretty constant,  
20 right about 68 percent in closing emergency  
21 violations that were issued during the period, but,  
22 because we haven't revisited that calculation over  
23 time, and in the past it was a relatively flat number  
24 so you're numerator and denominator were also working  
25 basically from the same pool, we need to relook at

1 that and understand how we explain that to the public  
2 so that next year's MMR is a better reflection of the  
3 work that we're doing so I think we want to make  
4 sure, again, that the perception matches the reality  
5 of the work that the agency is doing.  
6

7 CHAIRPERSON BREWER: Okay, so those pesky  
8 C violations.

9 DEPUTY COMMISSIONER SANTIAGO: Correct.

10 CHAIRPERSON BREWER: Council Members  
11 Velázquez and Joseph are here and Council Member  
12 Cabán is on Zoom.

13 I have one question for the Fire  
14 Department and then I'll turn it over to my esteemed  
15 Colleagues.

16 I want to know the investigations, the  
17 inspections in particular. I think in Fiscal Year  
18 2019 the Fire Department conducted 6,565  
19 investigations compared to in FY-23 5,459, so that's  
20 a 17 percent decrease so I want to understand that  
21 because, to me, obviously you do a great job in terms  
22 of putting out the fires, but I want to make sure  
23 that people have the opportunity to get inspected at  
24 the same time. In today's Daily News, there's a story  
25 about the faith-based houses of worship, and one of

1 the we're trying to understand is we would like to  
2 see more houses of worship housing those who are  
3 homeless, particularly the migrants because we have a  
4 migrant issue. My understanding is the Fire  
5 Department has said specifically that a lot of these  
6 faith-based programs are not fire safe and so,  
7 therefore, they cannot be used for the migrants to be  
8 housed. I guess my question is over the years, the  
9 last 30 or 40 years, the same buildings have housed  
10 those who are homeless, and so now it's a different  
11 situation. I want to understand why that is, even as  
12 you have fewer inspections, why are we picking, my  
13 words, on the faith-based?

15 CHIEF ESPOSITO: Thank you for the  
16 question. The inspections that our field units do,  
17 they obviously were higher before COVID, they dropped  
18 down in Fiscal 2021, and they are on the rise back  
19 again. We expect them to get back up to normal  
20 levels. Those inspections that our field units do are  
21 what we call the risk-based inspection. It's an  
22 algorithm that takes into consideration previous  
23 incidents at that location, the type of building, the  
24 type of construction, whether it's wood-frame or  
25 concrete, whether there's an auxiliary fire



1 protection system so we've seen since, for the last  
2 three fiscal years, we've seen those numbers going  
3 up. Investigations are performed by the Bureau of  
4 Fire Investigation into the cause of fires, and,  
5 similarly, they dropped off for COVID, and they are  
6 on the rise too. There are different types of  
7 incidents that will always be investigated. For  
8 example, multiple alarm fires, fires where there's a  
9 serious civilian injury or death, fires that there's  
10 a serious injury or fatal injury to a member of the  
11 Fire Department, they will always be investigated as  
12 well as the incidents that the Incident Commander  
13 deems suspicious or that they would like an  
14 investigation. There are times when there's a fire  
15 that we don't need an investigation because we know  
16 what the cause is. For example, a candle or somebody  
17 drops a candle.

19 Referring to the faith-based housing, the  
20 Fire Department's duty is to enforce the Fire Code.  
21 Regardless of the type of use of the building, if  
22 there are places that people are going to sleep in,  
23 we have a minimum required safety. For example, we  
24 need two separate means of egress, a lot of them  
25 need..

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CHAIRPERSON BREWER: Sprinklers.

CHIEF ESPOSITO: Sprinkler system,  
auxiliary fire protection systems, and some of them,  
depending on the number of people, then also need the  
hardwired alarm systems and smoke detectors that are  
hardwired. If they've been used over the years for  
that..

CHAIRPERSON BREWER: 30 years.

CHIEF ESPOSITO: It's possible that the  
Fire Department has never been there to inspect it.  
We do get buildings from the City to go out and  
inspect in anticipation of being used for housing,  
and that's what our Bureau of Fire Prevention does,  
they go out and inspect them, and they come back  
saying whether it's safe to be used for people to  
sleep there or not.

CHAIRPERSON BREWER: Okay. We can have a  
longer conversation about that. I just want to get it  
on the record that I feel that this has to have a  
different approach for these faith-based  
institutions.

I'll turn it over to my Colleague, but I  
want you to know that in all of the inspections, you

1 are definitely going in the wrong direction at this  
2 time. Council Member.

3  
4 CO-CHAIRPERSON ARIOLA: Thank you, Chair.  
5 Chief, can you explain FDNY's role in the inspection  
6 process for fire suppression systems such as  
7 sprinklers?

8 CHIEF ESPOSITO: We approve the plans or  
9 inspect them while they're in service. We would go to  
10 a building if we get a complaint for a building or if  
11 the building comes up on the risk-based inspection,  
12 part of what we would do with that building is  
13 inspect the sprinkler system. If it's a wet system,  
14 make sure that the water is in the system, make sure  
15 that there's somebody on scene that has a certificate  
16 of fitness that they're responsible to ensure that  
17 the system is operational. We would check to make  
18 sure the sprinkler heads are intact and that they  
19 haven't been removed. There's a five-year servicing,  
20 the hydrostatic test, that gets performed on the  
21 sprinkler system that the building owner is  
22 responsible to do and then would certify or verify  
23 that that's been done.

24 CO-CHAIRPERSON ARIOLA: Okay, thank you.

25 Do you agree that the Department has seen an increase

1 in response times for life-threatening medical  
2 emergency responses by ambulance over the past five  
3 years as reported in the Mayor's Management Report  
4 and, if you have, why, and if you have not please  
5 explain the difference from your stats to what's in  
6 the MMR?  
7

8 CHIEF FIELDS: According to the MMR,  
9 there's definitely been an increase times to Priority  
10 1, 2, and 3 assignments. We went back to the staffing  
11 levels that we had pre-COVID so 2020, the amount of  
12 ambulances that we had that were responding to  
13 emergencies were decreased compared to June 2020. We  
14 increased because we prepared for the surge in  
15 respects to call volume so we went from 460  
16 ambulances being on the street in 2019, during the  
17 periods of COVID we went up to as many as 519  
18 ambulances. In 2022, July of that year, we went back  
19 to pre-COVID levels which brings us around 460  
20 ambulances. The amount of tour count that we cover  
21 which is the eight-ambulance tour count that we have,  
22 at the levels of 2021, we were at 1,221, and when we  
23 went back to pre-COVID operations we went to 1,141 so  
24 pretty much what that sums is the amount of resources  
25 that we were utilizing during COVID were increased.

1 After COVID was declared to be over, we went back to  
2 normal operations which decreased the amount of  
3 ambulances that we have and the amount of resources  
4 that we're utilizing to respond to the Priority 1, 2,  
5 and 3 assignments.  
6

7 CO-CHAIRPERSON ARIOLA: Was your staffing  
8 decreased as well?

9 CHIEF FIELDS: No. In respects to staffing  
10 levels, we have an increase of EMTs to the amount of  
11 104, but we are decreased in paramedics as well as we  
12 have decreased staffing in the ranks of lieutenant.

13 CO-CHAIRPERSON ARIOLA: What do you  
14 attribute that to?

15 CHIEF FIELDS: Attrition.

16 CO-CHAIRPERSON ARIOLA: Okay, so in your  
17 testimony, Chief Esposito, you say that there have  
18 been moderate increases in response times due to  
19 congestion on city streets and such, yet the MMR said  
20 that there are drastic decreases in both risk-based  
21 and mandatory inspections since FY-19. Do you agree  
22 with my statement in my opening statement that the  
23 Open Streets issue and the addition of bicycle lanes  
24 and more congestion on the streets because of that  
25 and bus lanes and illegal motorbikes, bikes that are

1 on the lane, and with the Open Streets program, not  
2 enough connection with the Fire Department before  
3 it's being done and getting input from the Fire  
4 Department before it's getting done where you're  
5 having issues with kind of getting down a street and  
6 then having to cross over a center mall to put out a  
7 fire. Do you think that those really have had an  
8 impact on those increased response times?  
9

10 CHIEF ESPOSITO: I think that when you  
11 change a street, even if you still have the same  
12 amount of lanes flowing in the direction, but you  
13 shrink those lanes so instead of them being, say, 15  
14 feet wide, they're 13 feet wide. That leaves less  
15 room for the traffic to move out of the way of the  
16 emergency response vehicle. There are some positives  
17 in this, and you look at 14th Street in Manhattan,  
18 that is designated as a busway if that's the right  
19 term, where it's mostly just bus traffic so there is  
20 no regular cars and delivery trucks, and that is  
21 pretty wide open, and that's excellent for emergency  
22 response vehicles to get up and down, so we do have  
23 coordination with the Fire Department and DOT. Each  
24 of our Fire Bureau Commanders have met with the DOT  
25 Bureau Commanders. We do talk about the plans, and we

1  
2 continue to discuss and stress how important is this  
3 better access. The proliferation of the e-bikes and  
4 the scooters, we know does have an impact on Fire  
5 Department response, especially when they're turning  
6 off or onto an avenue. Those are dangerous turns when  
7 you people up and down the sides of the streets on  
8 these bikes and scooters so the congestion and the  
9 traffic is part of the issue.

10 CO-CHAIRPERSON ARIOLA: Thank you. Going  
11 back to the paramedics and our lieutenants, since we  
12 are down in the number of those two categories, let's  
13 just say paramedics, how many are we down to?

14 CHIEF FIELDS: According to the last  
15 budget report, we're showing that we're down 64.

16 CO-CHAIRPERSON ARIOLA: 64, and what's  
17 your budgeted amount?

18 CHIEF FIELDS: Correction. Paramedics  
19 according to the most recent update is showing 39,  
20 that we're down 39.

21 CO-CHAIRPERSON ARIOLA: 39, and your  
22 budgeted amount?

23 CHIEF FIELDS: Budgeted amount is 957.  
24 We're actually at 918.

1  
2 CO-CHAIRPERSON ARIOLA: Okay, so how would  
3 budget cuts at the rate of 5 percent three times over  
4 the next six months affect response times when you're  
5 so low in personnel right now?

6 CHIEF FIELDS: I mean budget cuts will  
7 have a significant effect in respects to response  
8 times. The first thing is we're trying to push out as  
9 many paramedic classes so that we can produce more  
10 paramedics they largely respond to the Priority 1, 2,  
11 and 3 assignments so the fact that there are overtime  
12 cuts, that's how we're pretty much making up for  
13 those vacancies or those ambulances, those paramedic  
14 ambulances that don't run, it's based off overtime so  
15 if there's a budget cut then the amount of people  
16 that we can utilize for those particular units and  
17 assignments become decreased so it has a significant  
18 effect.

19 CO-CHAIRPERSON ARIOLA: Right now, there's  
20 a basecamp for migrants being built at Floyd Bennett  
21 Field. They are contracted to house up to 2,000  
22 individuals. With the decreases in our first  
23 responders, especially medical, and hospitals being  
24 so far from that remote area, how would response  
25 times be to get from any area where you have an



1 ambulance, whether it be Coney Island Hospital, Kings  
2 Hospital, Brookdale Hospital to get all the way to  
3 Floyd Bennett Field if someone had been taken ill or  
4 harmed?  
5

6 CHIEF FIELDS: With respects to EMS, we  
7 don't respond out of hospitals, we have CSLs which  
8 are call street locations. The nearest call street  
9 location to Floyd Bennett Field is somewhere in the  
10 vicinity of Flatbush and Avenue U. But, yes, if you  
11 place additional amount of people into one vicinity,  
12 the call volume in that particular area will go up.  
13 We're going to try to relocate resources to cover  
14 that location. We also try to reach out to voluntary  
15 partners to see whether or not they can run up  
16 additional resources. Some of those will be  
17 community-based hospitals such as Community Hospital,  
18 Beth Israel, Victory Memorial to see whether or not  
19 they can run additional resources to cover that  
20 surge.

21 CO-CHAIRPERSON ARIOLA: They're quite a  
22 distance from that location.

23 CHIEF FIELDS: They are.

24 CO-CHAIRPERSON ARIOLA: They are quite a  
25 distance. Additionally, for the Fire Department to

1 even go in there if there were a fire, it's a grassy  
2 area, there's a lot of seagrass and such that can go  
3 into a brushfire, how prepared is the Fire Department  
4 to respond to that area and to put out a fire? Are  
5 there enough fire hydrants available for water and  
6 how many lines would you have to run in order to get  
7 to the most remote place, which is runway 19, which  
8 is where these individuals will be housed?  
9

10 CHIEF ESPOSITO: Correct. It was just this  
11 week that we were learning exactly where down in  
12 Floyd Bennett Field they're going to be building the  
13 tents. Our Brooklyn Borough Commander had a meeting  
14 yesterday, there's another meeting today, to discuss  
15 our multi-unit drills where we'll have all the local  
16 fire companies down there to get a familiarization of  
17 the site, working with the National Park Service  
18 who's the owner down there and in charge of ensuring  
19 that the fire hydrants are operational. We've been  
20 inspecting them and confirming that. We will work  
21 with NYCEM to have interagency drills at the site and  
22 then we're also going to, once we have the solid  
23 information, we're going to start to prepare what we  
24 call the pre-incident guideline, which is a document  
25 we have for some of our more high-profile, more

1 complex buildings, locations that will spell out all  
2 of the specifics about that location including where  
3 the fire hydrants and if they're over a distance, how  
4 we have to do relays from the fire hydrant back to  
5 the scene should we need it.

