

COMMITTEE ON HOUSING AND BUILDINGS

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

----- X

April 25, 2024
Start: 10:05 a.m.
Recess: 1:00 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Pierina Ana Sanchez, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Alexa Avilés
Eric Dinowitz
Oswald Feliz
Crystal Hudson

OTHER COUNCIL MEMBERS ATTENDING:

Shekar Krishnan

A P P E A R A N C E S

Jimmy Oddo, Commissioner for the New York City
Department of Buildings

Yegal Shamash, Deputy Commissioner of
Investigative Engineering Services for the New
York City Department of Buildings

Guillermo Patino, Deputy Commissioner of
External Affairs for the New York City
Department of Buildings

AnnMarie Santiago, Deputy Commissioner for
Enforcement and Neighborhood Services for the
New York City Department of Housing Preservation
and Development

Yong Ju Kim, Assistant Commissioner of Property
Management and Client Services for the New York
City Department of Housing Preservation and
Development

Judith Goldner, Attorney-in-Charge of the Civil
Law Reform Unit at the Legal Aid Society

Lina Renique-Poole, Deputy Director of Housing
Resources at Los Sures in Williamsburg, Brooklyn

Emiliano Herrera, Los Sures, with interpreter

Maribel Lopez, Los Sures

Alex Hui Chen Yong, Westside Neighborhood
Alliance

A P P E A R A N C E S (CONTINUED)

Adam Roberts, Policy Director for the Community
Housing Improvement Program

Christopher Leon Johnson, self

2 SERGEANT-AT-ARMS: Mic check, mic check on
3 today's hearing on Housing and Buildings in the
4 Committee Room. Today's date is April 25, 2024,
5 recorded by Walter Lewis. Thank you.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to New York City hybrid hearing on the
8 Committee on Housing and Buildings.

9 Please silence all electronic devices at
10 this time.

11 Please, do not approach the dais at no
12 time.

13 If you have any questions, please raise
14 your hand, and one of us, the Sergeant-at-Arms, will
15 kindly assist you.

16 Also, there will be no food and drink in
17 the Committee Room.

18 Chair, we are ready to begin.

19 CHAIRPERSON SANCHEZ: [GAVEL] Good
20 morning. I am Council Member Pierina Sanchez, Chair
21 of the Committee on Housing and Buildings. Thank you
22 for joining us today on our hearing on building
23 integrity. I'd like to thank all of my Colleagues who
24 are present, which right now is Council Member
25 Crystal Hudson who is with us virtually.

At the end of last year, on a sunny Monday afternoon, as kids walked home from area schools, families living in 1915 Billingsley Terrace were displaced from their homes after the corner of their building collapsed. Although there were thankfully no fatalities, two were injured, and families and those in the community watched in terror as a piece of their neighborhood crumbled. The scene at 1915 Billingsley Terrace is quintessential West Bronx. Neighbors playing dominoes on the corner, dominoes. Families waving, saying hello. Residents at 1915 Billingsley had been there, many of them, for 20 to 45 years. Yet 1915 had a history of issues that were well-documented with the Department of Buildings, Department of Housing Preservation and Development and others, including violations specifically relating to façade safety. Façade inspections in the city today stem from the death of a Barnard College student, Grace Gold, in 1979 who was fatally struck by a piece of masonry that fell from the seventh floor of a Manhattan building. Local Law 10 of 1980 and then Local Law 11 of 1998 require the submission of façade technical reports by a qualified exterior wall inspector for every building

2 over six stories in the City of New York every five
3 years and applies to 16,000 buildings citywide. 1915
4 failed to file their reports for cycle 6 and 7, and
5 the most recent report they did file reported that
6 necessary work identified in cycle 8 was not
7 completed, and so the building had been deemed
8 unsafe. This building owner continuously failed to
9 make necessary repairs to keep their building safe.
10 Over five years prior to the collapse, HPD issued
11 over 350 violations in this building. In 2023 alone,
12 83 HPD violations were issued, 37 Class C violations,
13 38 Class B violations, those that are hazardous to
14 health and safety, and eight Class A violations. Of
15 the Class C immediately hazardous violations issued
16 in 2023, only two were corrected. The building
17 currently has 279 HPD violations, 87 of which are
18 Class C. The collapse at 1915 Billingsley Terrace is
19 one example of recent building collapses throughout
20 the city, raising concerns about the structural
21 integrity of our building stock and, at 1915, there
22 were warning signs.

23 The public asks ourselves, how well are
24 owners taking care of our oldest buildings? How well
25 are the City agency's systems tracking the health of

our structures? Just a year ago, a parking garage right down the street from City Hall collapsed, killing the garage owner and injuring five others. Again, we have a building with a history of violations for repairs that needed to be made to ensure the building safety, like cracked and loose concrete, and this building held more cars than its intended load capacity. The Department of Buildings also requires parking garages to undergo periodic inspections to ensure their structural stability.

As leaders concerned with the safety of all New Yorkers in all spaces, we must hone in on our regulations and enforcement practices to ensure that our regulatory agencies, like DOB and HPD, are using all tools in their toolbox to ensure that buildings are safe for New Yorkers. The City is home to over 1 million buildings with approximately 75 percent built before 1960. We must ensure that these are all structurally safe and sound. Without that, we risk endangering any person walking by a building or those who live or work inside. When tragedy occurs, we need to provide the families and tenants displaced from their homes with the necessary aid and resources to

2 provide temporary shelter and get them back into
3 their homes as safely and as quickly as possible.

4 With this in mind, today we are hearing
5 my pre-considered bill in relation to establishing a
6 risk-based structural inspection system for
7 buildings. This bill would require the Department of
8 Buildings to create a risk-based inspection program
9 based on a model that looks at high risk factors that
10 may increase the likelihood that a building is
11 unsafe. Those buildings rated with a high risk score
12 would be subject to inspections, corrective action
13 plans, and a specific timeframe to correct such
14 violations. This bill is targeted to buildings that
15 are more likely to be unsafe and ensures that
16 Department of Buildings proactively inspects these
17 buildings so that owners can take quick actions and
18 take and make necessary repairs.

19 I want to thank the Department of
20 Buildings for engaging in productive dialogue around
21 the design of this program and look forward to your
22 feedback as well as advocates and technical experts
23 who took the time to help us to prepare for today's
24 productive hearing.

2 I'll also briefly touch upon the other
3 bills we will be hearing today. Their sponsors may
4 join us for some remarks. Intro. 135 by Council
5 Member Brooks-Powers is in relation to a study on
6 structural load bearing capacity of parking garages,
7 136 by Brooks-Powers is in relation to weight limits
8 for parking structures, 170 sponsored by Council
9 Member Fariás is regarding increased penalties for
10 DOB violations issued to parking structures, 176 by
11 Council Member Feliz involves the creation of a
12 boilerplate annual checklist for parking garage
13 inspections prior to initial annual condition
14 inspections, Intro. 231 by Council Member Hudson
15 increases the frequency of parking structure
16 inspections, 313 by Council Member Moya requires
17 asbestos surveys and abatements after certain
18 catastrophic events, 607 by Council Member Krishnan
19 requires tenant relocation services to the same
20 community district, a nearby community district, or
21 the same borough, 608 by Council Member Krishnan
22 requires HPD to increase tenant relocation services
23 in the event of a vacate order, and 609 sponsored by
24 Council Member Krishnan requires HPD to report on the
25 special repair fund.

2 I'd like to thank my team, Sam Cardenas,
3 Chief-of-Staff, and Kadeem Robinson, my Legislative
4 and Communications Director, as well as the Housing
5 and Buildings Committee Staff, Taylor Zelony, Austin
6 Malone, Jose Conde, Andrew Bourne, Dan Kroop, and
7 Reese Hirota.

8 I would now like pass it over to myself
9 because my Colleague is not here. With that I'll now
10 turn it to Committee Counsel to administer the oath.

11 COMMITTEE COUNSEL: Please raise your
12 right hand.

13 Do you affirm to tell the truth, the
14 whole truth and nothing but the truth before the
15 Committee and to respond honestly to the Council
16 Member questions?

17 ASSISTANT COMMISSIONER SHAMASH: Yes.

18 COMMISSIONER ODDO: Yes.

19 DEPUTY COMMISSIONER SANTIAGO: Yes.

20 ASSISTANT COMMISSIONER KIM: Yes.

21 COMMITTEE COUNSEL: Thanks. You may begin.

22 COMMISSIONER ODDO: Madam Chair, good
23 morning. This is the second time I'm appearing before
24 you and before the Council, and it's no less surreal
25 in the first time. I want to start by thanking you

2 for mentioning the name Grace Gold in your opening
3 statement. I want to add two names to that. Erica
4 Tishman, who also was lost as a result of something
5 flying off a building and, of course last year,
6 Willis Moore. I think it's important that we say
7 those three names during this hearing but say it
8 early on because while some right editorials looking
9 to do away with Local Law 11, others have a
10 responsibility to ensure that there are no additional
11 Grace Golds and Erica Tishmans and certainly Willis
12 Morris so thank you for that.

13 My name is Jimmy Oddo, Commissioner for
14 the New York City Department of Buildings. I'm joined
15 at the dais today by Yegal Shamash, who is our Chief
16 Structural Engineer and Assistant Commissioner for
17 Structural Engineering Compliance. Sitting behind me
18 are several members of the Department's leadership
19 team, a couple of whom you also might hear from in
20 the course of the hearing. We thank you for holding
21 this important hearing and look forward to discussing
22 the Department's efforts to keep buildings and the
23 public safe as well as the legislation before the
24 Committee.

