

TESTIMONY OF THE DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT TO THE CITY COUNCIL HOUSING AND BUILDINGS
COMMITTEE – THURSDAY, APRIL 14TH, 2011 – 3pm

Good afternoon, Chairman Dilan and members of the Housing and Buildings Committee. I am Ann Marie Santiago, Chief of Staff to the Deputy Commissioner of Enforcement and Neighborhood Services for the New York City Department of Housing Preservation and Development. Thank you for the opportunity to offer testimony in support of Introduction 531 sponsored by Chairman Dilan. The bill before us today proposes the codification of the existing statutory requirements for placement of window guards in residential multiple dwellings in the Housing Maintenance Code.

The enforcement of window guard requirements in multiple dwellings in New York City has contributed to a significant decrease in the number of window falls – almost a 94% decrease in gross reported falls since the law passed 1973. Intro 531 enhances the City's ability to respond to complaints about window guards by bringing the enforcement of what is really a housing maintenance condition into the same enforcement structure as other housing maintenance conditions. This legislative proposal does not change any of the requirements for window guard installation.

Currently, enforcement regarding window guards is primarily the responsibility of the New York City Department of Health and Mental Hygiene (DOHMH). The New York City Health Code requires that a property owner seek to obtain information about the presence of a child 10 years of age or younger annually. Based on this information, property owners are required to install an approved window guard if there is a child 10 years of age or younger or when requested by a tenant in all apartment windows (except fire escape windows) and public area windows. Complaints to 311 regarding a lack of or improperly installed window guards are routed to the DOHMH for inspection. Failure to comply with the requirements of the Code results in the issuance of a Commissioner's Order to Abate (COTA) and, if there is no compliance, the issuance of a violation returnable to an administrative body for fines and a referral to HPD's Emergency Repair Program for the installation of the guards.

In September 2007, in recognition that HPD conducted inspections in thousands of apartments each year where window guards might be required, the Health Code was amended to authorize the Department of Housing Preservation and Development to also issue DOHMH Commissioner's Orders to Abate (COTAs) for window guards on behalf of DOHMH, providing notice to the owner of the condition and providing the same process as outlined above for compliance verification. Since that time, HPD has issued over 36,500 COTAs for window guard conditions based on observations during inspections in response to other conditions.

During 2010, all agencies were requested to review their operations to identify areas where greater efficiencies could be achieved -- without losing effectiveness -- by consolidating functions. Both DOHMH and HPD identified window guard inspections as

one such area. On April 1, 2011, HPD began receiving all complaints for window guard conditions. Whereas DOHMH had 7 inspectors assigned for this function, HPD can leverage its full resource of Housing Inspectors (over 300 field inspectors) to respond to these complaints. The majority of HPD work currently occurs during the winter – as the Committee know, HPD responds to hundreds of thousands of heat and hot water complaints each heat season. Utilizing HPD's inspection force to respond to window guard complaints, which are primarily received during the spring and summer months when people want to open their windows for relief from the heat, (data from DOHMH to support), maximizes the use of the City's inspection resources without compromising response time or effectiveness.

Intro 531, introduced by Councilmember Dilan, enhances the City's response and recognizes the efficiencies to be gained. Most significantly, the legislation amends the Housing Maintenance Code (HMC) to authorize HPD to issue HMC violations for missing or defective window guards when there is a child 10 years of age or younger or when requested by a tenant. This simplifies the process for both tenants and property owners by bringing an issue clearly related to housing maintenance into the existing enforcement process for other housing maintenance conditions. Tenants will be able to file a complaint with one agency – and expect only one inspection – for all conditions in their apartment. Property owners will no longer have to follow a separate enforcement process for window guards, which can lead to confusion and duplicative effort. Already familiar with HPD's process since the vast majority of housing related violations are issued by HPD, property owners will be able to certify the condition as corrected using the existing process. Tenants, as they do now for all other housing maintenance conditions, will receive notice once a violation is certified and have the opportunity to challenge the certification. HPD will audit certifications for window guards (as it does now for all class C violations) and will follow through with emergency repairs if the owner fails to comply.

HPD's mission is to enforce the Housing Maintenance Code to ensure that New Yorker's live in safe conditions. The enforcement of window guard regulations is certainly within that mission and Intro 531 brings the Code in step with this reality. This legislation accomplishes several beneficial goals: simplifying the enforcement process for customers, both tenants and property owners; consolidating the provision of services among City agencies currently providing the same service; and maximizing existing resources by re-allocating them when available to appropriate tasks. HPD is fully in support of Intro 531. I thank you for your time and am happy to respond to any questions you might have.

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 531 Res. No. _____

in favor in opposition

Date: 4/14/11

(PLEASE PRINT)

Name: Robert Edman

Address: Assistant Commissioner

I represent: DOHMH

Address: _____

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

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 531 Res. No. _____

in favor in opposition

Date: 4-14-11

(PLEASE PRINT)

Name: Ann Marie Santiago

Address: Chief of Staff, Office of Enforcement

I represent: HPD + Neighborhood Services

Address: 100 GOLD ST

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