7 CO-CHAIRPERSON ARIOLA: This particular  
8 site has been in the newspapers and identified for  
9 many months and asked for by the Governor close to  
10 six, eight months ago. It's troublesome to me that  
11 the Fire Department was only looped in this past  
12 weekend, and that is not your fault because this  
13 Committee, Fire and Emergency Management and myself,  
14 have been asking for just what you said to be done  
15 months ago. Now we have reports that 500 individuals  
16 could move in as early as Sunday and yet, will you  
17 have everything that you've said implemented by  
18 Sunday if that is in fact the date for people,  
19 humans, to arrive?

20 CHIEF ESPOSITO: What I just described  
21 will not be done by Sunday. The multi-unit drills  
22 will be done. We've been aware that this was going to  
23 happen at Floyd Bennett Field, but Floyd Bennett  
24 Field is quite large. We didn't have the exact  
25 location in there where this was going to occur, and,

1 obviously, that exact location is what we need for  
2 the pre-incident guideline.

3  
4 CO-CHAIRPERSON ARIOLA: Would you say that  
5 it would be safe to move people into that environment  
6 prior to these particular mechanics of keeping them  
7 safe are done?

8 CHIEF ESPOSITO: We will have our units  
9 down there to see the location. The pre-incident  
10 guide and the interagency drills with NYCEM will not  
11 be conducted by then.

12 CO-CHAIRPERSON ARIOLA: Thank you. What I  
13 don't want to see is what we've seen throughout the  
14 city, and I just want to go on the record for it that  
15 each and every location that was selected and  
16 migrants were put into were deemed by the Fire  
17 Department to be unsafe and then had to be vacated by  
18 the Fire Department and then people were forced back  
19 into the streets, and my esteemed Colleague made  
20 mention of the faith-based organizations that would  
21 like to have migrants in their facilities and they  
22 would not be on the streets and not be on a runway  
23 that is open to flooding and winds and climate  
24 emergencies and no real plan in place to secure their  
25 safety. This isn't the first hearing we've had on it.

1  
2 The last hearing that we had that was a joint  
3 hearing, there was no plan in place then, so this is  
4 why it's so important that each of the agencies know  
5 and the Administration knows and this Council knows  
6 that we cannot be just taking people from one place  
7 to another and put them in unsafe conditions where  
8 agencies as important as the Fire Department has not  
9 even taken a look at the property more than 48 hours  
10 before an intended move-in date has been established  
11 so we need to do better, but thank you so much.

12 Just a question for DOHMH. I want to  
13 thank you for the great job you're doing with all the  
14 issues with rats and coming out and inspecting the  
15 restaurants and the bad actors that we have and  
16 really taking them to task and holding them to task  
17 and, in some instances, closing them because they're  
18 not complying so kudos on that because rats are a  
19 very big problem in our city and in my District,  
20 especially, we saw an uptick and because of your  
21 diligence, we've now seen a regression of that  
22 particular condition. Thank you very much.

23 ASSISTANT COMMISSIONER WONG: Thank you,  
24 Council Member.

25 CO-CHAIRPERSON ARIOLA: I yield.

1  
2 CHAIRPERSON BREWER: Thank you very much.  
3 We'll hear from Health Chair in just a minute.

4 I have a question about the childcare  
5 inspections. My understanding despite recruitment of  
6 additional staff, the Department of Health and Mental  
7 Hygiene is still behind by over 2,000 inspections of  
8 childcare from pre-pandemic level so the question is  
9 what is the agency's role in the inspection process  
10 for group childcare programs that fall under, as we  
11 know, Article 47 of the Health Code, how often does  
12 the Health Department inspect such programs, and does  
13 the Health Department conduct surprise inspections of  
14 Article 47 programs and how often? I think the public  
15 hears about the horrors of the fentanyl, there's no  
16 way that an inspector necessarily would've known  
17 that, but we do need to have perhaps the inspections  
18 of childcare not the most important but right up  
19 there in terms of our small children. If you could  
20 please answer those questions? Thank you.

21 ASSISTANT COMMISSIONER WONG: Thank you  
22 for the questions, Council Member. For group  
23 childcare that falls under Article 47 of the Health  
24 Code, these are childcare providers that we license  
25 and we inspect. That's our role with these specific

1 childcare providers. DOHMH aims to inspect these  
2 programs at least once a year. Again, these  
3 inspections are unannounced. Programs may be  
4 inspected more if we find issues or violations and  
5 require further followup.  
6

7 As far as instances regarding like  
8 fentanyl, this is something that we're reviewing,  
9 looking at. It's a high priority for us as well too,  
10 and I'm happy to get back to you.

11 CHAIRPERSON BREWER: Okay, but you have  
12 2,000 less than before so how are you going to get  
13 back to the level that is appropriate for this really  
14 important population?

15 ASSISTANT COMMISSIONER WONG: We're hoping  
16 to get our inspectors trained up again and out there  
17 as much as possible and get back to the levels pre-  
18 pandemic. A lot of the work that was impacted from us  
19 was during COVID where they were shifted as far as  
20 their priorities and responsibilities but now we're  
21 getting them back into their regular duties and we're  
22 trying to focus...

23 CHAIRPERSON BREWER: What's the timeline  
24 that you think you can get back to the pre-pandemic  
25 levels?

1  
2 ASSISTANT COMMISSIONER WONG: Probably  
3 within this Fiscal Year.

4 CHAIRPERSON BREWER: Okay. In terms of the  
5 restaurants, in 2023, the Health Department inspected  
6 83.4 percent of restaurants which is 16.1 percent  
7 short of FY-19's rate of 99.5 percent. The MMR  
8 mentions that to reach 100 percent inspections you  
9 have to increase recruitment so how many food  
10 inspectors are currently employed by the Health  
11 Department, how many vacancies, how much turnover did  
12 you experience during the pandemic? My understanding  
13 is in the adopted budget for this Fiscal Year there  
14 are 227 positions budgeted under the Food Safety  
15 Program area. It's a reduction of 49 positions from  
16 276 at the adoption of 2023, so what are the job  
17 titles for these 49 and how are you going to find  
18 recruitments efforts to be successful?

19 ASSISTANT COMMISSIONER WONG: We currently  
20 have 80 inspectors dedicated for food service  
21 establishment inspections. We have about 20 vacancies  
22 so we're down in our inspectors. I'll have to get  
23 back to you as far as the turnover information, but  
24 we continue to recruit. We work very closely  
25 obviously with our colleagues within the agency and



1  
2 also externally as well too. We advertise our  
3 positions. Locally, we work with the local  
4 universities as well. Public health sanitarians,  
5 their requirements are generally a minimum of a four-  
6 year college degree plus 30 credits in the sciences  
7 so these are challenging positions to recruit for,  
8 and we continue to work on that and we promote. We  
9 have a job fair actually coming up in November. We've  
10 had job fairs this past year, and we continue to do  
11 so.

12                   CHAIRPERSON BREWER: One of the restaurant  
13 complaints, as you know, is Restaurant A has an  
14 inspector and then Restaurant A has a different  
15 inspector next week. There isn't necessarily  
16 consistency. What can the Department do to make sure  
17 that there is consistency so that Inspector A finds  
18 something wrong with the temperature and Inspector B  
19 finds there's something wrong with something else,  
20 but they're not necessarily consistent on their  
21 reports. That's a constant complaint. How is the  
22 Health Department dealing with that to be consistent  
23 in the inspections? Is there some technology solution  
24 or is it something that is not being addressed?

25

1  
2 ASSISTANT COMMISSIONER WONG: I can tell  
3 you that when our food service establishment  
4 inspectors are in the field, they actually have a  
5 tablet that they work with and generally any issues  
6 or violations that are found are inputted into the  
7 tablet, and at the end of that inspection, a report  
8 is generated out and given to the restaurant operator  
9 and it'll tell them what the issues are. That's all  
10 correlated by computer programming. We rotate our  
11 inspectors purposefully to avoid any issues of  
12 impropriety or corruption, and so we aim to have that  
13 technology there to make sure that the inspection is  
14 unbiased, but I can understand the concerns about  
15 consistencies, but the inspections are about a moment  
16 in time so when Inspector A finds an issue and he  
17 lets the operator know, and if Inspector B comes back  
18 some time afterwards, they may find a new issue that  
19 (INAUDIBLE) what we encounter in the field.

20 CHAIRPERSON BREWER: Thank you. Something  
21 to address.

22 CO-CHAIRPERSON SCHULMAN: Thank you,  
23 Chair.

24 First, I want to ask, Assistant  
25 Commissioner Wong, you said in your testimony that

1 your goal was to inspect 100 percent of the City's  
2 restaurant and you did agree actually with our  
3 figures, which is great, that 83.4 percent of  
4 restaurants in FY-23 were inspected, but what I said  
5 in my opening statement was that 99.5 percent of the  
6 inspections were done in FY-19 so can you tell us  
7 what you're doing to get back up to that level?

9 ASSISTANT COMMISSIONER WONG: That's  
10 correct. Obviously, COVID had a huge impact, and our  
11 inspectors had shifted their priorities during that  
12 time, and now that we have our inspectors back  
13 completely focused on food service establishment  
14 inspections plus obviously because we have vacancies  
15 within our inspection staff for food service  
16 establishments we're trying to hire as quickly as  
17 possible and get those inspectors on board, trained,  
18 and then out into the field to conduct those  
19 inspections so that we can raise back up our  
20 inspection levels.

21 CO-CHAIRPERSON SCHULMAN: What do you  
22 think we can get it up to in the next Fiscal Year?

23 ASSISTANT COMMISSIONER WONG: I would have  
24 to get back to you as that's not my department of  
25 expertise..

1  
2 CO-CHAIRPERSON SCHULMAN: I would like,  
3 yeah, if you can get that for us, that would be  
4 great.

5 How many food inspectors are currently  
6 employed by DOHMH?

7 ASSISTANT COMMISSIONER WONG: As mentioned  
8 before, we currently have 80 inspectors specific to  
9 food service establishments.

10 CO-CHAIRPERSON SCHULMAN: Per the Mayor's  
11 Management Report, food spoiled category received 787  
12 complaints, the second highest number of complaints,  
13 followed by 671 letter grading complaints. Can you  
14 please elaborate what these two complaints mean and  
15 how FES deals with them?

16 ASSISTANT COMMISSIONER WONG: Sure.  
17 Generally, the complaints are coming through from the  
18 public, and food spoiled is it's their assumption  
19 that something's wrong with the food that they either  
20 were presented or consumed, and that's generally the  
21 issue with the food spoiled category.

22 CO-CHAIRPERSON SCHULMAN: Can you provide  
23 a walk-through of what qualifications a restaurant  
24 would need to get a certain grade like A, B, all  
25 that?

1  
2 ASSISTANT COMMISSIONER WONG: Sure. An  
3 inspector will show, and they basically would  
4 announce themselves as an inspector, show their ID,  
5 show their badge as well too, that they're here for  
6 an inspection. They will give a bill of rights to the  
7 operator as mandated by languages and then they will  
8 conduct their inspection.

9 If there's less than 14 points of issues  
10 or concerns that come up, that's an automatic A, and  
11 we will issue that A grade immediately.

12 If there happens to be issues that are 14  
13 points or more, they will be basically told that we  
14 would be coming back for a followup compliance  
15 inspection usually within 30 days when we feel that  
16 that time is given enough for the operator to kind of  
17 address those concerns or issues. On that followup  
18 compliance inspection, they will check to make sure  
19 that they addressed those issues, but we also make  
20 sure that there are no issues that have arisen.  
21 Again, if there's less than 14 points, they will be  
22 presented an A right away.

23 If it's between a certain points,  
24 depending on what the issues are, they will be  
25 presented a B or a C grade, but they also will be

1 given a grade pending if they choose to dispute those  
2 violations and issues at OATH.

3  
4 CO-CHAIRPERSON SCHULMAN: Thank you. When  
5 a restaurant gets a grade pending, how long does that  
6 usually last for until they actually are inspected to  
7 get an actual grade?

8 ASSISTANT COMMISSIONER WONG: Generally,  
9 if they posted the grade pending, it's their  
10 intention to dispute it at OATH and depending on when  
11 they're scheduled for a hearing, it could be within a  
12 month or two. I can tell you that if a restaurant is  
13 given a B grade, usually within anywhere from three  
14 to four months we try to get back there to inspect  
15 them to try to help them elevate their grade to an A.  
16 If it's a C letter grade that they received, I would  
17 say anywhere within four to six months we go back  
18 there. If they have an A grade, we generally are  
19 doing an annual inspection, 10 to 12 months.

20 CO-CHAIRPERSON SCHULMAN: Is there any way  
21 to expedite that or that's basically the, because  
22 while that's happening, they could be losing business  
23 and, especially now, we want our restaurants to  
24 thrive so I'm just curious if there's any way to  
25 expedite that.

1  
2 ASSISTANT COMMISSIONER WONG: I understand  
3 the concern so I'll bring that back to Food Safety  
4 and Community Sanitation.