1 Last year, there were two major building
2 incidents, including the collapse of a parking
3 structure at 57 and street in Lower Manhattan in
4 April, which tragically resulted in a fatality, and
5 the partial collapse of a building at 1915
6 Billingsley Terrace in the Bronx in December. While I
7 will address these incidents in further detail, I
8 will first discuss the regulations that are in place
9 to keep buildings and the public safe, which include
10 the requirements that the façades of certain
11 buildings be inspected periodically and a more recent
12 requirement that parking structures be inspected
13 periodically. While these requirements obligate
14 building owners to conduct periodic inspections, it
15 should be noted that building owners are always under
16 an ongoing obligation to maintain their buildings in
17 a safe condition. This is an obligation the
18 Department takes extremely seriously as regular
19 building maintenance is key to keeping buildings in a
20 safe condition in order to avoid incidents. Local Law
21 10 of 1980, which was subsequently amended by Local
22 Law 11 of 1998 established a requirement that the
23 owners of buildings greater than six stories in
24 height have the exterior walls of their buildings
25

2 inspected every five years. This requirement resulted
3 in the Façade Inspection and Safety Program, FISP.

4 These inspections are conducted by registered design
5 professionals with relevant experience who are
6 approved by the Department and hired by building
7 owners. Following such inspections, technical reports
8 describing the results of the inspection must be
9 submitted to the Department. Further, the report must
10 make recommendations for maintaining the building's
11 façade and for repairing any unsafe conditions. When
12 an unsafe condition is discovered, steps to protect
13 the public must immediately be taken and such unsafe
14 conditions must be promptly repaired. Building owners
15 who do not comply with the inspection requirement,
16 who submit late filings, or fail to repair unsafe
17 conditions face penalties that accrue until
18 compliance is achieved. While the Department has
19 strengthened its rules pertaining to FISP, a
20 comprehensive review of the program has not been
21 undertaken since the program was originally
22 implemented. As such, the Department is in the
23 process of retaining an engineering consulting firm
24 to conduct a comprehensive review of spit of FISP to
25 determine whether any modification to the program is

1 needed to align the program with today's building
2 stock and typology. We look forward to keeping this
3 Committee updated on this work and partnering to
4 strengthen the regulations that exist to keep
5 building façades in safe condition.

7 Similar to FISP, Local Law 126 of 2021,
8 which resulted in the most recent comprehensive
9 update to the New York City Construction Codes,
10 established a new requirement that all parking
11 structures be inspected every six years. This new
12 inspection program was closely modeled after FISP,
13 which has a track record of success as it relates to
14 building façade safety. As such, the framework that
15 exists for this program is very similar to the
16 framework that exists for FISP. The inspections under
17 this program are conducted by professional engineers
18 with relevant experience who are also approved by the
19 Department and hired by building owners. This
20 inspection requirement began in 2022 and applied to
21 parking structures in Lower, Mid, and the Upper West
22 Side of Manhattan. Parking structures in the rest of
23 Manhattan and Brooklyn must comply with this
24 inspection requirement by 2025, and structures in

2 Queens, the Bronx, and Staten Island must comply with
3 the inspection requirement by 2027.

4 So far, we are seeing promising
5 compliance with the first sub-cycle of the
6 requirement to conduct parking structure inspections.
7 We have taken steps to strengthen our regulations and
8 hold bad actors accountable in the aftermath of the
9 major building incidents that occurred last year. In
10 addition, we're thinking through how we approach
11 enforcement with an eye towards performing
12 inspections based on our wealth of data in order to
13 identify potential issues before they arise. We're
14 also using every tool in our enforcement toolbox to
15 hold bad actors accountable in the interest of
16 keeping buildings and the public safe. However, it
17 has become increasingly clear that issuing OATH
18 summonses are not always the answer when dealing with
19 bad actor building owners. As such, we are taking
20 enhanced enforcement action where appropriate, which
21 includes working with the New York City Department of
22 Finance to place liens and pursuing legal action
23 against building owners.

24 Following the parking structure collapse
25 in Lower Manhattan in April 2023, we revised our

1 regulations to require that every parking structure
2 be inspected by a professional engineer by August of
3 this year, which significantly sped up the timeline
4 for certain parking structures, again, some of which
5 would not have been inspected until 2027.

6
7 Additionally, we revised our regulations to require
8 that an engineer be responsible for performing annual
9 observations of such parking structures. Of note, the
10 Department has retained a consultant to investigate
11 the cause of the collapse at Ann Street, and the work
12 is still underway. However, preliminarily, the
13 investigation has found that the parking structure
14 did not collapse because it was overload. We look
15 forward to keeping this Committee updated regarding
16 their findings.

17 Following the partial building collapse
18 in the Bronx in December 2023, we conducted a sweep
19 of all the properties owned by the owner of the
20 building to determine whether any violating
21 conditions existed at such buildings. Further, we
22 moved to swiftly suspend inspection privileges for
23 the professional engineer who conducted the latest
24 façade inspection at the building. We have entered
25 into a settlement agreement with a professional

2 engineer, which resulted in a two-year suspension of
3 their privileges to conduct façade inspections, and
4 I've referred them to the New York State Education
5 Department for further potential discipline. We are
6 currently reviewing the existing regulations related
7 to the qualifications of industry professionals who
8 perform such façade inspections to determine if there
9 are any opportunities to strengthen registration
10 requirements for such private façade inspectors in
11 the interest of public safety. While the professional
12 engineer who conducted the most recent façade
13 inspection at the building has been held accountable,
14 we continue to investigate the cause of the collapse
15 to determine if any additional factors contributed to
16 the collapse, and we will keep this Committee updated
17 on our findings.

18 Turning now to the legislation before the
19 Committee today, the majority of which relate to
20 parking structures. Intro. 135 would require the
21 Department to perform a study and prepare a report on
22 the structural loadbearing capacity of parking
23 structures for the purpose of evaluating the efficacy
24 of existing loadbearing capacity limits. The New York
25 City Construction Codes prescribe design loads for

2 all structures, including parking structures, which
3 must be used in the design of such structures. The
4 Construction Codes have kept pace with the national
5 standards for vehicle design loads. Special
6 inspections by or under the direct supervision of a
7 registered design professional must be conducted
8 during the construction of such structures to ensure
9 that construction is in accordance with approved
10 designs. Additionally, during the periodic
11 inspections of existing parking structures where the
12 load capacity of a structure is in doubt,
13 professional engineers must be required to perform
14 load tests to confirm the load-carrying systems in
15 order to properly evaluate the parking structure.
16 While the Department is supportive of the intent of
17 this legislation, it does not have the capacity to
18 perform the comprehensive study being proposed in-
19 house given the various factors that must be taken
20 into consideration in order to complete the study.
21 However, it should be noted that there is an ongoing
22 effort to study the impact of electrical vehicle
23 weights on current design loads for parking
24 structures, which the Department is very supportive
25 of.

2 Intro. 136 would amend the New York City
3 Construction Code to require that a special
4 inspection agency determine maximum possible weights
5 for each level of parking structure and that sensors
6 be installed for the purpose of enforcing such
7 weights. While the Department does not have concerns
8 with parking structure owners or operators
9 calculating the maximum permissible weight for each
10 level of their structure according to design loads
11 established by the New York City Construction Codes
12 or as informed by the Certificate of Occupancy for
13 their structure, we would defer to parking structure
14 owners or operators on the feasibility of enforcing
15 such limits by installing weight sensors at their
16 structures.

17 Intro. 170 would double the penalties
18 associated with certain summonses issued by the
19 Department when such summonses are issued in
20 conjunction with parking structures. The Department
21 regularly reviews and revises its penalty schedule in
22 order to ensure that penalties are appropriate for
23 the severity of violating conditions and that they
24 have a deterrent effect. Generally, penalty amounts
25 are consistent for the same violating condition and

2 are not varied based on where that violating
3 condition has been discovered. Where the Department
4 finds repeated noncompliance or egregious conduct,
5 our penalty schedule is designed so that summonses
6 with increased aggravated penalties may be issued. As
7 such, the Department already has a mechanism in place
8 to escalate penalties where appropriate. For these
9 reasons, the Department is not supportive of this
10 proposal.

11 Intro. 176 would require the Department
12 to publish a boilerplate annual observation checklist
13 to be used by parking structure owners or their
14 authorized agents prior to their initial annual
15 inspection. Such parking structure owners or their
16 authorized agents would be required to use such
17 checklist to perform an annual observation by January
18 1, 2025. As I mentioned earlier in my testimony,
19 following the collapse of the parking structure in
20 Lower Manhattan last year, the Department updated its
21 parking structure inspection rules to require that
22 all parking structures perform in annual observation,
23 which must be performed by a professional engineer by
24 August 1, 2024. Further, professional engineers will
25 now be required to perform annual observation of

2 parking structures moving forward. Given the recent
3 strengthening of parking structure inspection
4 regulations, this proposal is no longer needed.

5 Intro. 231 would require that parking
6 structure inspections be conducted once every four
7 years, beginning in 2028 after the completion of the
8 initial six-year inspection cycle, which began in
9 2022. Given that the parking structure inspection
10 requirement is relatively new and that the full cycle
11 has not yet been completed, the Department would urge
12 the Committee to defer considering this proposal
13 until after the first cycle has been completed to
14 determine whether any modifications to the program
15 are needed, including how often inspections must be
16 conducted.

17 Intro. 313 would require the survey and
18 abatement of asbestos-containing materials by a
19 building owner following the occurrence of a
20 catastrophic event that disturbs the structure of a
21 building. The New York City Construction Codes
22 require that applicants who intend to fully demolish
23 or remove one or more stories of certain buildings
24 certify that the building or part thereof is free
25 from asbestos-containing material before the

2 Department issues such permits. In the event
3 emergency demolition is required, which may be the
4 case when a building is structurally unsafe, New York
5 State regulations provide that a building may be
6 demolished with asbestos-containing materials in
7 place, providing that air monitoring be conducted and
8 that the demolition is controlled per State
9 regulations. In light of such existing regulations,
10 it would be helpful to discuss this proposal further
11 with the Committee to better understand the issue it
12 intends to address in light of existing regulations.

13 Lastly, Preconsidered Intro. sponsored by
14 the Chair, would require the Department to create a
15 risk-based inspection program to identify potentially
16 hazardous buildings which would be subject to
17 proactive inspections. As I mentioned earlier in my
18 testimony, the Department is supportive of performing
19 inspections based on its data in order to identify
20 potential issues before they arise. As such, the
21 Department is supportive of the goals of this
22 proposal and would welcome the opportunity to discuss
23 it further with this Committee to ensure that our
24 goals are aligned. However, we are concerned that
25 being mandated to perform proactive inspections

2 without additional resources will strain our existing
3 inspectorial resources.