5 CO-CHAIRPERSON SCHULMAN: Has there been  
6 any thought given at DOHMH to use AI technology in  
7 any of the inspection process?

8 ASSISTANT COMMISSIONER WONG: We do use  
9 technology as far as the tablets are concerned. Each  
10 inspector has an agency-issued phone for language  
11 access purposes so that they can call into language  
12 access and get an interpreter right away in case the  
13 operator wants an inspection conducted in their  
14 specific language.

15 As far as AI, that's a very good  
16 question, Council Member. We actually at the Health  
17 Department have formed an AI internal task force, and  
18 we're looking at how AI can be used to kind of  
19 further our work. Obviously, we have concerns about  
20 privacy, equity, and security as well too, and we're  
21 looking at those as well.

22 CO-CHAIRPERSON SCHULMAN: I appreciate  
23 that. I do want to echo what Chair Ariola said about  
24 the inspections and going out and being diligent  
25 about the bad actors versus the folks that are

1 actually following the rules so I want to commend you  
2 for that.

3  
4 I want to go a minute to the backlog on  
5 the childcare. My understanding from a previous  
6 hearing that I Co-Chaired a couple weeks ago is that  
7 in the previous Administration resources were not  
8 given to DOHMH which is why you had so few staff that  
9 were working on the childcare inspections so can you  
10 tell us since then what the agency has done to  
11 enhance that and increase that?

12 ASSISTANT COMMISSIONER WONG: Thank you  
13 for the question, Council Member. We were able to  
14 bring on a large amount of staff to be able to  
15 conduct specifically focused on background checks.  
16 This is about approximately 40 staff. The biggest  
17 change was the update of submission of documents for  
18 those background clearances through a digital system.  
19 Unfortunately, previously it was done kind of I would  
20 say but more paper in sense of that documents were  
21 actually emailed and our staff had to kind of sort  
22 through e-mails, pull up documents, and sometimes the  
23 scan didn't kind of go through. I would (INAUDIBLE)  
24 for the state who has a part of the clearances as  
25 well too. They also implemented a digital system, and



1 we're kind of in lockstep with them as far as that's  
2 concerned.  
3

4 CO-CHAIRPERSON SCHULMAN: I appreciate  
5 that.

6 I actually want to ask EMS a question. In  
7 terms of response times, I just want to follow up on  
8 what Chair Ariola was talking about. I worked at EMS  
9 on the Admin side some years back so this was in the  
10 mid-90s and one that was pre Fire Department being  
11 involved and also pre-GPS on the ambulances so with  
12 the technological advances that we have now and plus  
13 we have paramedics trained I think right in the Fire  
14 Department so my question, and the response time back  
15 then was around eight minutes, somewhere in there, so  
16 I want to know what has been done to enhance the  
17 response time because, you know, the fact of the  
18 matter is that there was a 13-year-old who was  
19 stabbed on a bus recently who, because EMS was slow  
20 to respond, died in the hospital so I'm asking what's  
21 being done since there have been so many advances,  
22 why we're still in the same place and why the  
23 response time has increased?

24 CHIEF FIELDS: A couple of things. Thank  
25 you so much for your service with serving with EMS.

1  
2 EMS was not slow to respond on that particular day in  
3 Staten Island. The response time that we arrived at  
4 that location was 10 minutes. The call volume  
5 compared to 1990 to 2023 is significantly different.  
6 Right now, we respond to approximately 1.6 million  
7 assignments per year. We have a 7 percent increase in  
8 Priority 1, 2, and 3 assignments so those are the  
9 ones in which we are budgeted for, and those are the  
10 ones in which we try to prioritize. Those are our  
11 high-acuity call types.

12           In respect to that particular area on  
13 Staten Island, 38 percent of that area is FDNY versus  
14 62 percent is the voluntary hospitals that work in  
15 that particular area. Northwell I believe is the  
16 actual hospital that covers that area in which the  
17 stabbing happened, and they have also decreased  
18 citywide about seven tours. They run a total of 77.  
19 They took seven units offline as of September 18th so  
20 for that particular event, the ambulance that covered  
21 that area which immediately should've been available  
22 for that response was not available because they were  
23 inside the emergency room, but we have decreased  
24 response for that particular area.

25

1  
2           In respects to the voluntaries, they're  
3 going through the same retention issues that we're  
4 having. Right now after COVID, there weren't a lot of  
5 EMT and paramedic classes that were being ran so  
6 right now we're having problems with recruitment,  
7 same thing that they're having as well with  
8 recruitment as well as retention. EMS is a very dirty  
9 job. People have learned during COVID that they can  
10 go off and become nurses and PAs so it's extremely  
11 hard to recruit in respects to that.

12           In respects to things that we have done  
13 since the 1990s, we have increased technology. As you  
14 spoke about, GPS, utilizing analytics in respects to  
15 see what areas have higher call volume and then  
16 trying to redeploy. In the future, we have some  
17 programs such as (INAUDIBLE) which looks at time of  
18 day, looks at where we should deploy additional  
19 resources when resources become unavailable so we can  
20 have a model that can say we're going to try to  
21 predict where the next call may come in at so we're  
22 hoping that that is going to assist us, but right now  
23 retention and making sure that we have the proper  
24 staffing is the priority to make sure that everybody  
25 can get an ambulance in a timely fashion.

1  
2 CO-CHAIRPERSON SCHULMAN: I appreciate  
3 that. If there's anything that the Council can do in  
4 terms of recruitment, we want to do that. I believe  
5 that the EMTs and paramedics are underpaid, that's a  
6 separate issue, I know that's not your specific  
7 issue, but I want to put that on the record. I think  
8 that would help with retention and recruitment so  
9 thank you very much.

10 Department of Buildings, I want to ask  
11 you if in terms of enforcement do you ever break  
12 down, we were looking at the MMR, in terms of  
13 borough, like enforcement by each borough?

14 FIRST DEPUTY COMMISSIONER VILENCHIK: Yes,  
15 absolutely. Those numbers are available, and we can  
16 bring them...

17 CO-CHAIRPERSON SCHULMAN: Can we get them?  
18 Canu bring them to the Council because in Queens  
19 there are some issues there, and I can talk offline  
20 about that because we want to make sure that each  
21 borough is covered in the way it's supposed to be.

22 That's the end of my questions now,  
23 Chair, for right now. I'll circle back later.

24 CHAIRPERSON BREWER: Thank you very much.  
25 Before we go on to Buildings, I had another health

1 question. Health Department, as you indicated, issues  
2 violations at restaurants that serve food with  
3 cannabis, but they don't issue violations at smoke  
4 shops that serve food products with cannabis. Why?  
5 Because we understand that the law allows for it.  
6

7 ASSISTANT COMMISSIONER WONG: Thank you  
8 for the question, Council Member. Obviously, cannabis  
9 has been the topic of issue recently with unlicensed  
10 cannabis retailers. We work very closely with our  
11 City colleagues when they are conducting enforcement.  
12 As you know, a lot of the regulations actually reside  
13 at the State level. I can tell you that if we are  
14 told that there is food prep being done, performed on  
15 site at an unlicensed cannabis retailer and they're  
16 adulterating that food by adding cannabis, we will  
17 take enforcement. It's been very few and a handful.

18 CHAIRPERSON BREWER: How many complaints  
19 have you gotten? Do you know?

20 ASSISTANT COMMISSIONER WONG: That I will  
21 have to get back to you. I do want to differentiate  
22 that we're not talking about like gummies that are  
23 manufactured by somebody else elsewhere and  
24 prepackaged and being sold there. We're talking about  
25 somebody who's baking cupcakes or making brownies on-

1 site and we've had a couple of those locations, and  
2 they would add either CBD or cannabis to that. We  
3 would then along with the Sheriff's Department go on  
4 a joint enforcement and issues violations  
5 accordingly, but I'm happy to get back to you.

6  
7 CHAIRPERSON BREWER: Have any of them been  
8 closed down to the best of your knowledge based on  
9 your inspection?

10 ASSISTANT COMMISSIONER WONG: I can tell  
11 you that several locations have been closed down.

12 CHAIRPERSON BREWER: By the Health  
13 Department?

14 ASSISTANT COMMISSIONER WONG: By the  
15 Health Department because food safety concerns.

16 CHAIRPERSON BREWER: If you could get back  
17 to us because we're trying to close them down and we  
18 have very bad luck.

19 ASSISTANT COMMISSIONER WONG: Happy to  
20 work with you, Council Member.

21 CHAIRPERSON BREWER: Thank you very much.  
22 I want to thank Council Member Riley and Council  
23 Member Krishnan for being here.

24 There was a 10 percent decrease from FY-  
25 22 in the Buildings Department's ability to access

1 residential units when there was an illegal  
2 conversion complaint. We understand this was because  
3 residents are reluctant to provide access. Why are  
4 residents more hesitant providing access as opposed  
5 to last year or any prior year, and what are people  
6 doing to encourage those who are residents to provide  
7 access? I think we all know about the challenges of  
8 illegal basement or cellar units that have floods,  
9 etc., etc., so what are you doing on that front?

11 FIRST DEPUTY COMMISSIONER VILENCHIK:  
12 Department of Buildings takes really seriously this  
13 issue of illegal conversion. As we know, it's quality  
14 of life, creating severe pressure on our utility  
15 systems, and creates traffic obstructions. We do what  
16 is necessary to obtain required access. Our  
17 inspectors first upon receiving a complaint, I  
18 believe it numbers about 10,000 complaints per year...

19 CHAIRPERSON BREWER: On this topic, on  
20 this topic?

21 FIRST DEPUTY COMMISSIONER VILENCHIK: On  
22 this topic of illegal conversions so it's...

23 CHAIRPERSON BREWER: That's a lot.

24 FIRST DEPUTY COMMISSIONER VILENCHIK:  
25 Between 8,000 to 10,000 complaints we're getting per

1 year, and this year, based on the trend, we're going  
2 to be 8,500 probably. Each complaint is being  
3 investigated (INAUDIBLE) for severity and obviously  
4 when we receive the complaint (INAUDIBLE) inspector  
5 trying to obtain access and, at first obviously, or  
6 sometimes people are reluctant to provide us access  
7 because if a door's locked, in this case, we just  
8 leave a notice which is called L2 in our forms with a  
9 request for the owner to give us a call and set up an  
10 appointment. If within a certain period of time,  
11 normally we take about one week or so, no one is  
12 calling us, we go for a security inspection and try  
13 to obtain an access. If there is no access this time,  
14 the inspector tries to observe factors which lead us  
15 to believe that this complaint is valid (INAUDIBLE)  
16 looking for the ring bell, additional ring bell, if  
17 they know the house is supposed to be two families,  
18 if we see several additional ring bells, obviously,  
19 there's a good possibility that someone converted  
20 something illegally. They're looking for additional  
21 mailboxes, looking at the cars parked, looking at the  
22 number of doors so, in this case, if we observe all  
23 of those characteristics and still there is no  
24 access, it goes to our attorneys to obtain an access  
25



1 warrant, and we're quite successful. I believe it's  
2 around 80 to 90 percent of all access warrants being  
3 (INAUDIBLE) but not all, and I agree absolutely with  
4 this question that not all, and the people, it's  
5 understandable, who are always doing something  
6 illegal, they're trying to hide. On top of this,  
7 sometimes just our visit itself leads to  
8 discontinuation of the illegal use. This is also good  
9 seeing our inspectors working around the house,  
10 knocking on the door, leaving notice. It's also kind  
11 of a message left for the homeowner, stop it, so in  
12 all scenarios it looks like it's a good action.

14 CHAIRPERSON BREWER: I can say in my area  
15 people subdivide and then throw six roommates in  
16 there, and that, of course, would be frightening for  
17 any kind of a fire or something else because you  
18 wouldn't even know who's living there so this is a  
19 huge issue, and I hope that you're figuring out what  
20 you can do because people are not going to give you  
21 access if they're breaking the law so I do think that  
22 needs more attention.

23 FIRST DEPUTY COMMISSIONER VILENCHIK: I  
24 agree with you. You're absolutely correct.

1  
2           In terms of HPD, what is the average  
3 caseload for HPD inspectors because I know they have  
4 a hard job and has it increased or decreased as a  
5 result of staff vacancies? I'm glad that you're all  
6 having job fairs. You should know the Mayor said no  
7 more job fairs so I'm glad you're having job fairs.  
8 Go ahead.

9           DEPUTY COMMISSIONER SANTIAGO: Thank you,  
10 Council Member. Our inspectors depending on what unit  
11 they're in have different workloads. If you are a  
12 borough office inspector responding to complaints  
13 that come in through 3-1-1, the number of stops you  
14 can do per day is really dependent somewhat on your  
15 borough, how far apart the complaints are, the  
16 buildings that we have to go to. On average, I think  
17 in the MMR we said about 12 stops per day, but we  
18 also have inspectors who do specialized inspections  
19 who can do fewer. Lead inspectors typically can do  
20 two or three inspections a day because the  
21 inspections are much longer. Inspectors assigned to  
22 our special enforcement units like our anti-  
23 harassment unit may only do one building a day  
24 because they're in the whole building and they're  
25

1 knocking on every door so it really depends on what  
2 unit that inspector is assigned to.

3  
4 CHAIRPERSON BREWER: All right. How far  
5 behind, I know whatever it says in the MMR is  
6 probably not good, but how far behind are you in  
7 terms of staffing for this to be able to keep up with  
8 what is a huge workload?

9 DEPUTY COMMISSIONER SANTIAGO: Yes, and we  
10 have come a long way since last year so I really feel  
11 like we're in a good place for this year. We have  
12 about 60 more inspectors going into heat season,  
13 which hopefully will help us, again, continue to claw  
14 at any remaining backlog but also help us get ahead.  
15 One thing we do do is we prioritize, right, so during  
16 heat season, heat and hot water complaints are  
17 prioritized. We respond to those much more quickly  
18 than your average complaint.

19 CHAIRPERSON BREWER: Okay. I hope you'll  
20 tell later how you are going to figure out a way of  
21 not having as many heat complaints in the future.  
22 There's nothing worse than no heat in a cold season.

23 Council Member Sanchez.

24 CO-CHAIRPERSON SANCHEZ: Thank you so  
25 much, Council Member Brewer.

1  
2 I'm going to start off with DOB and  
3 actually also pick up on a question that Council  
4 Member Brewer asked earlier regarding construction  
5 injuries. You said 229 inspectors are in the  
6 construction site safety unit and you said four hours  
7 is the response time for reactive inspections so same  
8 question actually that we just asked HPD, what is the  
9 inspectors' caseload?

10 FIRST DEPUTY COMMISSIONER VILENCHIK: I  
11 just want to make a slight correction. It's 129  
12 inspectors assigned to safety and (INAUDIBLE)  
13 inspectors to route to Type A complaints.

14 It's an interesting question that you ask  
15 because you looking on in the way our inspectors  
16 work. As I said, we introduced technology in  
17 inspection routing, and, after a long search, we  
18 finally found a product that works with the specifics  
19 of the Department of Buildings. In addition to that,  
20 we're trying to in order to increase frequency of our  
21 inspections and essence of our inspections, we need  
22 to make more inspections. We just feel the Department  
23 of Buildings (INAUDIBLE) so people always feel our  
24 presence. This makes site more accurate, more  
25 compliant. With that, we're looking at inspectors

1     (INAUDIBLE). Right now, it's not yet introduced but  
2     we're working on establishing (INAUDIBLE) inspection  
3     because one inspector can perform two inspections per  
4     day and another inspector perform 12, and you cannot  
5     say which inspector worked harder so that's why we  
6     like to assign in order to compare inspectors'  
7     performance, promote them, encourage them to do so  
8     and reward them for work well done. We need to  
9     establish these performance characteristics which  
10    we're currently working on and hoping to apply in the  
11    near future so (INAUDIBLE) it's interesting that,  
12    yes, I agree you absolutely correctly pointed out the  
13    number of incidents in your introductory statements  
14    have risen, and in part it's, of course, because we  
15    have a lot more people introduced to the construction  
16    site (INAUDIBLE) construction industry and the  
17    percentage, it's (INAUDIBLE) it's in part probably a  
18    contributing factor, but on top of this, we have to  
19    remember that each developer, each contractor, each  
20    owner wants to complete their sites sooner because  
21    cost of construction is high and each day of  
22    construction is contributing to this cost so  
23    obviously we don't want to slow down, but we need to  
24    be in line, we still want to make sure the site  
25

1 maintains required safety so, with that, we are  
2 meeting with the industry monthly, with each industry  
3 representing contractors in New York City (INAUDIBLE)  
4 organization. As we said, site safety course to the  
5 employees. This is helping a lot. It's people  
6 trained. Construction supervision, the number of  
7 superintendents per site will be reduced. This will  
8 (INAUDIBLE). We are introducing conditional licensing  
9 for a variety of trades. Construction, as I said, is  
10 a very dynamic industry and it keeps going, it's new  
11 equipment introduced, new profession so we need to  
12 work step by step along with the construction  
13 industry, not to be behind, in order not to be  
14 reactive so we're trying to stay proactive and to be  
15 a little bit ahead if we can when we can.

17 CO-CHAIRPERSON SANCHEZ: Thank you. Just  
18 on the site safety cards, we had a hearing last year.  
19 We were in the process of rolling them out. How often  
20 is DOB finding that workers don't have their SST  
21 cards?

22 FIRST DEPUTY COMMISSIONER VILENCHIK: Yes,  
23 it still happened but fines are so severe so I  
24 believe it's tremendously reduced because fines are  
25 issued to the contractor, issued to the owner so it's

1 a tremendous fine as well as (INAUDIBLE) for workers  
2 not having site safety card. I don't know if you  
3 noticed around the city, now site safety cards are  
4 being used as an access card to a construction site  
5 so a worker who has either fraudulent or do not have  
6 a site safety card cannot even enter the site so this  
7 is I believe a very positive movement, and we're  
8 really happy that this is happening, and it's huge  
9 for our site safety cards. We're looking to introduce  
10 virtual cards so it's like the card itself represents  
11 a tremendous expense for the Department to produce,  
12 they're lost, so we would like to see a virtual card  
13 which could be preserved on the phone or by other  
14 means so this will replace eventually those plastic  
15 cards (INAUDIBLE)

17 CO-CHAIRPERSON SANCHEZ: Just one more  
18 question on the site safety cards. Three part  
19 question, any construction site anywhere in the city  
20 is subject to having workers have their site safety  
21 cards?

22 FIRST DEPUTY COMMISSIONER VILENCHIK: The  
23 sites where a construction superintendent is required  
24 so this is a majority, a construction safety  
25

1 professional is required so it's a majority of  
2 construction sites in New York City.

3  
4 CO-CHAIRPERSON SANCHEZ: But a small two-  
5 family home...

6 FIRST DEPUTY COMMISSIONER VILENCHIK:  
7 Small, minor alterations which do not require a  
8 construction superintendent presence (INAUDIBLE)

9 CO-CHAIRPERSON SANCHEZ: Is there anything  
10 that DOB has noticed at this time regarding where  
11 you're still seeing SST card violations?

12 FIRST DEPUTY COMMISSIONER VILENCHIK: We  
13 do. It's, unfortunately, a majority of our issues  
14 with site safety card trainers, and we're trying to  
15 audit them periodically to make sure there are no  
16 fraudulent cards issued, make sure that attendance is  
17 in place so we're hitting really hard if we find  
18 someone who is not fulfilling requirements for our  
19 training. In general, there are great improvements,  
20 and I really see this is a (INAUDIBLE)

21 CO-CHAIRPERSON SANCHEZ: Got it. Thank  
22 you. The numbers are still stark, 35 percent increase  
23 this year over last year with 685 injuries this year  
24 so what is DOB doing to try to drive more safety and



1 what do you need from the State Department of Labor  
2 or from OSHA in order to support your work here?

3  
4 FIRST DEPUTY COMMISSIONER VILENCHIK: I  
5 will start from the end of your question. We're  
6 working very closely with OSHA. OSHA organization is  
7 kind of small in our region so we're working very  
8 closely to supplement their efforts, and we have  
9 monthly meetings with them. We discuss the way we're  
10 visiting sites, improving the safety, identifying our  
11 targets. Yes, even one accident or one death on a  
12 site is a lot so with increase of construction  
13 activity in the city, of course, it's like we're  
14 probably going to see more, unfortunately see more  
15 accidents, but, as I said, we continue doing our  
16 proactive inspections, visiting the sites. We have  
17 continued enforcing our rules, make sure toolbox  
18 meetings, everyday discussion with workers is  
19 implemented. We continue to talk to the industry. We  
20 issue our Buildings newsletter which sends to about  
21 half a million people I believe if I'm not mistaken,  
22 so it's constantly developing. We're developing our  
23 Code, make it more easily comprehensible, more easy  
24 to understand. There's more straightforward  
25 provisions. Our website is kind of expanded to

1 provide workers information and safety requirements.

2 To the contractors, we published reasons where stop

3 work orders can be issued so they know exactly what

4 to expect so we're kind of trying to make information

5 which is available to our inspectors, we're trying to

6 make the same information available to the industry

7 participants. This way, we can kind of keep yourself

8 responsible equally.

9  
10 CO-CHAIRPERSON SANCHEZ: Thank you, Deputy

11 Commissioner. I have seen you all on the ground in

12 the Bronx, and I know that there's a lot of outreach

13 so I just want to thank you for those efforts.

14 My next question is around the

15 relationship between enforcement inspections and then

16 violations. We see that just 6 percent of enforcement

17 inspections resulted in violations compared to 10

18 percent in Fiscal 2022 and 13 percent in Fiscal 2020.

19 What is driving this relationship, why are seeing few

20 violations issued when we have more inspections

21 happening?

22 FIRST DEPUTY COMMISSIONER VILENCHIK:

23 Honestly, my opinion, this is positive (INAUDIBLE)

24 might reflect that not enough violations issued, but

25 this is because, as I said, information has become

1 available, and now, once information is available,  
2 contractors know what to expect from our inspectors,  
3 what are we searching, so what are we looking, how  
4 the work process is supposed to be conducted so I  
5 believe it's a little bit of fallout from our  
6 communication, our outreach, our Code improvements,  
7 improvements of our website, our training,  
8 introduction of new licensing. This is all leading  
9 to, as a matter of fact, I'd like to mention that our  
10 stop work orders are greatly reduced, and we're proud  
11 to say that now what used to take months, now it's  
12 like to leave the stop work order takes only 22 days  
13 on average, so this is kind of a great success and  
14 not just us, because industry is working with us.  
15 They realize they have a partner and it's important  
16 for us to keep this partnership going.

17  
18 CO-CHAIRPERSON SANCHEZ: Okay, let's just  
19 make sure that we're working to have all these trends  
20 travel together because it doesn't make sense that  
21 injuries are going up while violations are going down  
22 so that relationship needs to track on all sides.

23 My last question here is about boiler  
24 inspections. The MMR reports that there has been a  
25 significant increase in violations issued in Fiscal

2023 that was largely due to roughly 100,000 boiler inspection reports from prior years. Excluding the boiler inspections, how did the number of violations issued change from Fiscal 2022 to 2023?

FIRST DEPUTY COMMISSIONER VILENCHIK: I believe the significant increase is because we issued violations for prior years. We generated violations which were not issued at the time of COVID, and that's what caused the significant increase.

CO-CHAIRPERSON SANCHEZ: I see that the violations were for failure to file annual boiler inspection reports from 2018 to 2021. It is now 2023 so when were buildings required to file inspections that were behind for boilers?

FIRST DEPUTY COMMISSIONER VILENCHIK: Buildings are required to comply with this inspection yearly and submit the report to the Department of Buildings, but, due to COVID, there was a decision made at the time by the prior Administration to give people a break and we allow them to submit following year's inspection without paying for violation for prior year, and this year we decided to issue those violations as well.

1  
2 CO-CHAIRPERSON SANCHEZ: Okay. Thank you.  
3 Deputy Commissioner Santiago, we're going to talk a  
4 lot about heat and hot water on Monday. Thank you for  
5 participating.

6 Just in connection with the boiler  
7 inspections, does HPD receive, work with the  
8 information regarding boiler inspections that DOB  
9 receives? Does that inform your enforcement on heat  
10 and water complaints, and how often are faulty  
11 boilers the root cause?

12 DEPUTY COMMISSIONER SANTIAGO: We don't  
13 work directly with that data, but we do collaborate  
14 with the Department of Buildings in a number of ways.  
15 One way is that every summer in collaboration with  
16 DOB we send out information to property owners  
17 reminding them to have their boiler inspections done,  
18 to submit those reports timely. The other way is in  
19 relation to our Heat Sensor Program. We are working  
20 with DOB at this point, helping them to target those  
21 buildings for inspections so we're providing them  
22 information, and we're going to work together on that  
23 project this year going forward.

24 CO-CHAIRPERSON SANCHEZ: Okay, got it. So  
25 you send the reminders for DOB's...

1  
2 DEPUTY COMMISSIONER SANTIAGO: We have  
3 because of our annual property registration  
4 information, we have a good line to property owners  
5 and so it makes it a good collaboration to be helpful  
6 around joint issues that affect us.

7 CO-CHAIRPERSON SANCHEZ: Great. Thank you.  
8 Thank you, Deputy Commissioner.

9 Moving back to emergency violations, a  
10 discussion that we started, so the percentage of  
11 emergency violations corrected by an owner fell from  
12 57 percent in Fiscal 2019 to 50 percent in Fiscal  
13 2023 so private owners are correcting few of the  
14 emergency violations that they're receiving. During  
15 that time period, the percentage of emergency  
16 violations corrected by HPD also fell. We talked  
17 about numerators and denominators. We love talking  
18 about math. Just to kind of focus on the goal here,  
19 the ultimate goal is to make sure that HPD's  
20 enforcement actions on the ground, having the  
21 inspectors out there, they're a deterrent effect like  
22 DOB just mentioned, and that it's also compelling  
23 landlords to behave and to provide for their tenants.  
24 Can we talk about this discrepancy so is the agency  
25

1 seeing a reduction in the amount that private owners  
2 are responding to emergency violations?

3  
4 DEPUTY COMMISSIONER SANTIAGO: We're not.