4 Thank you for the opportunity to testify
5 before you today. We welcome any questions you and
6 the Committee may have.

7 CHAIRPERSON SANCHEZ: Thank you,
8 Commissioner.

9 DEPUTY COMMISSIONER SANTIAGO: Good
10 morning, Chair Sanchez and Members of the Housing and
11 Buildings Committee. My name is AnnMarie Santiago,
12 and I am the Deputy Commissioner of the Office of
13 Enforcement and Neighborhood Services at the New York
14 City Department of Housing Preservation and
15 Development. I am accompanied today by Assistant
16 Commissioner of Property Management and Client
17 Services, Yong Ju Kim.

18 HPD's primary enforcement goal each and
19 every day is to ensure that tenants live in safe
20 housing that complies with New York City and New York
21 State Housing Codes. Our housing inspectors respond
22 to hundreds of thousands of complaints, proactively
23 looking for health and safety issues. We dedicate
24 resources to housing court actions, both with and on
25 behalf of tenants, emergency repairs when landlords

2 fail to fill their responsibilities, and landlord and
3 tenant education. We invest heavily in enhanced
4 enforcement against landlords whose buildings grossly
5 fail to meet the standards our City has set for safe
6 and healthy housing. As part of our inspection work,
7 HPD may find conditions which are so unsafe that we
8 are required to issue an order to repair or vacate
9 order. This order requires households to relocate
10 from their home and for property owners to conduct
11 repairs if feasible to restore a building or unit to
12 habitability. Having to be relocated from one's home
13 because of a fire or unsafe condition is a traumatic
14 experience, and HPD assesses every situation to
15 ensure that there is no other safe and feasible
16 option for tts to remain in place. For many years,
17 unlike any other city in the country, New York City
18 has been committed to assisting households who face
19 these hardships by providing financial support,
20 temporary housing, and aid in returning to their
21 original home.

22 In Calendar Year '23, HPD issued 329
23 fire-related vacates, 243 illegal occupancy vacates,
24 and 39 habitability-related vacates. Habitability
25 vacates are generally issued when there are

2 maintenance conditions beyond the scope of the
3 emergency repair program to address in short order to
4 protect the lives of the occupants. The majority of
5 illegal occupancy vacates are for egress or fire
6 safety issues in cellars and other illegally occupied
7 spaces.

8 HPD Code Enforcement response to fires
9 where a significant number of rental units are
10 affected or in cases where the American Red Cross,
11 ARC, provides services to rental households that
12 might require emergency housing assistance, but no
13 vacate has already been issued by a City agency. In
14 2001, the agency first created the Special
15 Enforcement Unit to assist with the enforcement of
16 all types of vacates, but primarily for fire response
17 and fire vacate monitoring. When housing inspectors
18 conduct an inspection in response to a fire, their
19 role is to assess if essential services are being
20 provided and whether the building is safe from a
21 habitability standpoint, including whether the
22 apartment is secure and safe from either direct fire
23 damage or damage from extinguishing the fire, water
24 damage, broken windows or doors is an example. Some
25 fires result in only minor or limited damage, and

2 tenants can safely reoccupy with only the issuance of
3 violations. On the other end of the spectrum, some
4 fires cause extensive damage that requires
5 significant repairs. For example, when roofs sustain
6 major damage or structural elements are affected,
7 significant time will be required to make appropriate
8 repairs. In many buildings, there is a mix of
9 extremely damaged apartments and apartments that need
10 minor repairs, such as fixing broken windows.

11 It is important to recognize that a
12 significant number of fires are not directly caused
13 by the owner's negligence. Working in this space for
14 almost 20 years, HPD has experience with property
15 owners facing challenges when addressing major
16 repairs, including but not limited to obtaining
17 insurance company assessments and payments,
18 coordinating access for tenants to retrieve
19 belongings, hiring appropriate professionals such as
20 architects, engineers, or specialized contractors,
21 scheduling work sequentially among multiple trades
22 and contractors, obtaining materials, and ensuring
23 that various agency filings or utility company
24 requirements are met. HPD intervention has assisted
25 and encouraged many owners to continue to move

1 forward expeditiously with repairs. If we determine
2 that the owner is not making appropriate progress on
3 a reasonable timeline and multiple households
4 receiving housing services are affected, we may
5 initiate legal action. In Calendar Year '22, HPD
6 conducted post-vacate building visits in response to
7 more than 80 percent of the fire vacates issued, and
8 74 percent of those vacates have been rescinded. We
9 also initiated litigation seeking an order to correct
10 on 27 buildings which were not moving forward with
11 repairs in a timely manner, and 80 percent of those
12 vacates were rescinded. Having the flexibility to
13 respond to different building situations is key to
14 the effectiveness of our process.

16 HPD is also committed to providing
17 immediate assistance to families affected by vacate
18 orders. Under a contract with HPD, the American Red
19 Cross response to vacates, offering immediate
20 emergency housing assistance and a direct referral
21 into HPD's Emergency Housing process. In Fiscal Year
22 '23, ARC responded to 885 fire incidents that
23 resulted in HPD providing services. This includes
24 providing immediate housing services for almost 3,000
25 families. This Fiscal Year through March, ARC has

2 responded to more than 646 fire incidents, providing
3 immediate emergency housing services for over 2,100
4 families. For families requiring longer term housing
5 assistance, households register through Emergency
6 Housing Services and are assigned a placement at one
7 of our family living centers located in Manhattan,
8 Brooklyn, and the Bronx. Single and adult household
9 placements are made at single room occupancy
10 buildings in Manhattan, the Bronx, Brooklyn and
11 Queens. Over the years, EHS has become increasingly
12 flexible with the requirements to obtain assistance
13 and works with tenants to obtain documents needed to
14 prove identity and residency at the affected
15 building, which are the only requirements for
16 assistance. The EHS Case Management Team works with
17 client households to develop and update rehousing
18 plans and provides direct support and guidance around
19 all aspects of returning home and/or finding new
20 housing.

21 I would now take a moment to speak to the
22 HPD-related bills being considered today. Intro. 608
23 details certain actions the City must take following
24 the issuance of vacate orders by the Department of
25 Health and Mental Hygiene, the Fire Department, and

2 HPD. As discussed, HPD is committed to supporting
3 displaced residents and working to ensure that their
4 units are repaired to facilitate their return home.
5 While we are happy to discuss how to improve on our
6 process, we have concerns about some provisions in
7 this bill. For one, the bill requires that we
8 initiate 7-A proceedings when corrections are not
9 made within the short timeframe. As has been our
10 practice, we believe that executing focused and
11 flexible enforcement where we work collaboratively
12 with owners and consider all of our available tools
13 is the most effective way to achieve our goals for
14 both the City and the residents of the buildings. The
15 7-A program is only one tool, and that program is
16 focused on negligent property owners who allow
17 tenants to live in the most distressed conditions and
18 who failed to be responsive to other enforcement
19 efforts. We also have concerns about the requirement
20 in this introduction that HPD facilitates access to
21 apartments for residents while vacates are in place
22 from both health and safety and legal perspectives.

23 Intro. 607 would require HPD to make best
24 efforts to provide relocation services as close to a
25 household's vacated home as possible. Many of you

2 have worked with HPD on tragic occasions when people
3 were displaced, and we all understand the hardship
4 that tenants experience when having to relocate far
5 from their home. Although our network of temporary
6 housing for both families with children and adult
7 families or single adults is limited, we do our best
8 to accommodate the needs of our families. These needs
9 include not only the location of the temporary
10 housing that is available but household size and any
11 other special needs that the family may have. Finding
12 new locations willing to provide temporary space to
13 families or individuals on an as-needed basis or
14 keeping units available specifically for those
15 displaced households without knowing what the need
16 will be when we know so many New Yorkers need for
17 permanent housing is challenging is a tremendous
18 struggle. As you all know, the vacancy rate for the
19 lowest income New Yorkers is 1 percent and many of
20 the families we serve through EHS would fall into
21 that cohort of renters. Our resources are better
22 directed to helping these families find new housing.
23 To that end, HPD is exploring additional strategies
24 to assist families with their housing search.

2 Intro. 609 requires that HPD report on
3 funds collected and disbursed through the Special
4 Repair Fund. Through research and consultation with
5 the Law Department, we have determined that this Code
6 Section was never implemented and is not legally
7 enforceable. We are happy to work with the Council to
8 remove this statute.

9 Thank you for the opportunity to testify
10 today about HPD's current work to support New Yorkers
11 affected by the issuance of a vacate order. Over the
12 past few months, the Council has introduced multiple
13 pieces of legislation which would support tenants
14 affected by vacate orders, and we remain committed to
15 working with you to improve what we do to better
16 serve New Yorkers in need. We are happy to answer any
17 questions you might have. Thank you.

18 CHAIRPERSON SANCHEZ: Thank you,
19 Commissioner. Thank you, Deputy Commissioner.

20 I just want to acknowledge that we've
21 been joined by Council Member Avilés and Council
22 Member Abreu.

23 I am going to read some remarks by
24 Council Member Selvena Brooks-Powers on her bills
25 being heard. She wasn't able to join us today and

2 I'll read her questions before moving forward with
3 the hearing.

4 From Council Member Brooks-Powers. Last
5 spring, just a few blocks from here, a parking garage
6 on Ann Street collapsed, which killed one and injured
7 five others. This tragedy raised urgent questions in
8 the minds of New Yorkers across all five boroughs
9 about the safety of our parking garages. The City's
10 goal must be to prevent something like this from ever
11 happening again, and we need to ensure that our
12 standards and procedures guarantee the structural
13 integrity of our garages, that no New Yorker needs to
14 fear parking in a New York City garage. I'm excited
15 that today the Council will have the opportunity to
16 discuss with the Administration how we're working to
17 guarantee the safety in all our garages. I look
18 forward to hearing how DOB has responded and
19 addressed concerns raised by the Ann Street collapse.
20 Thank you for sharing. I also look forward to a full
21 hearing on the two pieces of legislation I sponsored
22 on today's agenda, Introductions 135 and 136. 135
23 would require DOB to conduct a load-bearing capacity
24 study for parking garages. DOB would be required to
25 assess factors like the size, age, material, and

2 structural design of parking structures and come up
3 with recommendations based on their findings.