5 The issue is that that number reports within the  
6 Fiscal Year, and because so many of our violations  
7 now take longer to resolve, the resolution of those  
8 violations doesn't happen until after the reporting  
9 period. For example, self-closing doors which is the  
10 biggest increase in violations, right, owners have 14  
11 days to correct, HPD has 20 days to re-inspect. The  
12 owner certifications have 70 days to become deem  
13 complied. These all push the actual compliance  
14 reporting outside of the period, and so I think what  
15 we really need to do, trying to simplify what I was  
16 trying to say before, is when we do our reporting  
17 report the compliance of the violations issued within  
18 the Fiscal Year even if the compliance happens after  
19 the end of the Fiscal Year as a arbitrary date, we  
20 want to still report that to you, right, so where we  
21 are is actually pretty consistent with previous  
22 reporting. Back in the old days, most C violations  
23 had to be fixed within 24 hours, and so a lot more  
24 activity happened the same Fiscal Year that the  
25 violation was issued, the correct was required, so we

1 want to look at that and make sure that we're giving  
2 you accurate numbers, and we will give you the owner  
3 percentage and the agency percentage as requested.  
4

5 CO-CHAIRPERSON SANCHEZ: Okay, but we're  
6 still not at 100 percent. I know you're saying you're  
7 going to recalculate and use more reasonable  
8 denominators, but can you give us a sense, is it more  
9 like 80 percent, is it more like 90 percent, how  
10 we're doing on compliance from owners?

11 DEPUTY COMMISSIONER SANTIAGO: Part of the  
12 compliance number also indicates where we can't get  
13 access to verify whether it's complied, and so  
14 there's always going to be a percentage of tenants  
15 where we can't get in to verify, where we don't hear  
16 from the owner. We do attempt to call tenants to  
17 verify. We do attempt visits to verify, and I think  
18 that percentage is pretty consistent over time as  
19 well.

20 CO-CHAIRPERSON SANCHEZ: Got it. Thank  
21 you. I look forward to having more conversation on  
22 that.

23 During our Code enforcement hearing last  
24 year in December, we talked a lot about  
25 certifications to correct and false certifications to



1 correct so pursuant to Local Law 117 of 2019, HPD  
2 does audit 15 percent of certifications to correct,  
3 and the last report that the Council has which is  
4 from July 1, 2020, to June 30, 2021, 32 percent of  
5 the audited certifications were false. That was a big  
6 realization and important sort of target for  
7 improvement that we identified together last year.  
8 Has this improved? What does the number look like  
9 now?  
10

11 DEPUTY COMMISSIONER SANTIAGO: The  
12 percentage, as I think as we pointed out in that  
13 report and I would think that there would've been a  
14 more recent report so we'll make sure that you have  
15 whatever is the most recent report that we did. The  
16 biggest violation that appears as false certified is  
17 actually pest violations, so mice and roach  
18 violations, and I think part of our concern is the  
19 compliance period for those violations actually a  
20 realistic period, and so we have been discussing that  
21 with the Department of Health and may come to you  
22 with some recommendations regarding how to better  
23 allow property owners to correct that violation.  
24 Right now, pest violations have a 21-day correction  
25 period. It is very difficult, if not absolutely

1 impossible, to treat pests in 21 days. I'm sure as we  
2 all know, it's going to take multiple treatments,  
3 it's going to take some work in order to eradicate a  
4 pest condition, and so we just want to be realistic  
5 about that.  
6

7 CO-CHAIRPERSON SANCHEZ: Thank you. I'm  
8 going to ask one more question of DOHMH, and there's  
9 a lot of us here so I want to keep my time short. I  
10 look forward to hearing more about the updated  
11 recommendation for how to think about pest  
12 certifications.

13 Department of Health, Mr. Wong, I  
14 represent the District where we lost Nicholas Feliz  
15 Dominici and just wanted to follow up on a concerning  
16 anecdotal story that I've been hearing from several  
17 providers in several places in the Bronx at least. We  
18 talked a lot about the backlog and DOHMH is still  
19 behind about 2,000 inspections from pre-pandemic  
20 levels. I've heard of family-based who have their  
21 licenses that were never physically inspected. They  
22 opened during the pandemic, and they were never  
23 physically inspected. Again, this is anecdotal and so  
24 I just want to understand what does this mean on the  
25 ground, DOHMH being behind by 2,000 inspections from

1 pre-pandemic levels? Are we talking about many  
2 Article 47 inspected by DOHMH sites that have not  
3 been physically visited by an inspector?  
4

5 ASSISTANT COMMISSIONER WONG: The MMR  
6 reports the information for Article 47 locations.  
7 Those are like group childcare centers. They're not  
8 the home-based childcare providers. Those are  
9 regulated and overseen by the State so that  
10 information is not included on that.

11 CO-CHAIRPERSON SANCHEZ: Okay. For  
12 clarification and reminder, DOHMH inspects home-based  
13 care centers?

14 ASSISTANT COMMISSIONER WONG: Under  
15 contract with the State.

16 CO-CHAIRPERSON SANCHEZ: Under contract,  
17 so are there home-based childcare centers that have  
18 not been inspected by an inspector physically on-  
19 site?

20 ASSISTANT COMMISSIONER WONG: I would have  
21 to get back to you on that.

22 CO-CHAIRPERSON SANCHEZ: Okay. Please do.  
23 Just have heard very concerning reports there. Thank  
24 you so much, and I'll turn it back to Chair Brewer.

1  
2 CHAIRPERSON BREWER: Thank you. I think  
3 Department of Health, we should know many inspectors,  
4 we know in terms of 47, but we should also have that  
5 state that you are under, how many have been  
6 inspected and how many have not, to pick up on  
7 Council Member Sanchez so if you could get back to us  
8 with that information.

9 ASSISTANT COMMISSIONER WONG: Happy to  
10 follow up, Council Member.

11 CHAIRPERSON BREWER: Okay. Council Member  
12 Holden.

13 COUNCIL MEMBER HOLDEN: Thank you, Chairs,  
14 thank you all for your testimony.

15 I'm going to ask each agency a question  
16 and wait until I get down the line and then you can  
17 start answering it.

18 I'm going to ask the Fire Department,  
19 Chief, we've had an increase of fire-related deaths  
20 from 2020, 63 in 2020, 2021 we had 73, 2022 we had 99  
21 that you testified, and 86 so far this year. A lot of  
22 it I guess is attributed to the e-bike, the  
23 batteries, and the explosion of those batteries so  
24 I've gotten a lot of complaints in my District from  
25 constituents that not only the charging of the e-

1 bikes and the batteries inside the garages of  
2 attached homes of one- and two-family, we can't gain  
3 access. Tried with the Building Department and we  
4 couldn't gain access so they're still there months  
5 after the complaints. I have a lot of complaints, an  
6 explosion of complaints of SROs just people packing  
7 into, again, one- and two-family attached homes, and  
8 then even parking in front of an entrance, a stoop.  
9 So many cars, no parking, DOT is eliminating a lot of  
10 parking spaces so people are desperate and they're  
11 parking. That's a Building Department complaint, but  
12 gaining access is the question I want to ask you.

14 Now I want to ask a question of DOHMH.  
15 Commissioner Wong, how many inspectors do you have?  
16 That's the first question, and then the second part  
17 of that is do you inspect illegal food vendors who  
18 are all over the place? That's another big explosion  
19 we're seeing throughout the city so that's a major  
20 concern of my constituents.

21 DOB, same thing about access. In the  
22 previous years, in previous Administrations, to gain  
23 access, actually residents who witnessed the  
24 violations could sign an affidavit for the access  
25 warrant. It's really hard for me to get, and I had to

1  
2 go right to Commissioner Oddo on this because I  
3 couldn't get the Queens Borough Commissioner to even  
4 address this. The Legal Division of DOB, they don't  
5 want to even take an affidavit from people who live  
6 there next to it, have seen the violations, and the  
7 same thing with charging e-vehicles inside garages,  
8 25 people living in a one-family home. I have tons of  
9 those complaints. Why aren't we doing the access  
10 warrant affidavits anymore or court-ordered  
11 inspections.

12                   Finally, HPD, Deputy Commissioner, I'm  
13 being told that while your inspectors inspecting  
14 buildings for self-closing doors do not check on the  
15 fire safety rating of these doors. They're not taking  
16 a 52-minute, 53-minute course that everyone should  
17 take to identify. They're just identifying the  
18 closing of the doors but not are they fire-rated  
19 which is the most important thing. If they're not  
20 fire-rated, the fire can go right through the doors  
21 so take a less than an hour course to understand  
22 that, your agency is not doing that is what I'm being  
23 told.

24                   Go ahead. I'm sorry, Chief.

25

1  
2 CHIEF ESPOSITO: Thank you, Council  
3 Member. Thank you for the question. I'll start with  
4 the fire-related deaths in the city. We mentioned  
5 before that the number so far this year is 86. Last  
6 year for the whole year, that it was 99 and that, of  
7 course, included the Twin Parks from the single day.  
8 Part of that increase, again, for this year is we've  
9 had 14 fire deaths related to fires started by  
10 lithium-ion batteries, 6 in the previous two years,  
11 and going back to 2020, 2019, that was 0 so that  
12 alone is part of the increase. When the Fire  
13 Department performs building inspections, we go to a  
14 multifamily house or an apartment building, all we  
15 are able to do by law is inspect the common areas of  
16 that building, the stairways, the public hallways,  
17 the roof, the cellar, the basement, the rear yards.  
18 If we happen to be inside a residential occupancy for  
19 a fire or emergency response and we notice that  
20 they're divided up into SROs, maybe they're all  
21 individual locks on the doors, once we're inside  
22 there for an emergency response, we are able to  
23 maintain control of that and then take action. We  
24 would notify the Department of Buildings, we would  
25 collaborate and then decide if it warrants a vacate,

1 but just getting the complaint like that,  
2  
3 unfortunately, we're not able to go in if the person  
4 that's present there does not allow us to come in.

5 COUNCIL MEMBER HOLDEN: Is that done often  
6 though, when you work with the Building Department?

7 CHIEF ESPOSITO: Absolutely.

8 COUNCIL MEMBER HOLDEN: Okay.

9 CHIEF ESPOSITO: It's not uncommon if  
10 we're there for a fire and emergency, and we'll call  
11 them and they come out and we figure it out.

12 COUNCIL MEMBER HOLDEN: DOH.

13 ASSISTANT COMMISSIONER WONG: Thank you  
14 for the questions, Council Member.

15 When you ask about total inspectors, are  
16 you saying in the entire agency?

17 COUNCIL MEMBER HOLDEN: Yes, the total  
18 inspectors that you have, especially for food  
19 violations. I'm talking about vendors, street  
20 vendors, and also for illegal vendors that we're  
21 seeing popping up all over the place. Each street  
22 corner in my District, mostly people walking in  
23 traffic selling food.

24 ASSISTANT COMMISSIONER WONG: I want to  
25 make sure that I clarify too that earlier this year



1 the Administration designated the Department of  
2 Sanitation as the lead agency on vending enforcement.  
3 That's both food vending and also general vending as  
4 well too. We do have mobile food vendor inspectors. I  
5 don't have those numbers on me. I'm happy to follow  
6 up with your office and get back to you, but the lead  
7 agency on vending enforcement now is the Department  
8 of Sanitation.  
9

10 COUNCIL MEMBER HOLDEN: So Sanitation is  
11 taking over the food inspections of...

12 ASSISTANT COMMISSIONER WONG: No.  
13 Inspections and permitting of mobile food vendors is  
14 still done with the Health Department, but if you're  
15 talking about enforcement, as far as unlicensed  
16 mobile food vendors, unlicensed general vendors,  
17 vending in locations that are not supposed to be, the  
18 enforcement is conducted by the Department of  
19 Sanitation.

20 COUNCIL MEMBER HOLDEN: Okay, thank you.

21 FIRST DEPUTY COMMISSIONER VILENCHIK: I  
22 just want to echo Chief Esposito on the issue of  
23 inspections. You mentioned about parking, and this is  
24 the jurisdiction of Department of Buildings. The  
25 zoning regulates how much parking and where cars are

1 supposed to be parked, and, if it's an issue, refer  
2 to us, but as far as the apartment, it's (INAUDIBLE)  
3 highest priority so we (INAUDIBLE) the Department  
4 call us and saying we're in the field and observing  
5 certain conditions. We can send an inspector  
6 immediately or we plan collaborative inspection on a  
7 certain date. That's related to the question  
8 regarding parking obstruction (INAUDIBLE) conversions  
9 or illegal sellers..  
10

11 COUNCIL MEMBER HOLDEN: We're not gaining  
12 access. Do you have a paper, an affidavit that  
13 somebody can sign that they swear, they're a witness,  
14 and that will generate an access warrant or a court  
15 order?

16 FIRST DEPUTY COMMISSIONER VILENCHIK:  
17 That's correct. That's the second part I was going to  
18 discuss with you. My understanding is in the past  
19 prior Deputy Commissioner of Enforcement, our  
20 attorneys accepted owners or tenants or neighbors  
21 affidavit to go (INAUDIBLE) court. I need to explore  
22 this further to see what the implication with and  
23 understand this a little more so we can get back to  
24 you and discuss this because..  
25

1  
2 COUNCIL MEMBER HOLDEN: Yeah, it's a huge  
3 problem. Again, it's doubly bad when we have attached  
4 homes that in a fire, especially with e-bikes, if  
5 they're in a garage, I got a report of dozens in a  
6 garage of a small one-family home that's attached.  
7 That's a recipe for disaster here so unless we start  
8 to address this with an access warrant, the neighbors  
9 are willing to sign, and I can't get that. I've been  
10 trying for months now. I had to go to the  
11 Commissioner.