4 Intro. 136 would require garage owners to
5 weigh cars seeking to park in the garage and refuse
6 to park a vehicle if doing so would mean the
7 collective weight of vehicles on that level would
8 exceed the maximum limit.

9 I look forward to a robust conversation
10 about these proposals and to working alongside my
11 Colleagues to advance safety measures that would
12 ensure the integrity of City's garages.

13 I would like to extend my thanks to Chair
14 Sanchez for convening this hearing and for advocacy
15 on behalf of New Yorkers citywide. Her questions are,
16 and we can start with these. What caused the Ann
17 Street garage collapse? When investigative steps has
18 the Administration taken to better understand this
19 incident? In the aftermath of the collapse, what
20 steps has the Administration taken to ensure the
21 structural integrity of parking garages citywide?
22 Does the Administration support Intros 135 and 136,
23 which you already answered so just the first two.
24 Thank you.

2 COMMISSIONER ODDO: Madam Chair, you want
3 me to respond to those questions now?

4 CHAIRPERSON SANCHEZ: Yes. Thank you.

5 COMMISSIONER ODDO: Let me just repeat one
6 line from the testimony because I think it's,
7 unfortunately, it's the most I can say about the Ann
8 Street situation because it continues to be under
9 investigation, but I say it cognizant of the images
10 that we all saw, particularly of the roof that was
11 collapsed with the many cars on top of it, but the
12 line from the testimony and what I can offer the
13 Committee today is that collapse did not happen
14 because Ann Street was overloaded. I will have
15 Assistant Commissioner Shamash speak in more detail
16 about the PIPS program, the Periodic Inspection of
17 the Parking Structures but, with respect to Ann
18 Street, it continues to be investigated by our
19 partners in law enforcement, Department of
20 Investigations, the Manhattan District Attorney's
21 office, and we are hesitant to say anything that
22 interferes with that investigation.

23 We can tell you that after the tragedy,
24 we hired an outside entity, LERA, to do a top-to-
25 bottom investigation simultaneous to what our law

2 enforcement partners were doing. They have done that
3 work for the last year. They have finished their
4 preliminary report, which in turn has been delivered
5 to DOI and to the District Attorney's Office so I
6 can't get into more detail about the specifics of the
7 cause other than to repeat again that it being
8 overloaded was not the cause.

9 In terms of what we are doing or did post
10 Ann Street, I think Assistant Commissioner Shamash
11 could get into more details if you want. Do you want
12 to talk about some of the sweeps and PIPS in general?

13 ASSISTANT COMMISSIONER SHAMASH: Just a
14 summary and just maybe one point of clarification. In
15 terms of 57 Ann Street, in terms of the loading, the
16 building was not overloaded. That has been
17 established using the allowable loads in the
18 certificate of occupancy that was issued by the
19 Department of Building so I just wanted to clarify
20 that.

21 In terms of the PIPS program, Periodic
22 Inspection of Parking Structures, that was, as the
23 Commissioner said, modeled after FISP or Local Law 11
24 or Local 10 Law of 1980. We know based on various
25 studies that that program works, and PIPS was modeled

2 directly from that program. It was modified because
3 it is an engineering evaluation from FISP to only
4 allow professional engineers to do the inspections
5 and the reporting so that is a big difference between
6 the two programs, and I just wanted to highlight
7 that. But, in terms of the sweeps that we did post 57
8 Ann Street, we did about six different cycles of
9 inspections that we performed. The first one was
10 based on the operators, Little Man Parking. We did an
11 inspection of all the garages that they had in New
12 York City. We performed that sweep and then we
13 performed sweeps on other parking structures that had
14 Class 1 violations.

15 COMMISSIONER ODDO: I want to give you a
16 chance to find some of the specific data points. Let
17 me just repeat a couple of things, Madam Chair, so we
18 are early in this program. There are three sub-cycles
19 as I mentioned in the testimony, the first of which
20 was due in December of last year so those reports
21 were due at the end of the year and we have received
22 a significant percentage of those reports. Not as
23 high, I think, as the Committee might like or lay
24 people would like, but relative to what the Agency's
25 experience was on the FIPS, on the façade inspection,

2 it's actually higher than when we started the initial
3 stages of the façade inspection program. The
4 subsequent cycles are due again at the end of '25 and
5 '27. We have around a 60 percent compliance rate in
6 this first sub-cycle, and we continue to get those
7 reports in daily. For those who failed to meet the
8 deadline, they receive a monthly violation of 1,000
9 dollars and, at the end of the year, I believe it's
10 another 5,000-dollar fine, and we are watching
11 closely those reports, studying those reports but,
12 again, I just want to be clear that after Ann Street,
13 we wanted to get eyes on all of these structures
14 before the '25 deadline, before the '27 deadline, and
15 that's when we added the rule about professional
16 engineer getting eyes on it and getting us a report
17 by August 1, 2024. With the numbers that Yegal was
18 looking for, after Ann Street, we looked at 17 of the
19 parking structures owned by that operator, Little
20 Man. We then did a series, and Yegal will give you
21 the specific numbers. Using our data, using certain
22 search terms to tailor the universe, we then did a
23 series of five more rounds of sweeps looking at
24 parking structures, and Yegal can talk to you about

2 the numbers of violations we issued. We issued
3 several partial stop work orders.

4 ASSISTANT COMMISSIONER SHAMASH: As the
5 Commissioner said, we did six phases of inspections.
6 The entire summary of that inspection, including the
7 first phase that I mentioned earlier, was we had
8 inspected 302 parking structures, we issued
9 violations at 161 of those locations, we issued
10 partial or full vacate orders on 13 of those
11 locations. In total, we issued 237 OATH summonses,
12 103 DOB violations, 29 of the sites were referred to
13 our Engineering Unit, and 111 orders were issued to
14 the owners of the parking structures to hire a
15 professional engineer and submit a thorough
16 inspection and evaluation of the building. Phase One
17 of that sweep was the operator of the parking garage.
18 There, we inspected 17 garages, and I can get in more
19 detail if you want. Phase Two, we inspected 62
20 parking garages that had Class 1 violations
21 previously issued by the Department. Phase Three, we
22 inspected 54 parking garages. Phase Four, we
23 inspected another 32 parking garages. Phase Five,
24 another 23 locations. Phase Six, another 80
25 locations. All these locations were picked using a

2 variety of data points that we used searching through
3 our BIS, Building Information System.

4 CHAIRPERSON SANCHEZ: Thank you. Thank you
5 so much for that. As you cited those numbers, my
6 eyebrows keep going higher and higher. What kind of
7 violations? Can you give us some layperson's examples
8 of the kind of violations that led to 237 OATH
9 summonses and the numbers that you cited?

10 ASSISTANT COMMISSIONER SHAMASH: The
11 majority of those violations were failed to maintain
12 violations, whether those were Class 2 or Class 1
13 violations. The orders that were issued, the majority
14 of those were for the owner to hire a professional
15 engineer, do their evaluations, and submit the PIPS
16 compliance reports by an earlier date than they were
17 required to, and those would be the full evaluation
18 reports and the compliance reporting. That is an
19 enhanced report from the initial observations that
20 we're looking for on August 1st. Those would be the
21 full compliance reports.

22 CHAIRPERSON SANCHEZ: Thank you. In your
23 testimony, Commissioner, you mentioned that in
24 response to the Ann Street collapse, you are speeding
25 up the timeline to conduct the first wave of annual

2 observation by August 1, 2024. Do we think we will
3 make that for all 4,500 garages across the city?

4 COMMISSIONER ODDO: Yeah. Again, so there
5 is the underlying PIPS program with the deadlines
6 sub-cycle A of '23, sub-cycle B of '25. After that
7 situation at Ann Street, obviously, we all were in
8 agreement we need to get eyes on what's happening
9 (INAUDIBLE). That's when we added the rule. I can't
10 tell you, we (INAUDIBLE) build out the process
11 (INAUDIBLE) to begin to accept (INAUDIBLE), but what
12 I've discovered in almost 12 months at DOB is that
13 when there are deadlines, building owners and
14 professionals act like high school students with a
15 term paper, and there's a lot of late night work and
16 reports tend to come in abundance at the deadline so
17 I can't tell you what those numbers will be but...

18 CHAIRPERSON SANCHEZ: I'm sorry,
19 Commissioner, your mic isn't on.

20 COMMISSIONER ODDO: Sorry about that. I
21 had a good line about term papers and high school
22 students, but for those who don't respond, there will
23 be a penalty structure again. Listen, the bottom line
24 for all of this, the theme, both from the HPD side
25 and the DOB side and I think from the Council side,

2 is maintenance. This is all about maintaining these
3 buildings and preventing us from talking about
4 tragedies. That's the point of these laws, and I will
5 reuse a line I said to you, Madam Chair, in the
6 budget hearing, and that's paraphrasing our DEP
7 Commissioner, we don't want their money, we want
8 their compliance. This is all about compliance, and
9 we believe that the façade inspection program, again
10 what the parking program is modeled off, when you
11 look at the compliance rates now, we believe it is a
12 good program. We think we can do more on that front.
13 and switching, if I may, to the Billingsley
14 situation, and forgive me for the many acronyms, but
15 to do the façade inspection, you have to have certain
16 qualifications and receive a qualification from the
17 agency. You have to be a QE, a qualified exterior
18 wall inspector, without looking at my notes and, to
19 do parking structures, you have to be a qualified
20 parking structure inspector. Three years of
21 structural engineering for the parking, seven years
22 for the façades. That privilege of being a QE or a
23 QPSI is something that we think we need to look at
24 and perhaps have something like an annual, where you
25 don't just get to keep it in perpetuity or we need to

2 have an annual review because we rely so heavily on
3 our licensed professionals to do the work to ensure
4 that these buildings are in fact in good repair so
5 while we think we have good programs in place, we
6 continue to look at ways of strengthening them.

7 ASSISTANT COMMISSIONER SHAMASH: In terms
8 of the compliance by August 1st, as the Commissioner
9 said, we have about a close to a 60 percent
10 compliance rate for the first sub-cycle, which we
11 have 1,046 buildings in that sub cycle, which would
12 leave about 3,400 buildings that need to file that
13 early August 1st observation report. We performed
14 numerous outreach events to industry folks,
15 architects, engineering firms. I was just at the
16 Queen's Chamber of Commerce last week doing a
17 presentation. I think I mentioned August 1st date
18 about 17 times at that presentation so we are putting
19 that date out there as much as we can. We are
20 outreaching to ownership groups, industry groups to
21 make sure that they understand that we're taking that
22 date very seriously.

23 COMMISSIONER ODDO: One other thing, the
24 maintenance of these buildings, keeping them in good
25 repair is the owner's responsibility. Our job at DOB

2 to keep them on point but, if the consumer can help
3 us out, and that is, I'm speaking in terms of the
4 parking structures, I want to get a plug in for the
5 map that the agency has where you can go on the link,
6 look at any parking structure, see its history, see
7 if it's issued the report, if it was within the
8 geographic area of Lower Manhattan, and I would just
9 ask consumers, I understand everyone is in a rush
10 every day and you go to the parking structure perhaps
11 that's close to work, but be an educated consumer. We
12 haven't put As and Bs and Cs and Ds on the parking
13 structures like restaurants but, if you see they have
14 an issue to report to the agency, don't give them
15 your money. See if there's a garage close by. We will
16 continue to look for sticks and ways of holding all
17 owners to be accountable but, if the consumer can be
18 educated and not frequent any parking garage who has
19 yet to issue us a report in that first sub-cycle, it
20 can only help.

21 CHAIRPERSON SANCHEZ: Thank you.

22 Commissioner, you both mentioned this great number of
23 summonses and violations and fines issued to parking
24 structures and, as we'll talk about, I want to give
25 my Colleagues an opportunity to ask questions but, as

2 we'll talk about a little bit later, compliance
3 around Local Law 11 in (INAUDIBLE) built buildings
4 also isn't perfect. These fees and fines, are they
5 lienable at this time by the Department of Buildings?

6 COMMISSIONER ODDO: Some of our, and if
7 Deputy Commissioner Patino wants to come join, some
8 of our penalties, some of our violations are
9 lienable. We are currently working with the
10 Department of Finance to expand the scope of the
11 collection of some, but we're going to need some
12 legislative help to expand those. Do you want to add?
13 Please, come up. We want to expand the universe that
14 are lienable, and we probably are going to need some
15 legislative help.

16 COMMITTEE COUNSEL: Please raise your
17 right hand.

18 Do you affirm to tell the truth, the
19 whole truth, and nothing but the truth before this
20 Committee and to respond honestly to Council Member
21 questions.

22 DEPUTY COMMISSIONER PATINO: I do.

23 COMMITTEE COUNSEL: Thank you. You may
24 begin.

2 DEPUTY COMMISSIONER PATINO: Just to add
3 to that, so the Department does have some limited
4 lien authority in its Code currently that's primarily
5 limited to residential buildings. There are certain
6 factors that need to be taken into consideration
7 before an OATH summons that's converted into a
8 judgment can be lienable against the building, and
9 that includes the number of units in a residential
10 building, the number of outstanding debt. As the
11 Commissioner mentioned, we're certainly interested in
12 expanding upon that lien authority so that we can use
13 that enforcement tool where it's appropriate,
14 including to address bad actors, egregious behavior,
15 but we would have to check to see whether any FISP-
16 related summonses or façade-related summonses have
17 been turned into liens previously, and we can get
18 back to you on that.

19 CHAIRPERSON SANCHEZ: Thank you so much,
20 Deputy Commissioner.

21 Just following up on questions from your
22 testimony, and then I'll turn it over to Colleagues
23 for their questions. You mentioned that the Agency is
24 interested in and has started the process of
25

2 conducting a comprehensive review of the FISP
3 program. Do you have a timeline for this review?

4 COMMISSIONER ODDO: Yes, so this is part
5 of the Get Sheds Down Initiative, and it's something,
6 frankly, that we fought for at the agency, and this
7 hasn't been in print before so this is the first time
8 I think we're talking about it publicly, but we've
9 brought on the renowned engineering firm Thornton
10 Tomasetti to lead this work. Credit to Deputy
11 Commissioner Gus Sirakis for the idea of pushing for
12 an emergency contract. We are close to having that
13 contract finalized, and we hope their work will begin
14 on July of this year. It will be 12 months' worth of
15 work, and we'll get deliverables. We want them to
16 look at four things, regulatory review, material
17 testing research, looking at our FISP data, and then
18 make recommendations. We want to look at our existing
19 rules. We want to compare them to other
20 jurisdictions. We want to look at the housing
21 typology, look at material types to see perhaps
22 instead of a one size fits all of five-year cycle for
23 every building, maybe depending on age, size,
24 material types, we have a different a different set
25 of numbers. We have an incredible amount of data from

2 around 3,500 QE reports. We want them to dive deep
3 into that data, and they will come back with
4 particular (INAUDIBLE), and obviously we will make
5 these findings available to you and the Committee as
6 quickly as we can. Again, I'm not looking to pick a
7 fight with anyone, but I read again recently an
8 editorial saying we should repeal Local Law 11. I
9 understand the frustration about sheds. Local Law 11
10 isn't about sheds per se. Local Law 11 is about
11 maintenance of building and, for those of us with the
12 responsibility of ensuring safety, we think it's a
13 much sounder approach to take a look A to Z at the
14 existing law and come back with an intelligent set of
15 perhaps modifications. We're very aware that there
16 was a Council bill to change the cycle. I think this
17 could either bolster that bill or we could work with
18 the sponsor of that bill to say, hey, look at this
19 report, we think the number should be X, Y, or Z.

20 CHAIRPERSON SANCHEZ: Got it. Thank you so
21 much, Commissioner.

22 A quick notice for anyone who needs
23 translation services. We do have Spanish
24 translations. I don't know how you access them

2 though. Okay, and we will let you know how to access
3 them. (SPEAKING SPANISH)

4 Thank you, Commissioner. Last one and
5 then I'll turn it over to Council Member Abreu. For
6 the Ann collapse, you mentioned an engineer was hired
7 and then you also said in Q and A that the
8 preliminary report was shared with DOI and the DAs.
9 Have these findings been finalized? Are these
10 findings going to be shared with the public and, more
11 broadly and in connection to 1915 Billingsley
12 understanding that's also under investigation, what
13 is the process of an investigation and the timeline?

14 COMMISSIONER ODDO: Okay, 1915 Billingsley
15 is different to the extent that we are doing an
16 internal investigation. Assistant Commissioner
17 Shamash can give you more specificity on where we're
18 at that but, to give you a rough ballpark, sometime
19 by the summer we hope to get to you that report that
20 will include our findings and what we believe
21 happened again.

22 At Ann Street, we hired the consultant.
23 They are done with their preliminary report. Can we
24 talk about when potentially we would be able to
25 provide that to the public? I assume it's also

2 predicated on the work of the DA's office. But is
3 there a final report? Can you explain that part?

4 ASSISTANT COMMISSIONER SHAMASH: In terms
5 of the difference between the preliminary and the
6 final report, what we had as HPD was doing the
7 demolition of 57 Ann Street on behalf of the City, we
8 took material samples from the building, and we had
9 those samples analyzed. That took a little bit of
10 time as you can imagine, getting materials through
11 the demo process and then shipping that off to a lab
12 so the preliminary report addressed all the findings
13 that we had to date. All the material testing has
14 been completed, and they are doing their final
15 structural evaluation of the pre-collapse building.
16 What they've determined to date is that the building
17 was not overloaded. It could support the intended
18 loads of the cars in the garage and of the C of O
19 live load requirements. The rest of the structural
20 analysis is being completed. They are finalizing
21 that, and then there is an internal review that
22 happens on that final report, and then we share that
23 with our folks at Law Department.

24 The same process will have to happen for
25 the Billingsley report. The Bronx DA is still

2 investigating that collapse as well so we will have
3 to follow that same process as well.

4 CHAIRPERSON SANCHEZ: In general, in terms
5 of what's in your hands, understanding we don't know
6 how the DAs are going to, what their timelines are
7 going to be, how long does it take for the Department
8 of Buildings to conduct one of these analyses?

9 ASSISTANT COMMISSIONER SHAMASH: The 1915
10 Billingsley report on our end should be complete by
11 early summer. That is our goal including all the
12 internal review processes. The collapse happened mid-
13 December, and we will be complete by early summer so
14 that's about six months. Ann Street was a much more
15 in-depth investigation, and that's why we hired an
16 outside consultant. There were a lot of potential
17 causes for the collapse on Ann Street where the
18 Billingsley collapse we had almost immediately
19 identified the cause of the collapse at Billingsley.
20 Ann Street, we had a lot of balls in the air that we
21 were juggling in terms of what the potential causes
22 were. We hired LERA, who's a well-known forensic
23 engineering and evaluation firm, to perform that
24 investigation and oversee the demolition operations
25 as well and have full-time representation on site so

2 that was something that in terms of manpower and in
3 terms of the expertise that they brought to the table
4 for Ann Street was something that we thought would be
5 very helpful for us.

6 CHAIRPERSON SANCHEZ: Thank you, and just
7 to note that at 1915, there are small businesses on
8 that first level that have not been able to access
9 insurance payments because the cause is under
10 investigation formally so it's impacting people so
11 that's why I ask about the timeline.

12 COMMISSIONER ODDO: Madam Chair, I will
13 say publicly what I've said privately. I appreciate
14 the collaboration that we've had with you. I know how
15 impactful this has been for your constituents and for
16 you. I know how important this is for you, and you
17 have my commitment as soon as we are, and I
18 understand the need to get this done, and we are
19 working as quickly as we can to deliver that, and I
20 promise you it is on the front burner.