12 FIRST DEPUTY COMMISSIONER VILENCHIK: I  
13 understand (INAUDIBLE) the Staff Attorney is supposed  
14 to answer this question, and I will get more  
15 information and will get back to you.

16 COUNCIL MEMBER HOLDEN: All right, thanks.  
17 Last one.

18 DEPUTY COMMISSIONER SANTIAGO: Thank you,  
19 Council Member. One fire safety and fire safety  
20 doors, the biggest concern has been in the recent  
21 fires that have happened, not just the Twin Parks  
22 fire but the one prior to that, is the self-closing  
23 nature of the door, and we met with the Fire  
24 Department, have been meeting with them over the  
25 years to improve our training around fire safety

1 doors. Our current training, which is about an hour  
2 itself, covers how to identify the problem, what  
3 problems to look for. In addition, our inspectors go  
4 through a pretty rigorous training overall. It's  
5 about a four- or five-week training, and it includes  
6 not just fire safety and fire safety doors but lead-  
7 based paint, mold, heat. Our training is pretty  
8 extensive for our inspectors.  
9

10 COUNCIL MEMBER HOLDEN: So they know how  
11 to identify a fire-rated door?

12 DEPUTY COMMISSIONER SANTIAGO: They know  
13 how to identify when a door is clearly not fire-  
14 rated. A hollow-core door, for example, a violation  
15 will be issued.

16 COUNCIL MEMBER HOLDEN: So they've taken  
17 that course on identifying..

18 DEPUTY COMMISSIONER SANTIAGO: I believe  
19 you're referring to a different course than..

20 COUNCIL MEMBER HOLDEN: There's a course  
21 that's offered, How to Identify a Fire-Rated Door.

22 DEPUTY COMMISSIONER SANTIAGO: We do our  
23 own in-house training and, again, we've collaborated  
24 with the Fire Department in order to help identify  
25 what are the biggest risk areas.

1  
2 COUNCIL MEMBER HOLDEN: Thank you, Chairs.  
3 Thanks for the extra time. Thank you.

4 CHAIRPERSON BREWER: Thank you very much.  
5 We've been joined by Council Member Ayala, Council  
6 Member Feliz, and now we're going to hear a question  
7 from Council Member Narcisse.

8 COUNCIL MEMBER NARCISSE: Good afternoon.  
9 How does the FDNY communicate its findings and  
10 inspection schedule to the public? That's one.

11 Are there mechanisms for residents or  
12 stakeholders to report concerns or issues related to  
13 fire safety system?

14 CHIEF ESPOSITO: The different types of  
15 inspections the Fire Department conducts, our fire  
16 companies that are in the field, we don't schedule  
17 those inspections so the local firehouse, I mentioned  
18 before, they have the risk-based inspection. Those  
19 will come up, and each company has a goal of  
20 inspections to meet during the week so an address  
21 will come up and they will just go out there that  
22 day. That's an unannounced inspection. They'll meet  
23 with the building personnel and conduct that  
24 inspection.

25

1  
2           There are inspections that are scheduled  
3 through the Bureau of Fire Prevention. For example,  
4 any machinery that poses a fire threat or equipment  
5 that's required by the Fire Code, the Bureau of Fire  
6 Prevention inspects that. The inspections and the  
7 plan reviews for alarms, that can be scheduled, but a  
8 lot of those as well are unannounced inspections.

9           COUNCIL MEMBER NARCISSE: Thank you. For  
10 daycare, can you provide a breakdown of daycare  
11 center inspection by borough if you can, and how do  
12 the current figures compare to the previous year for  
13 each borough? Do you have that?

14           ASSISTANT COMMISSIONER WONG: I would have  
15 to get back to you on that.

16           COUNCIL MEMBER NARCISSE: Okay. Coming  
17 back to FDNY, you know you're one of my favorites  
18 because as a registered nurse for many decades,  
19 everyone runs away from fire, you go forward, so I do  
20 appreciate you. The City of New York has been under a  
21 lot of crises I would say lately. You have seen your  
22 way through many difficult circumstances in the past,  
23 and I have full confidence to tell you honestly that  
24 you will get us through what we're going through  
25 right now. I heard my Colleagues about Floyd Bennett

1 Field. I'm assuming that you're going to be going  
2 around that, if that's happening, which I will tell  
3 you I'm not comfortable for people to be in Floyd  
4 Bennett Field and I know so many of us, but we are  
5 dealing with a crisis and we have to figure it out.  
6 Instead of having people on the streets, we'd rather  
7 have people in a place where we can manage and do the  
8 best we can as a City instead of seeing people on the  
9 sidewalk, but, while I was sitting here, I was  
10 looking at the statistics because my Colleagues  
11 mentioned about fire and safety. In L.A., L.A. Times  
12 wrote in an article 24 fires a day surge into flames  
13 at L.A. homelessness encampments. Those are not the  
14 ones like Floyd Bennett Field. I'm talking the  
15 different camps that you see throughout the City of  
16 L.A. In the three years since the Los Angeles Fire  
17 Department began classifying them, fires related to  
18 homelessness have nearly tripled, the ones that in  
19 the different part of the city. In the first quarter  
20 of 2021, they occur at a rate of 24 fires a day. I'm  
21 talking about in different encampments throughout  
22 L.A., making up 54 percent of all the fires the  
23 Department responded to. So in your capacity, would  
24 you say you would have more fires having people  
25

1 camping throughout our city or having a structure  
2 where you can go and teach folks how to prevent fires  
3 and knowing that all the folks that are involved to  
4 provide the care will be able to follow.  
5

6 CHIEF ESPOSITO: I can't speak on that  
7 article. I haven't seen it. I'm not aware of the  
8 issues that L.A. City has, but, in New York City, we  
9 are not seeing a fire problem with homeless  
10 encampments. We're not seeing an uptick of fires  
11 there or fire-related injuries. The Fire Department,  
12 our duty is to enforce the Fire Code and having  
13 whatever structure or building that people are going  
14 to be living in and sleeping in, it's our duty and we  
15 plan and expect to enforce the Fire Code there in an  
16 effort to make it as safe as possible.

17 COUNCIL MEMBER NARCISSE: Thank you. But  
18 you're not going to see it as L.A. because that's  
19 what we, New York, is trying not to have. We're  
20 trying to make sure we don't have encampments  
21 throughout the City of New York because this is a  
22 city of immigrants. Myself, you can hear the accent,  
23 so therefore we are responsible for the people and to  
24 make sure that they're not on the street in different  
25 parts of our city. I am representing the 46th



1 District where Floyd Bennett is. By the way, I love  
2 my Colleague because she's representing the 46th with  
3 me, but we have to do whatever it takes to make sure  
4 people are safe, and I'm counting on you because I  
5 know we can count on our Fire Department because  
6 you're the best so I appreciate you. Thank you so  
7 much.  
8

9 CHAIRPERSON BREWER: Thank you. Next is  
10 Council Member Ariola, Council Member Sanchez because  
11 they're Chairs, and then Council Member Ayala.

12 COUNCIL MEMBER ARIOLA: Thank you, Chief.  
13 Floyd Bennett Field, other than fires, has an  
14 evacuation issue in case it does get flooded so  
15 that's another reason why we need to have all the  
16 agencies do their drills there and make sure the  
17 people can be removed safely since, when we do have  
18 climate incidences and hurricanes, we do not use  
19 Floyd Bennett Field and in fact we pass Floyd Bennett  
20 Field because flooding is so terrible there and we  
21 wait until the flooding recedes before we have any  
22 type of supplies brought in.

23 Just to get back to the reduced fire  
24 alarm plan review. You had mentioned that the times  
25 have decreased from an average of 13 to 16 weeks to 2

1 to 4 weeks which is terrific, but then you go on to  
2 say that additionally you've removed redundancies,  
3 which you didn't explain what the redundancies are.  
4 We just need to know that is.  
5

6 CHIEF ESPOSITO: They've made it more  
7 effective. For example, in the past somebody would  
8 submit their fire alarm plan for review. If there was  
9 a problem with it, they would issue a letter of no  
10 objection and basically deny it and close it out when  
11 there might have been one or two issues that needed  
12 to be addressed so they'd issue the letter of no  
13 objection, it would be closed, and now they have to  
14 go through the process of filing it again. Now what  
15 they're doing is if there was say a small issue with  
16 the enunciator panel, if everything else has been  
17 approved, all they need to do is square away the part  
18 with the enunciator panel and then it gets approved  
19 so the efficiency on our side and making it easier  
20 for the applicants of nine parts are good, there was  
21 one part that needed to be addressed, correct that,  
22 and then they get their permit or we do the on-site  
23 inspection or the test of it.

24 CO-CHAIRPERSON ARIOLA: Great. That make  
25 sense.

1  
2 Chief Fields, I want to go back to the  
3 decrease in units that we have on the street with  
4 ambulances. You said in 2019 we had 460, during the  
5 COVID year we had 519, and then in 2022 we went back  
6 to 460 so although the units on the street had  
7 decreased, did the calls decrease as well?

8 CHIEF FIELDS: No, they did not.

9 CO-CHAIRPERSON ARIOLA: They didn't, so  
10 that's something we really need to take a look at  
11 because we can't have less ambulances on the street  
12 when the call volume is still high and we have to get  
13 to people who are in jeopardy, god forbid having a  
14 heart attack, and you only have seconds to get there  
15 so thank you for that. I needed that clarification.

16 CHIEF FIELDS: No problem.

17 CO-CHAIRPERSON ARIOLA: I want to thank  
18 you also for having the answers to all the questions  
19 that have been asked of you today and, no, they did  
20 not have the questions beforehand so thank you so  
21 much.

22 CHIEF FIELDS: No problem.

23 CHAIRPERSON BREWER: Thank you. Council  
24 Member Sanchez, but I also want to introduce Council  
25 Member Williams.

1  
2 CO-CHAIRPERSON SANCHEZ: Thank you so  
3 much, Chair. I have just a short question for FDNY.  
4 Can you remind us how FDNY uses information from the  
5 risk-based assessment that you conduct that informs  
6 risk-based inspections?

7 CHIEF ESPOSITO: Because of the number of  
8 buildings there are in New York City, it's not  
9 possible for us to inspect every building every year  
10 so, over time, we wanted to come up with a way for us  
11 to put our firefighters as inspectors into the  
12 buildings that are more likely to have an issue, have  
13 a problem, so we look at several factors. The age of  
14 the building, the construction of the building, are  
15 there previous incidents, have we had some small  
16 fires there or complaints there, are there auxiliary  
17 fire protection systems, is there a sprinkler and  
18 alarm system, and they kind of put all that  
19 information together and it comes out with a priority  
20 list of locations for our fire companies to go out  
21 and inspect. Ideally, we should be spending more time  
22 in maybe the older row-frame attached buildings that  
23 if there is a fire it's going to be a bigger problem  
24 than maybe a brand new concrete building with a  
25 sprinkler system.

1  
2 CO-CHAIRPERSON SANCHEZ: Got it. Thank  
3 you. Do you look at any neighborhood characteristics  
4 or is it really site-specific factors?

5 CHIEF ESPOSITO: I think it's all specific  
6 to the building, the building's characteristics, and  
7 the history of either complaints or fires or problems  
8 in the building, and we generally do not include  
9 private dwellings. We consider a one- or two-family  
10 building a private dwelling and, unless we had  
11 specific complaints for that because generally  
12 there's not a public hallway or public area of that  
13 bureau to inspect because, as I said before, we do  
14 not go into the living areas. We don't go into  
15 somebody's kitchen or living room and perform an  
16 inspection there.

17 CO-CHAIRPERSON SANCHEZ: Got it. Thank you  
18 so much.

19 Then, now-Commissioner Kavanagh actually  
20 promised the Council to make sure that FDNY sends us  
21 the algorithm that you use to calculate risk of  
22 buildings. We still haven't received since April of  
23 last year. Would you be able to make sure that the  
24 agency...

1  
2 CHIEF ESPOSITO: Okay, yes. I wasn't aware  
3 of that. Yeah.

4 CO-CHAIRPERSON SANCHEZ: Okay. Thank you  
5 so much. Really appreciate it.

6 CHAIRPERSON BREWER: Thank you. Council  
7 Member Ayala and then Council Member Feliz.

8 COUNCIL MEMBER AYALA: Thank you, Madam  
9 Chair, and I have just one question, and I believe it  
10 may have been asked prior to my arrival, but it's  
11 related to the increased response times for life-  
12 threatening medical emergencies. I didn't hear the  
13 response, but I was told that the question had been  
14 asked. The reason I'm asking the question is because  
15 I've received a number of complaints from  
16 constituents, and one of them was pretty interesting.  
17 I received a call from one of my senior constituents  
18 who told me that she had been waiting for an  
19 ambulance for six hours, and I thought she must have  
20 called the wrong number or is confused about where  
21 she was calling, and it actually turned out that she  
22 had been waiting for six hours for an ambulance, and  
23 I was told that calls are being prioritized and that  
24 could be the reason for the significant delays. Prior  
25 to that, I had received a call from a former

1 colleague whose son had an asthma attack in the  
2 middle of the night in the Bronx, and he ultimately  
3 ended up passing away, but one of her main concerns  
4 was that the ambulance took a really long time to get  
5 there, and then that was followed up by another  
6 conversation, and this is all within I'm telling you  
7 within about a week's time, another one of my  
8 seniors, her mother came to visit from another  
9 country, had a heart attack in her apartment, she  
10 called the ambulance, the ambulance took forever, the  
11 mother passed away in the apartment so obviously she  
12 was very traumatized, and then it brought me back to  
13 last year when my own mother was saturating at like  
14 33 and she ultimately passed away, not because of  
15 that, but it took about 20 minutes, and at that  
16 point, I had difficulty getting through even to 9-1-1  
17 or getting through to an operator, and I attributed  
18 it to an increase in calls because of the pandemic  
19 because there had been an uptick at that point, but a  
20 year and a half later I don't understand why there is  
21 such a significant delay and why we're not talking  
22 about that because that, to me, is pretty serious.