21 CHAIRPERSON SANCHEZ: Thank you,
22 Commissioner. Appreciate that.

23 I will now turn it over to Council Member
24 Abreu.

2 I'm sorry, and I would like to
3 acknowledge that we've been joined by Council Member
4 Krishnan.

5 COUNCIL MEMBER ABREU: Thank you, Chair
6 Sanchez. Nice to see you, Commissioner.

7 In January of 2024, it was reported that
8 400 property owners failed to submit required
9 engineering inspection reports. Could you provide the
10 updated numbers on this to date on how many property
11 owners have failed to submit the reports?

12 COMMISSIONER ODDO: Are we talking about
13 the parking..

14 COUNCIL MEMBER ABREU: Parking structures.

15 COMMISSIONER ODDO: Parking structures,
16 right. Again, the compliance rate is around 58, 59
17 percent, and we can do a breakdown the reports that
18 came in, what they showed. It's a mixed bag of safe,
19 unsafe, and safe with continued repair and
20 engineering monitoring. Those entities who have
21 failed to submit the report are accruing summonses,
22 violations, 1,000 a month each month, first of the
23 month, and we continue to do outreach. We continue to
24 do social media to whatever extent that helps to
25 shame those who haven't, to point out those who have,

2 try to educate the public again to not frequent, not
3 to say that there they're inherently unsafe but just
4 don't give them your hard-earned money, hit them him
5 in the pocketbook.

6 Do you have any? Yeah.

7 ASSISTANT COMMISSIONER SHAMASH: In terms
8 of specific numbers, what we have to date in terms of
9 accepted reports. We have 113 unsafe, 183 SREM, the
10 middle ground, and 186 safe. We have reports that
11 were recently submitted to us that are still pending
12 our review in terms of plan, exam, and inspection.
13 That's 129 of those. Since the beginning of this year
14 or since the deadline, we've received over 100
15 reports from building owners for their parking
16 structure compliance. In terms of the compliance
17 rates, as the Commissioner said, we're at 58 percent.
18 As I said previously, we modeled this specifically
19 after FISP. Just for reference, the last complete
20 cycle for FISP, our compliance rate is at 97 percent
21 We expect the PIPS compliance rate to reach that
22 level or even higher based on the history that we
23 have from FISP.

24 COUNCIL MEMBER ABREU: Thank you for that.

25 I understand and appreciate that the agency is doing

2 everything that it can to find and encourage
3 participation and compliance, but at what point does
4 the City just, can you take over, at what point can
5 we do something about it? If the compliance is so low
6 and the deterrent is not working?

7 COMMISSIONER ODDO: Listen, I appreciate
8 your frustration and in March in the Preliminary
9 Budget Hearing, the Chair and we at DOB engaged in a
10 conversation. I think we're all in agreement that we
11 have to hone in on bad actors, and I think we're in
12 agreement that this agency needs some additional
13 tools. We need some additional sticks. At some point
14 issuing violations isn't enough, and that's why we've
15 spoken with the Chair about and, as she mentioned in
16 her questioning, the notion of expanding our lien
17 power. Not that liens are the panacea, but we need
18 additional tools to ensure compliance and,
19 unfortunately, there is a reality that we have to
20 face that there are certain bad actors, and we could
21 point out, I'm sure HPD could point out, and there's
22 certain that have accrued astronomical numbers. We
23 testified after HPD in March, and it was right after
24 the news came out when the arrest was made, and we
25 certainly understood and I think the Chair didn't try

2 to hide her exuberance about that step. We need
3 additional tools to ensure compliance, and I made
4 this clear to the Chair, we are open to having
5 conversations with her and we appreciate her
6 willingness to work with us to figure out what those
7 tools are.

8 COUNCIL MEMBER ABREU: Thank you,
9 Commissioner. One more question, Chair?

10 By the way, I support giving the agency
11 the power it needs to expand that legal authority
12 because we know that we've got to increase
13 participation and compliance.

14 My last question is, to the extent that
15 you have this, how much has DOB collected from
16 parking structure related violations in the last
17 Fiscal Year and in the last two Fiscal Years?

18 COMMISSIONER ODDO: We haven't started to
19 collect on this program because, again, the first
20 sub-cycle ended in December, although we have other
21 numbers we could point to, and we could get to you
22 about just violations in general that we've issued
23 but, as part of the PIPS program, the failing to
24 report in that first sub-cycle, that started January
25

2 1st of this year, and those violations are beginning
3 to accrue.

4 COUNCIL MEMBER ABREU: And for the most
5 frequent issue violation, is that failure to maintain
6 for parking structures or is that different?

7 ASSISTANT COMMISSIONER SHAMASH: That's
8 different. The failure to maintain violation is an
9 inspectorial violation. If we see a condition, we
10 will identify it as a maintenance condition. In terms
11 of the reporting, we'll issue a failed to file
12 violation and that's, as the Commissioner said, 1,000
13 dollars a month plus the 5,000 annual for 17,000
14 total per year.

15 COMMISSIONER ODDO: May I say one other
16 thing because I think your question deserves an even
17 broader response. We talk about we need more sticks,
18 but what we need to do as an agency and what I feel
19 compelled to do and to figure out a financial path.
20 Part of this agency needs to go on offense. We, to a
21 large degree, are a complaint-based agency. We get
22 complaints in from 3-1-1, from elected officials,
23 from communities. We go out. We need to free up a
24 group that is on offense, and we touched on this in
25 the budget hearing, that looks at to what the Chair's

2 Pre-Considered Intro. does, to look at high-risk
3 locations, to use predictive analytics to identify
4 potential problematic buildings beforehand, to figure
5 out all the data we have and HPD has and other
6 entities have about bad actors and proactively go
7 out, to have a team that routinely goes out and looks
8 at open Class 1s, our most serious violations, and
9 routinely goes out before that existing Class 1 turns
10 into the next tragedy. That's something on us that we
11 have to do, and I have to figure out how to secure
12 the resources and how to get that done, but part of
13 this agency needs to be on offense and stopping these
14 things to the best that we can, attempting to stop as
15 many of these things as we can.

16 COUNCIL MEMBER ABREU: Thank you,
17 Commissioner. Thank you, Chair.

18 CHAIRPERSON SANCHEZ: Thank you, Council
19 Member. Thank you, Commissioner.

20 I'd now like to turn it over to Council
21 Member Avilés, and then we'll hear remarks on his
22 legislation and questions from Council Member
23 Krishnan.

24 COUNCIL MEMBER AVILÉS: Thank you so much,
25 Chair. Thank you. Good afternoon.

2 I have a couple of questions, some on
3 specific instances and then just generally. Maybe
4 I'll start with a particular situation in my
5 District, 150 Bay 22nd Street. This is a six-family
6 rent-stabilized building that was issued a full
7 vacate order in 2023 after the landlord who had taken
8 over the building several months before put holes in
9 the side of the building, making the building
10 structurally unsound. The landlord did this himself.
11 DOB came in, issued a vacate order. What is happening
12 now as the landlord clearly wants to get rid of this
13 building. He has put in for a demolition permit,
14 which DOB seems to be willingly to grant him. Now,
15 the challenge and problem we have here is that this
16 is a rent-stabilized building, right? Six units that
17 would be lost forever once this building is
18 demolished. It is clear the intent of the landlord
19 here. He made it unsound so that he could get his way
20 to demolish this building and rid himself of these
21 six rent-stabilized units so I guess I'd like to
22 understand why DOB is allowing the landlord to
23 utilize the law to his personal benefit that will
24 displace six families and why DOB is not engaging and

2 coordinating with DHCR to ensure that this does not
3 happen and those tenants are, in fact, protected.

4 COMMISSIONER ODDO: So I'm going to have
5 the Assistant Commissioner perhaps speak to a couple
6 of points, but we are cognizant of the phenomena and
7 I put that in quotes of some building owners trying
8 to escape their rent-stabilized by allowing it to, by
9 neglect to so what I will say to you, Council Member,
10 is we will happily sit with you and, if there are
11 other locations in your District that you think this
12 is potentially happening or it's the early stages, we
13 will sit with you and work with you. I don't have an
14 answer for you as we sit right now. I want to have
15 Assistant Commissioner Shamash speak to it, but I
16 want you to walk away understanding that we will sit
17 and work with you together. If you have ideas or
18 things that you think that we should be doing, we're
19 happy to have that conversation.

20 COUNCIL MEMBER AVILÉS: I welcome that.
21 I'd love for DOB not to provide this landlord with
22 what he wants, which is a permit to permanently
23 displace these families and take advantage of the
24 privilege that he has of ownership in the city so I
25 think stopping any demolition order and we can figure

2 out collectively what to do to support these tenants.
3 Also make sure that the City does not allow this type
4 of business to operate here unattended so I'd be
5 happy to follow up with you about that.

6 Just moving on. Oh, yeah, sure. Oh, sure.
7 Sure. Sorry.

8 ASSISTANT COMMISSIONER SHAMASH: Just in
9 terms of specifics at that location, 100 percent
10 agree with you. In terms of ownership, it was a clear
11 lack of maintenance in terms of the building and
12 long-term neglect. We issued previous violations to
13 that building owner and, as the Commissioner spoke,
14 that was what we could do so we issued numerous
15 previous violations. We were very cognizant of the
16 situation. We did not issue any orders for a
17 demolition of the building. On the contrary, we
18 issued an immediate emergency declaration, which our
19 sister agency HPD executed to shore that building to
20 make sure that the owner doesn't get what they're
21 looking for.

22 COUNCIL MEMBER AVILÉS: Thank you. Thank
23 you. We'll definitely follow up because we have a
24 clear example of a bad actor who's exploiting a
25 system. There's going to have lifetime impacts for

2 those six families that we want to ensure are
3 protected.

4 Can I ask for another instance? What
5 tools does HPD have to encourage building owners to
6 more quickly make repairs and to move tenants back
7 into their homes?