24 CHIEF FIELDS: First, call types are  
25 prioritized. The priorities are 1 through 9. Priority

1 1, 2, and 3 are the higher priorities. Those would  
2 include your cardiac arrests, your chokes, your  
3 asthma call types, your shootings, your stabbings. On  
4 the other end of that spectrum, around the realm of  
5 Priority 7, those call types do not get lights and  
6 sirens response, and those call types are injury,  
7 minor, somebody who has a broken or some type of  
8 injury to their feet. For instance, EDP call types  
9 for EMS that's considered a low priority. That's a  
10 Priority 7 assignment. The reason why we do that is  
11 because obviously we have to triage the amount of  
12 calls that are coming in to see which ones are high  
13 acuity and those take precedent. A low-acuity call  
14 type, the ones I'm talking about 4 through 7, they  
15 can be held because there's no units available. I  
16 would love to get everybody in an ambulance in a  
17 timely fashion, but we do have to prioritize where  
18 we're going to send those resources at first.

19  
20 The other thing too is sometimes the  
21 testimony of the person who is calling for the  
22 emergency, one minute seems like one hour. When you  
23 have ever been around your family member who is need  
24 of any type of emergency service, they seem to tell  
25 us that it takes a long time. When they file those



1 complaints through the Confidential Complaint Unit,  
2 we do a thorough investigation in respect to them,  
3 and greater than 88 percent of those calls were in a  
4 timely fashion, which we relegate to be eight minutes  
5 or less for priority assignments and about 15 minutes  
6 or less for low-acuity assignments. I will have to  
7 get the details, and you're more than welcome to  
8 email me in respect to those so I can look at each  
9 one of those case-by-case, but we do prioritize the  
10 assignments based off the acuity.  
11

12 COUNCIL MEMBER AYALA: Has that always  
13 been the case or is this something that...

14 CHIEF FIELDS: This has always been the  
15 case. For the 29 years that I've been on the job, we  
16 have designated segment call types for every call  
17 type that we dispatch out.

18 COUNCIL MEMBER AYALA: Do we have less  
19 ambulances? Do we have less personnel?

20 CHIEF FIELDS: We definitely have less  
21 ambulances. We do not have less personnel. As I  
22 stated earlier, and I know you said you came in,  
23 2020, I believe it was June or July of 2020 we surged  
24 up because of COVID, we had approximately during that  
25 period of time 519 ambulances that were in the city.

1 Currently, we're down to 466. That's based off  
2 budgeting. We went back to pre-COVID standards in  
3 respects to ambulances and tour counts.  
4

5 COUNCIL MEMBER AYALA: Is that what you  
6 attribute to an increase in response time?

7 CHIEF FIELDS: I mean there's a lot of  
8 things that attribute to the increase in response  
9 times. The amount of priority assignments that we  
10 respond to has increased about 7 percent so that  
11 amount of high acuity, Priority 1, 2, and 3,  
12 assignments, are increasing so that's the number one  
13 factor. Number two, small things such as the speed  
14 limit in the city. It went from 30 miles an hour to  
15 25 miles an hour. The lanes, we went from large  
16 streets that have four lanes to now we have streets  
17 that only have one lane. It makes it impossible for  
18 the regular driver to move out of the way of the  
19 ambulance so that's a decrease in response times. The  
20 amount of red light cameras that have increased as  
21 well as the speed cameras in certain neighborhoods  
22 have increased so the citizens don't want to move out  
23 of the way because they're in fear of having to take  
24 a day off to go to court so that they can fight a  
25 ticket. So there's a lot of things that contribute to

1 it. We have tried to reallocate resources into areas  
2 in which the call volume has gone up, and we are  
3 working on the analytics to see if we have increased  
4 amount of population in one area, how much resources  
5 do we have to place into that area so that we can  
6 keep call volume down.

8 COUNCIL MEMBER AYALA: I'm assuming that  
9 these conversations are ongoing with the  
10 Administration about the possibility of adding  
11 resources to purchase new ambulances. I didn't have  
12 the background to all of this, and I find this really  
13 interesting and would love to be helpful because I  
14 think that there has to be some level of coordination  
15 and we need to be able to make adjustments wherever  
16 possible so if DOT were authorizing all of these  
17 changes so that we're making our city pedestrians  
18 safe, we also need to take into account the commuting  
19 of emergency vehicles, be they ambulances or fire  
20 trucks or an NYPD vehicle, how are we navigating  
21 that, so I find that really, really fascinating and  
22 would love to have a conversation about that, and I'm  
23 sure the Chair is doing a fantastic job as well, but  
24 as it pertains to my community, I know that we're one  
25 of the communities that has some of the highest call

1 numbers, and it concerns me to hear from one of my  
2 seniors that she was waiting for six hours for an  
3 ambulance to come when she felt like she was really  
4 sick. Again, I have a camera in my house. The  
5 incident with my mom. I still have it recorded. It  
6 took upwards of like 25 minutes. I was like literally  
7 dressed already and we were on the verge of carrying  
8 her out when the ambulance finally arrived because,  
9 again, she was saturating at 32. People don't  
10 saturate 32.  
11

12 CHIEF FIELDS: They do not. You should be  
13 saturating at above 95 percent. You're right.

14 COUNCIL MEMBER AYALA: Exactly. So that's  
15 alarming, and I think that that's an emergency, and  
16 those are things we can't wait budget to budget to  
17 rectify that. We should be having ongoing  
18 conversations and, if there's a problem that is  
19 presenting itself, challenging them, we need to know  
20 that and we need to know that in real time so I look  
21 forward to trying to figure this out collectively so  
22 that we could be helpful in our own budget  
23 negotiation asks so that we make sure, because to me  
24 this one of those things where I almost take for  
25 granted that it's a given that if I'm going to call

1 that 9-1-1, that I'm going to get immediate  
2 attention, right, that I'm going to get that  
3 immediate response and so for it not to be that way  
4 it's kind of like my little bubble has been popped,  
5 and now I'm paying attention because I don't ever  
6 remember it being this way, and so you described that  
7 historically you've had issues, but it hasn't been to  
8 me as prevalent or as visually in my face as it has  
9 been in the last few months, couple of years  
10 actually, but, again, I gave credit for COVID. I  
11 understood the situation, but now we're moving  
12 forward but thank you for that.

14 CHIEF FIELDS: No problem.

15 CHAIRPERSON BREWER: What would you need  
16 to have the kind of response that you think would be  
17 appropriate, the 8 minutes and the 15 minutes,  
18 because six hours is not 15 minutes?

19 CHIEF FIELDS: I apologize for the six-  
20 hour response, but I would have to get the details of  
21 exactly what did they call for and what was the call  
22 volume on that particular day.

23 Since COVID, we have had days in which we  
24 had 7,000 calls in a day. Most notably last month, we  
25 had days in which about 5,300 on average for an

1 entire week. We're budgeted to handle between 4,200  
2 to 4,400 calls per day so as call volume goes up, and  
3 most of those call volumes tend to be an increase in  
4 high-acuity call types, we reach out to our partners  
5 within the 9-1-1 system which is the voluntary  
6 services to see whether or not they can run up  
7 additional ambulances to help in those respective  
8 areas. Sometimes they can. Lately, they have gone  
9 through the same problems that we have gone through  
10 financially as well as retention-wise so they were  
11 not able to assist with that. We are trying to  
12 reallocate resources but, in order to do that, that  
13 means that I have to take ambulances from one  
14 community and then take them and place them into  
15 another community so those are things that I can do  
16 internally. That is good judgement on my part.  
17 However, when the City Council finds out that an  
18 ambulance was removed from their community, then the  
19 calls come in so we're trying our best to look at the  
20 analytics so we can justify the movement of  
21 resources, but, more importantly, we always ask for  
22 additional needs whenever we can so that we can run  
23 more of the ambulances.  
24  
25

1  
2           Hiring of EMTs and paramedics isn't an  
3 easy job. It is a position that people aren't dying  
4 to jump out to, and that may be based off salary  
5 which we spoke about earlier so retention, again, as  
6 well as trying to hire people for those positions are  
7 pretty hard. Therefore, we have problems with being  
8 able to fund or run those ambulances, but it is a  
9 work in progress. This is the priority of this  
10 Administration to make sure that we can have a decent  
11 salary for our EMTs, paramedics, and officers as well  
12 as to make sure that we have the resources in the  
13 communities that we serve.

14           CHAIRPERSON BREWER: I know about the  
15 salary issue. What would be the right personnel  
16 number and what would be the right ambulance number  
17 to have the 8 minutes and the 15 minutes?

18           CHIEF FIELDS: I'm not going to be able to  
19 answer that right now, but I will reach out to the  
20 Mapping Unit and do the analytics and see what they  
21 say.

22           CHAIRPERSON BREWER: We would like to get  
23 that information.

24           CHIEF FIELDS: Okay

1  
2 CHAIRPERSON BREWER: Thank you very much.  
3 Council Member Feliz.

4 COUNCIL MEMBER FELIZ: Thank you, Chair. A  
5 few questions for HPD and also of rthe Fire  
6 Department. Questions about inspections and  
7 inspectors, self-closing door violations, and also  
8 fire-related tragedies.

9 Earlier this year we had a hearing and we  
10 talked about the need to hire additional inspectors  
11 so we could be able to quick get an inspection and  
12 also have an open violation if there is an open  
13 violation so just curious, how many HPD inspectors do  
14 you currently have, and sorry if these questions are  
15 some of the similar ones mentioned earlier.

16 DEPUTY COMMISSIONER SANTIAGO: Thank you,  
17 Council Member. I did mention over the past year  
18 we've done a lot of hiring. Last year at this time,  
19 we had about 240 inspectors and, right now, we have  
20 about 300, 310 or so inspectors we've really come a  
21 long way. There is more to do. We have a new job fair  
22 happening at the very beginning of November, which,  
23 of course, we'll send the notice to all of you if you  
24 can please post and share it with your constituents.  
25 We do need more housing inspectors so I feel that



1 we're in a much better place than we were thanks to  
2 everyone's efforts. I heard we had a promotion on  
3 WBLS the other day for housing inspectors which was  
4 great to hear that the word is really getting out.  
5

6 COUNCIL MEMBER FELIZ: All right. Glad  
7 we're making some progress on that.

8 How many self-closing door violations  
9 have been issued this year so far?

10 DEPUTY COMMISSIONER SANTIAGO: I can speak  
11 to Fiscal Year 2023 if that's okay, because those are  
12 the numbers we brought. We can certainly get you this  
13 Fiscal Year to date if given a day to do that.

14 COUNCIL MEMBER FELIZ: How many have been  
15 issued and how many are still open?

16 DEPUTY COMMISSIONER SANTIAGO: During  
17 Fiscal Year 2023, we issued almost 50,000 self-  
18 closing door violations, it was about 48,000 were  
19 issued. We can certainly get you the closed number,  
20 but between the owners certify about 50 percent of  
21 those as corrected and then our Emergency Repair  
22 Program goes out to verify the correction on the  
23 other. The percentage is pretty good, but we will get  
24 you the exact number.  
25

1  
2 COUNCIL MEMBER FELIZ: Yeah. Do you have  
3 an idea of how many have been issued this Fiscal  
4 Year, more or less, very roughly?

5 DEPUTY COMMISSIONER SANTIAGO: I don't. I  
6 would imagine we're trending the same way, but we can  
7 certainly provide that number to you.

8 COUNCIL MEMBER FELIZ: How many re-  
9 inspections has HPD done pursuant to that new  
10 legislation that we passed last year which requires..

11 DEPUTY COMMISSIONER SANTIAGO: We've  
12 attempted to re-inspect them as they come due. I want  
13 to say all of them that are due, right, we have a  
14 certification period, there's the 20 days. We are  
15 doing the best we can to maintain within those 20  
16 days. There are periods where it takes us long. Heat  
17 season if it's particularly cold. We need to  
18 prioritize where our inspectors are responding, but  
19 we are attempting to re-inspect them all as they come  
20 do.

21 COUNCIL MEMBER FELIZ: More or less, what  
22 percentage of those violations are timely re-  
23 inspected, more or less? So generally 10 days to fix  
24 the violation, 20 days for an HPD re-inspection. More  
25 or less, how many are timely re-inspected?

1  
2 DEPUTY COMMISSIONER SANTIAGO: At the end  
3 of the Fiscal Year when we checked, we timely re-  
4 inspecting them about 75 percent of the time, a  
5 little bit more than 75 percent of the time.