8 DEPUTY COMMISSIONER SANTIAGO: Thank you,
9 Council Member. As I talked about a little bit in my
10 testimony, we do have a Special Enforcement Unit that
11 is really focused on most particularly fire vacates
12 to work with owners. We know that there is always
13 going to be a timeline for repair and, again,
14 depending on the seriousness of the fire. In most
15 cases, owners work with us, and we're able to move
16 forward and get restoration. In those cases where
17 they aren't, we do utilize Housing Court, and we do
18 go to Housing Court and initiate litigation, and
19 that's really dependent on the cooperation of the
20 owner. When our staff go there, and many of our staff
21 have been with this unit for quite some time so they
22 have a fairly good sense of what it should take, an
23 average timeline for the type of damage that they see
24 in the building, and once we see, again, especially
25 in large fires and fires in rent-stabilized buildings

2 where a lot of folks have been displaced and are
3 receiving emergency housing services, we make those
4 referrals and we go to Housing Court and, again, the
5 majority of cases that we initiate in Housing Court
6 based on this do result in restoration.

7 COUNCIL MEMBER AVILÉS: Thank you. In
8 terms of your testimony, just to follow up on this,
9 you noted in the Calendar Year, HPD had issued all
10 those numbers and then a few sentences later, you go
11 back to talk about the prior year's resolution. Is
12 there a reason why you don't have the Calendar Fiscal
13 '23's resolution?

14 DEPUTY COMMISSIONER SANTIAGO: We can
15 certainly provide those numbers to you, Council
16 Member.

17 COUNCIL MEMBER AVILÉS: Just a (INAUDIBLE)
18 the problem here and the resolution here is not over
19 the same timeframe.

20 DEPUTY COMMISSIONER SANTIAGO: Absolutely.

21 COUNCIL MEMBER AVILÉS: So we'd love to
22 see actually what it is in Fiscal '22 and Fiscal '23.

23 On that note, if I may, Chair, just to
24 wrap up this. On our property in my District, 408
25 59th Street, there was a fire in one unit, eventually

2 the building inspector when he was there, I was on
3 the ground for eight hours with the residents, put a
4 full vacate order on the building. This was maybe
5 last year or the year before, I can't remember. The
6 inspector said it's one unit but half of the building
7 is really fine. It should be cosmetic. What I saw
8 happen in the year since is the building's owner,
9 along with his family members, continued to reside in
10 the building. Is that legal when there is a full
11 vacate order on a building?

12 DEPUTY COMMISSIONER SANTIAGO: The vacate
13 order is really for the for the rental tenants. We do
14 recommend that owners do not live in vacated
15 buildings. It is from our perspective not a safe
16 location, but I can certainly look into the specifics
17 of this building to see what our unit has. I'm not
18 familiar with this...

19 COUNCIL MEMBER AVILÉS: There were
20 interesting peculiarities here that I'd love to talk
21 to you offline about, and some of that may have been
22 remedied. The truth I haven't seen it recently, but
23 there was a real push to the tenants really knew that
24 they would never be able to go back and retrieve
25 their stuff because they had some very difficult

2 relationship with the owner who, from their
3 estimation, wanted to clear out the building anyway
4 so it was a fortuitous event.

5 I had one more question. This is related
6 to the vacated order. When it's issued, how often
7 does HPD conduct a followup with the building owners
8 to ensure that the corrections are being made? What's
9 the timeframe of that? I'm sure they're different
10 because every circumstance is probably unique, but
11 generally what does that look like.

12 DEPUTY COMMISSIONER SANTIAGO: I'll talk
13 about Calendar Year now because we wanted to mostly
14 stick with Calendar Year since 2023 is a full
15 Calendar Year and not the Fiscal Year. We follow up
16 with multiple inspections in about 80 percent of the
17 cases where we issue either fire or habitability
18 vacates, and that entails both field visits as well
19 as phone outreach from our staff. Again, in most
20 cases, owners are just as devastated by the fire as
21 the tenants are and look to us for assistance with
22 what do I need to do now so I think that is a good
23 relationship for us to have. There are always your
24 outliers and there are always your people who are, as
25 you suggested, take advantage of a situation that

2 maybe was not their making but is now what they see
3 as an opportunity so certainly this process allows us
4 to suss out those people and focus on those
5 buildings.

6 COUNCIL MEMBER AVILÉS: Is there like a
7 three-month check-in, a six-month, like what is that
8 time interval generally look like?

9 DEPUTY COMMISSIONER SANTIAGO: The initial
10 check in is very quick, and then we start to
11 determine what the milestones should be so, again, in
12 a bigger fire, work may not start in three months. In
13 a smaller fire, you may expect that the work is all
14 completed at the end of three months so it's really
15 dependent on the extent of the fire, the size of the
16 building, the resources of the owner, and their
17 willingness to cooperate.

18 COUNCIL MEMBER AVILÉS: Got it. I
19 appreciate that. Thank you both.

20 Commissioner, to you, last thing, on the
21 Bay 22nd property, the tenants there have also not
22 had access to their units to get their vital stuff
23 that they need, which is another issue I'd like to
24 address offline with you all, but thank you and, yes,
25 there are many good owners out there who are doing

2 the right thing and just as devastated. We have seen
3 that, but we're here to make sure everybody is above
4 board. Thank you so much. Thank you, Chair.

5 CHAIRPERSON SANCHEZ: Thank you so much,
6 Council Member Avilés.

7 Quick followup for me.

8 By the way, they ask for extra time, I
9 have to give it because how much extra time have you
10 given me at your hearings? Thank you, Council Member
11 Avilés.

12 Just a quick followup on vacates, and
13 this is for both agencies. The determination that
14 vacate orders should be withdrawn. Do your agencies
15 publicly disclose the analysis you conduct to
16 determine that the vacate order should be withdrawn
17 because we know from looking at the internet, thank
18 you internet, that it is not the resolution of
19 violations that results in the lifting of vacate
20 orders so how is it that you decide and what is
21 public facing?

22 ASSISTANT COMMISSIONER SHAMASH: From the
23 DOB standpoint, the permit and then the sign-off of
24 that application, which all are publicly available,
25 are required to lift the vacate.

2 CHAIRPERSON SANCHEZ: It's on DOB's
3 website?

4 ASSISTANT COMMISSIONER SHAMASH: Yes,
5 ma'am.

6 CHAIRPERSON SANCHEZ: I will be requesting
7 those coordinates. Thank you.

8 ASSISTANT COMMISSIONER SHAMASH: No
9 problem.

10 CHAIRPERSON SANCHEZ: Deputy Commissioner.

11 DEPUTY COMMISSIONER SANTIAGO: Thank you.

12 Yes, our vacate orders themselves are on the website,
13 and they list the underlying reasons for the vacate
14 so it will say fire damage, it will say no
15 electricity, whatever are the reasons for the vacate.
16 In order to have a vacate lifted, a property owner
17 does need to file with the agency a dismissal
18 request. When we go out, we look at all of the
19 conditions that were cited on the vacate order and
20 the violations for those apartments or areas, and the
21 violation should be closed for, not the entire
22 building if the vacate was for apartment two, that's
23 what we're looking at in order to lift the vacate.

24

25

2 CHAIRPERSON SANCHEZ: Got it, so with both
3 agencies, the filing by the owner is made publicly
4 available and the agency...

5 DEPUTY COMMISSIONER SANTIAGO: The filing
6 by the owner is not publicly available at this time.
7 The application is basically the regular violation
8 dismissal request form. The form itself is available
9 on the website but not the completed form from the
10 owner, but the inspection results, the fact that the
11 vacate was rescinded is available on our website.

12 CHAIRPERSON SANCHEZ: Okay. And DOB?

13 ASSISTANT COMMISSIONER SHAMASH: All the
14 plans and all the applications, all the permitting
15 process are completely transparent. Everything on our
16 public portal through DOB now is publicly available.

17 CHAIRPERSON SANCHEZ: Thank you. Council
18 Member Krishnan.

19 COUNCIL MEMBER KRISHNAN: Good morning.
20 First, thank you so much, Chair Sanchez, for today's
21 hearing and for all your great work as our Housing
22 Chair.

23 Good morning to you all. Commissioner,
24 good to see you. I have not congratulated you in
25 person since you were appointed so congratulations.

2 Glad to see you there at the helm of DOB and look
3 forward to our continued work together and, Deputy
4 Commissioner, same, good to see you too, and look
5 forward to our many years of continued work together
6 and now in a different role for me as well. I want to
7 thank you all for your testimony today.

8 Before asking my questions if the Chair
9 would allow, I just wanted to say a few words about
10 my bills in particular, Intros 607, 608, and 609. The
11 reason why we all in the Council are supporting the
12 Back Home Act, which is a package of bills that
13 includes my legislation, also Council Member Jen
14 Gutiérrez's legislation, is because, as you're
15 hearing from all of us, these are crisis situations.
16 Taking a step back, housing is the most urgent crisis
17 we face in the city, as you all know, for a number of
18 different reasons, and it's linked to every other
19 crisis we face. One of the most effective ways to
20 solve that crisis is to make sure that we can keep
21 tenants in their homes so they aren't displaced by
22 harassment, by fires, by harassment after fires,
23 however you want to think about it. One of the
24 biggest problems when it comes to keeping tenants in
25 their homes is when they are vacated, because when

2 they're vacated, you would think in those situations
3 that every City agency would be able to descend to
4 find a way to get them home as quickly as possible,
5 and understanding that you all are making the best
6 efforts you can, the fact of the matter is that
7 simply isn't happening right now. I know, not only
8 from being a Council Member but for my many years as
9 a civil rights lawyer for tenants, representing
10 tenants, we will hear from today to in this situation
11 where once they're vacated, it takes not just months
12 but years for them to get back home. In that time,
13 they will be displaced and relocated to a shelter
14 that could be far flung across the borough. I had one
15 case in particular, I remember where an immigrant
16 family was in a shelter many neighborhoods away with
17 three young girls who all had to travel very far to
18 get back to their school and so, so once they're
19 displaced, they are displaced not just from their
20 homes but from their communities, and that's only
21 where the trouble begins. Then, for them to get back
22 in, as you saw with the 89th Street tenants in
23 Jackson Heights, once there's, whether it's been
24 landlord harassment and quite literally destruction
25 of buildings or fires that have been created and