6 COUNCIL MEMBER FELIZ: Okay. All right,  
7 and a few questions for the Fire Department.

8 If I remember the numbers you mentioned  
9 earlier, this year there's been 86 deaths related to  
10 fires. Last year, the numbers were at 99 including  
11 that Twin Parks fire wherein 17 individuals lost  
12 their lives. What are the three top causes of fires  
13 that have led to these deaths? Obviously, e-bikes one  
14 of them. What are the other two?

15 CHIEF ESPOSITO: For this Calendar Year  
16 2023, I'll give you the top four causes. Electrical  
17 is the top cause with 23, smoking, carelessness with  
18 smoking is 15, carelessness with cooking is 15, and  
19 lithium-ion batteries is 14.

20 COUNCIL MEMBER FELIZ: The e-bikes. Okay.  
21 Also, on the issue of response times, do you have any  
22 recommendations that you think we should look into in  
23 terms of improving those response times that are  
24 fire-related and also ambulance-related response  
25 times that are (INAUDIBLE)

1  
2 CHIEF FIELDS: The fire-related is the  
3 overall congestion of the number of vehicles, and  
4 it's not just a Manhattan thing. It's throughout the  
5 city, Queens, Bronx, that there just seems to be more  
6 and more cars and other vehicles on the road and the  
7 roadway space just seems to be smaller than it had  
8 been. The number of e-bikes, bikes flowing. The  
9 complaints I've heard from some of our firefighters,  
10 the bikes or the scooters not following the flow of  
11 traffic, right. They're supposed to go in that same  
12 direction and instead coming a different direction so  
13 as they're trying to make turns they literally need  
14 their head on a swivel to look in all directions. The  
15 overall congestion. I'm not sure that there's a  
16 singular answer to it, but we'll keep awareness to  
17 it.

18 COUNCIL MEMBER FELIZ: Okay, thank you.

19 CHAIRPERSON BREWER: One question for the  
20 Fire Department because obviously you talked about  
21 the smoke detectors and then the four reasons.  
22 Regarding the battery problem, which is something I  
23 hope we can solve, apparently there are some  
24 subscription suggestions, in other words you're an e-  
25 bike driver, delivery or otherwise, and you have a

1 battery that you and I know is not appropriate. You  
2 charge it in all the inappropriate, we've heard,  
3 situations. One of the suggestions has been there are  
4 some of these startups that have subscription which  
5 means I pay 50 dollars a month, I get a new battery  
6 whenever I want from a box. I'm being very general  
7 about this. The Fire Department has not signed off on  
8 any of these new ideas so therefore we're back to,  
9 Council Member Holden mentioned the person's in the  
10 garage, etc. What can we do to speed up, if  
11 appropriate, some of these new ideas where you're  
12 getting new batteries as opposed to the batteries  
13 that are not only ill-conceived but dangerous?

15 CHIEF ESPOSITO: I wasn't aware of this  
16 proposal for that, and certainly we should take a  
17 look at it and see. We would support what will get  
18 the safe certified batteries in the hands of people  
19 that are going to use them and get the old unsafe  
20 batteries removed.

21 CHAIRPERSON BREWER: Okay, so I will send  
22 you a list of those companies that are the startups  
23 that somebody should be looking at. Maybe it's a good  
24 idea, maybe it's a bad idea, but we'd like to get  
25 some resolution because I have to tell you I don't

1 think we're moving quickly to get rid of these bad  
2 batteries, and I think it's way too slow and way too  
3 frightening in terms of the fire situation.  
4

5 Okay, any other questions anybody?

6 All right, thank you all very much for  
7 your service and for answering our questions, and we  
8 look forward to continuing to work with you. Thank  
9 you.

10 COMMITTEE COUNSEL: Thank you, Chair. We  
11 will now turn to public testimony. We will be  
12 limiting public testimony today to two minutes each.  
13 Please note that if your prepared testimony exceeds  
14 two minutes, in addition to testifying before the  
15 Committees today, you may also submit your full  
16 testimony to the record up to 72 hours after the  
17 close of this hearing by emailing it to  
18 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

19 If you are here to testify in person and  
20 if you have not yet completed a witness slip, please  
21 visit the Sergeant's table and complete a witness  
22 slip now even if you registered to testify online.

23 For in-person panelists, please come up  
24 to the table once your name has been called.  
25

1  
2 For virtual panelists, once your name is  
3 called, a Member of our Staff will unmute you and the  
4 Sergeant-at-Arms will set the timer and give you the  
5 go-ahead to begin. Please wait for the Sergeant to  
6 announce that you may begin before delivering your  
7 testimony.

8 Now I will call our first in-person  
9 panel. We'll hear from Darryl Chalmers as well as  
10 Lyric Thompson.

11 CHAIRPERSON BREWER: Go ahead. Thank you  
12 very much.

13 DARRYL CHALMERS: Good morning. Thank you,  
14 Council Members, Councilman Feliz who I know very  
15 well. We've spoke plenty of times.

16 My name is Darryl Chalmers. I'm with  
17 Local 2507. I represent the Fire Protection  
18 Inspectors for the New York City Fire Department.  
19 I've been with the Fire Department for 32 years. I  
20 also did seven years with HPD. I was an HPD inspector  
21 before I joined the Fire Department so I know them  
22 pretty well. I'm not going to speak on HPD because  
23 I've been gone for a while.

24 With the Fire Department, the New York  
25 City Fire Department as far as the Fire Prevention

1  
2 Inspectors, right now what we need, we need more  
3 inspectors. We have a probie class that's going on  
4 right now. It just started on Monday. I was there. I  
5 spoke to them. In my testimony, I just give you a  
6 background of what we do. Our job is to make sure the  
7 city is safe where anytime you have a building with a  
8 fire suppression system. Sprinkler system, standpipe  
9 system, we check those systems, and we witness the  
10 testing of those systems before firefighters have to  
11 fight a fire at those buildings. We check for exits.  
12 We check in commercial buildings. We check in some  
13 residential buildings like you have housing projects  
14 so what we do is we check to make sure that those  
15 buildings are safe for the public and also for  
16 firefighting operations. We also are going to some of  
17 those shelters, and we're also inspecting those right  
18 now at this time based on what the Fire Department is  
19 asking us to do. You mentioned something about faith-  
20 based, but you have to understand something. The  
21 first thing that takes somebody out in the fire is  
22 the smoke, always, very fast, so the issue, if you  
23 have an overcrowding situation, if we see that then  
24 we'll have to write the violations based on that if a  
25 place is overcrowded. Do you understand what I'm



1 saying? A lot of people panic in a fire. That's why  
2 we also check if there's a blocked exit, gates, in  
3 the public halls if we see that the doors are not  
4 self-closing, we check that. Only in public  
5 buildings. HPD, they check inside the apartment, they  
6 check the doors to the apartment. I'm not with HPD  
7 anymore, but I'm just speaking on my experience when  
8 I was there for a long time. Basically, that's what  
9 we do, but right now what we need is more fire  
10 protection inspectors. If you look at all the other  
11 cities, not just New York City but in the United  
12 States and our country, fire prevention is number one  
13 when it comes to fire safety. We are trained on the  
14 Code, but we look at it for the safety of the  
15 firefighters a lot because if they can't get water,  
16 they can't do their job. Our job is to make sure any  
17 time that there's a building with fire suppression  
18 system, we make sure that system is working. If  
19 there's a problem at those buildings, then what we do  
20 is we go back, a lot of times we get called to go  
21 back after a fire, and they'll call us and say  
22 listen, we have a problem, we tried to get water  
23 here, we couldn't get water. Let me explain something  
24 about the expertise about us is that we've had  
25

1 inspectors who are now firefighters. They're  
2 lieutenants and captains. They came through our  
3 ranks, and they have gone to fire scenes and have  
4 said don't hook up here, let's go to the other side,  
5 and then the battalion chief would say lieutenant,  
6 why did you tell him that. He says I used to be a  
7 fire inspector. I know that's not working, and then  
8 when they doublechecked, it's not working, but that's  
9 our expertise. Our job is to make sure that systems  
10 and make sure the public is safe and make sure our  
11 firefighting operation is safe. If you have any  
12 questions, you can ask me right now.

14 CHAIRPERSON BREWER: Thank you for your  
15 leadership and your expertise.

16 CO-CHAIRPERSON ARIOLA: I just want to  
17 thank you, Darryl, for always being such a great  
18 resource for us, and, even though you are enjoying  
19 your retirement, you are still so available to answer  
20 any questions and to lend any suggestions, and we do  
21 appreciate you each and every time. Thank you.

22 DARRYL CHALMERS: Thank you very much.

23 CHAIRPERSON BREWER: Thank you very much.

24 Go ahead.

25 You can testify. You have two minutes.

1  
2 LYRIC THOMPSON: Since I only have two  
3 minutes, I'll keep it really brief.

4 The rise in ion fires, one would think  
5 that HPD would actually take fire safety seriously. I  
6 see Oswald Feliz ran out of here. The codes that  
7 govern self-closing doors are NFPA 80. They are built  
8 into the Construction Code, and they are to be  
9 maintained and enforced by HPD. When I was putting my  
10 testimony together for this year, I realized that I  
11 had testified last year about this same issue. Eleven  
12 months ago, 17 people died in the Twin Parks fire of  
13 smoke inhalation while they fled for their lives.  
14 This was due to non-Code-compliant doors. In our  
15 case, we've had years of revolving violations with  
16 HPD, writing violations, removing violations, 52  
17 right up until May of 2019 when the FDNY six days  
18 later had to come out and remove that defective door  
19 hardware before it burned our building to the ground.  
20 I'd like to thank the FDNY for keeping us safe. Thank  
21 you. You guys are awesome.

22 Now, one would've thought that HPD would  
23 have taken note and addressed their inadequacies  
24 within their training, especially after the Twin  
25 Parks fire. I hate say they have not done it. When I

1 came here last year, December 7th, my door to my  
2 building, my front door was not latching. It was not  
3 self-closing and it wasn't latching. It's still not  
4 self-closing or latching. It's in the same condition  
5 it was last year. It took me up until last month to  
6 get HPD to write a violation. The door has non-UL-  
7 labeled door hardware on it. It has expanding  
8 flammable foam used to pack gaps, and it has not been  
9 repaired.  
10

11 Now, when you talk about HPD's training..

12 CHAIRPERSON BREWER: You need to wrap up.

13 LYRIC THOMPSON: Yeah, I'll wrap it up.

14 This has been eight years, Gale. I think I've earned  
15 my time.

16 CHAIRPERSON BREWER: I know, but you still  
17 need to wrap up.

18 LYRIC THOMPSON: Eight years and HPD's  
19 training revolves down to this. I went ahead and FOIL  
20 requested their training. In 84 pages, they make no  
21 mention of NFPA 80. They make no mention of accessory  
22 door hardware that you might find on a door which  
23 needs to be UL-tested. No mention of that at all. How  
24 to inspect a self-closing door according to HPD is  
25 one page.

1  
2                   CHAIRPERSON BREWER: Okay.

3                   LYRIC THOMPSON: You test it. You open the  
4 door and see if it closes.

5                   CHAIRPERSON BREWER: We can read your  
6 testimony. We really appreciate it.

7                   LYRIC THOMPSON: Gale, I have written  
8 hundreds of emails to each and every one of you. It's  
9 not my job to continue to write you. It is your job  
10 to enforce the Codes and the laws that govern our  
11 city.

12                   Now, HPD currently is not enforcing those  
13 Codes so rather than me writing you another email,  
14 which I've done repeatedly for years and years and  
15 years, what are you going to do about HPD not  
16 properly training their inspectors?

17                   CHAIRPERSON BREWER: We will follow up as  
18 a result of this hearing. We appreciate your  
19 testimony, but your time is up. Thank you.

20                   LYRIC THOMPSON: When will you follow up,  
21 Gale?

22                   CHAIRPERSON BREWER: Not this minute.  
23 Thank you very much. Thank you.

24                   LYRIC THOMPSON: I'll hold you to it.

25                   CHAIRPERSON BREWER: Thank you.

1  
2 LYRIC THOMPSON: Yeah, I'm sure. Thank  
3 you. You guys should be ashamed of yourselves. These  
4 men put their lives on the line, two minutes.

5 CHAIRPERSON BREWER: Thank you very much.

6 COMMITTEE COUNSEL: Thank you very much  
7 for your testimony. We have now heard from everyone  
8 who has signed up to testify.

9 If we have inadvertently missed anyone  
10 who would like to testify in person, please visit the  
11 Sergeant's table and complete a witness slip.

12 If we inadvertently missed anyone who  
13 would like to testify virtually, please use the raise  
14 hand function in Zoom, and I will call on you in the  
15 order of hands raised.

16 Seeing no one else, I would like to note  
17 that written testimony which will be reviewed in full  
18 by Committee Staff may be submitted to the record up  
19 to 72 hours after the close of this hearing by  
20 emailing it to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

21 Now, I'll turn it back over to Chair  
22 Brewer to close us out.

23 CHAIRPERSON BREWER: Thank you very much.  
24 This is the first hearing on MMR. We will have  
25 another one on November 1st, and we are really

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY  
WITH COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT  
JOINTLY WITH COMMITTEE ON HEALTH JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS

135

serious about following up on what is or isn't in the  
MMR and what we can do to make sure that people's  
lives and inspections are done correctly.

Thank you very much. This hearing  
concludes.

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C E R T I F I C A T E

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



Date November 8, 2023