2 landlords delaying on the repair work afterwards, for
3 tenants to get back in to get their things, their
4 belongings takes so long, months oftentimes, and
5 sometimes when they come back in, their apartments
6 have been ransacked, their homes ransacked, and their
7 things are missing. I ask all of you to imagine for a
8 second, if you were made homeless overnight, that's
9 what literally happens in these situations, overnight
10 to the morning, rendered homeless and, in the trauma
11 of that, all of your things are still stuck at your
12 house, basic necessities to live your life, to
13 support your family, and you're not able to get
14 access to those things for one reason or another,
15 compounding the trauma they face, compounding being
16 homeless, and forcibly and violently displaced from
17 their homes, they simply can't move on with their
18 lives if, quite literally, their belongings are still
19 in their homes, and they don't have access to them,
20 and then the entire struggle drags on for months, for
21 years in Housing Court because we all know it, I
22 certainly know it, I've witnessed it with my clients
23 and fought through those delays where proceedings
24 that should take days in those situations take years,
25 trials get pushed off indefinitely and, in that time,

2 tenants are still out of their homes, and landlords
3 are banking on the fact that this is a game of
4 attrition, where if tenants are waited out long
5 enough, they'll give up and walk away and then when
6 you have rent-stabilized buildings, a crucial form of
7 affordable housing, in those situations, the
8 landlords will take those buildings, have to gut
9 rehab them because many of them have full vacates on
10 them and then, as I've seen and I represented tenants
11 in these situations, rebuild luxury market rate units
12 that they rent out for three or four times the price,
13 and when tenants come back home, they say the
14 building no longer exists, and it's no longer under
15 rent stabilization when that's not true, the tenants
16 have never compromised their rights in the first
17 place. That is the magnitude of the problem we're
18 dealing with, and we're not going to be able to solve
19 this housing crisis unless we find a way to
20 meaningfully help tenants in these dire situations,
21 and I understand that the position of HPD is that
22 most landlords are doing the best that they can and
23 most vacates are fires and, respectfully, I disagree,
24 I know my Colleagues disagree, you heard that from
25 Council Member Avilés as well. We have seen

2 situations where landlords have deliberately
3 destroyed their buildings or take advantage of a
4 natural disaster like a fire to prolong repairs
5 indefinitely. It's happening right now, as I said,
6 with 89th Street with Jackson Heights, and so I bring
7 it up to say, this is a much, much more serious
8 problem, and the effort that HPD is making now, even
9 with the best of intentions, is falling short of
10 where we need to be to protect tenants in these
11 situations as long as it takes to repair the
12 buildings, and don't get me wrong, this is not about
13 arguing with the vacate orders. These are dangerous
14 situations where vacates need to be placed, but the
15 question is, once that vacate is placed, what do we
16 do in that situation to help make sure tenants get
17 their resources, they're in their communities, and
18 they get back home as quickly as possible, and
19 landlords who are delaying repairs or provoke those
20 vacate orders are held accountable by City government
21 for doing so. That is the crux of the problem, and
22 that's what these pieces of legislation are intended
23 to address.

24 My first question, I think Council Member
25 Avilés, with the building in her District, made a

2 very good point about what we're seeing on the ground
3 across the city, and it doesn't connect with this
4 being a notion of an outlier situation so my first
5 question to you all, Deputy Commissioner at HPD, is I
6 saw in your testimony before that HPD has brought
7 litigation seeking an order to correct on 27
8 buildings which didn't move forward with repairs. How
9 many of those buildings also involved bringing this
10 Article 7-A action?

11 DEPUTY COMMISSIONER SANTIAGO: Thank you,
12 Council Member. Comprehensive litigation is the first
13 step and, if we find that still owners are not
14 compliant, that's when you really would look at 7-A
15 and, again, in 80 percent of the cases, the owner
16 complied with addressing the vacate order conditions.
17 I think just to take a step back too from this
18 picture, I think HPD invests a lot in fire safety
19 upfront, and I think we do need to make sure that
20 we're investing in making sure that these fires don't
21 happen in the first place, and we've come a long way
22 in terms of self-closing doors, in terms of the self-
23 closing door proactive program, in terms of education
24 for owners and tenants because that's really, in
25 several large fires over the last few years, that has

1 been pointed to as one of the concerns so we want to
2 make sure that message is getting out to all tenants,
3 to all landlords to stop these disasters from
4 happening in the first place so I think that's an
5 important point of where we put a lot of our effort.
6 I think in terms of once the vacate order is issued,
7 both HPD and DOB have units specifically dedicated to
8 anti-harassment efforts, and I think that's certainly
9 something that can come to our attention through
10 those channels. I would also say in terms of our
11 communication with tenants after vacate orders, at
12 the time of a vacate, the American Red Cross is on
13 scene and tenants are encouraged to register with our
14 emergency housing services. Even if they don't need
15 housing services, we want to encourage tenants to
16 register with us so that we can be in contact with
17 them when things are moving forward and vacates are
18 rescinded so things don't happen that they weren't
19 aware of and then it becomes a situation where
20 they're not able to get back in because we have heard
21 about those issues as well. We also want to encourage
22 tenants, especially in rent-stabilized buildings, and
23 you raised this issue, to file with DHCR immediately.
24 Their 1 dollar a month to protect their tenancy
25

2 rights so HCR can notify them as well when things are
3 moving forward and they are able to go back in. We
4 certainly want to hear from you and from other
5 Council Members because, as I said, some owners do
6 take advantage of these situations for their own
7 benefit and to the detriment of tenants and,
8 certainly, we'll work with you and any other Council
9 Member who brings particular buildings to our
10 attention. Our concern I think with the bill is just
11 about the broadness of it.

12 COUNCIL MEMBER KRISHNAN: Right, so let me
13 say, I don't want to interrupt, I just want to be
14 conscious of time too so just a couple different
15 questions, and I know and I appreciate HPD and DOB
16 are doing all they can to prevent these vacates from
17 happening in the first place, but the question for me
18 is, once they do happen, which they will, what is the
19 plan then, and the best of intentions simply aren't
20 working. As I've always said, you can have the best
21 laws and the best rights, and rent-stabilization laws
22 that are strong on paper but, if they're not enforced
23 in reality, they're not worth more than the paper
24 they're written on, and so when tenants are vacated,
25 understanding, and I've been on the scene when

2 tenants have been vacated so I know exactly the
3 services, the relocation services, Red Cross, all of
4 those things, but let's start from that point on,
5 when they're vacated, what is the effort made now? If
6 the tenants say my documents, my wallet, my clothes,
7 besides the clothes on my back are still in my
8 apartment and there's a vacate order, what is HPD
9 doing right now to ensure those tenants can get back
10 in to get the very things that they left behind when
11 they ran out of their house in the middle of the
12 night?

13 DEPUTY COMMISSIONER SANTIAGO: And the
14 obligation is always on the owner who controls the
15 scene, who owns the building, who has the liability
16 for folks returning. If we've issued a vacate order
17 or a Department of Buildings has issued a vacate
18 order or the Fire Department on scene says it's not
19 safe for tenants to return, we have concerns about
20 people going into the building. Often after these
21 fires, you see broken windows everywhere, broken
22 doors, stairs, public halls are damaged by the fire.
23 We don't want people to get hurt.

24 COUNCIL MEMBER KRISHNAN: But does the
25 City have any means of even a limited method of entry

2 with HPD, DOB, with the landlord, even for limited
3 entry currently, for tenants to be able to recover
4 their things, knowing that they've got a long haul
5 ahead of them of being out of their homes.

6 DEPUTY COMMISSIONER SANTIAGO: Again, the
7 owner has the responsibility to make those
8 arrangements with the tenants and, more often than
9 not, we do see owners, once conditions are safe, once
10 they've had a board-up company come in, once they've
11 tested the air, if there's an asbestos concern
12 because of the roof is damaged, more often than not
13 providing HPD or either Emergency Housing Services or
14 our inspectors with tenant rosters to let us know who
15 the tenants are and to stay in touch with the
16 tenants. Again, does that happen in every situation?
17 I can't say that it does in every situation, but we
18 have found owners more often than not willing to
19 provide access to tenants under supervision,
20 sometimes it's under the supervision of a
21 professional if there's a Department of Buildings
22 vacate in place, they would want their architect or
23 engineer to ensure that things are sound and that
24 it's appropriately safe for tenants to go in and
25 retrieve belongings.

2 COUNCIL MEMBER KRISHNAN: My next
3 question, if the Chair will permit me, just a few
4 more questions. I'll go back to that point later, but
5 the fact of the matter is, owners are very reluctant
6 to provide that kind of access and so relying on the
7 owners alone to provide the access when they have
8 either provoked this condition or they have a lot of
9 incentive to delay the repairs, is frankly leaving
10 the tenants without recourse to get back in, and
11 that's what we're trying to fix here.

12 My second question is, what is the
13 criteria HPD uses to file, not to prosecute, to trial
14 everything, but at least even just file an article 7-
15 A action, what is the criteria HPD uses to make the
16 decision of when to file an Article 7-A case?

17 DEPUTY COMMISSIONER SANTIAGO: Thank you,
18 Council Member. I think 7-A, we consider to be our
19 enforcement tool that we use in the most egregious
20 cases, where other enforcement tools have failed, the
21 owner is clearly negligent in terms of the history of
22 the building and any harassment maybe that has
23 happened at the building and our other efforts to get
24 compliance from the owner have failed, right? So the
25 comprehensive cases that we bring, the goal of those

1 cases is to hold the owner responsible and to have
2 the court hold the owner responsible and have the
3 owner make those repairs as necessary and, again, in
4 most of our litigation, our comprehensive cases do
5 push the owner to make those changes. The
6 Commissioner referenced before the one arrest that we
7 recently had, right? That is, again, another kind of
8 very extreme case for property owners who fail to
9 meet their obligations over time where the building
10 has significant issues. We appreciate when tenants
11 are supportive of 7-As and, when we have conditions,
12 whether it's a vacate or not, where tenants are in
13 occupancy facing very serious conditions.

14
15 COUNCIL MEMBER KRISHNAN: And my only
16 point of disagreement is the Article 7-A law is not a
17 drastic remedy. The statute itself in the RPAPL says
18 if hazardous conditions, hazardous to health, life,
19 human safety, that it existed for more than five
20 days, then you must bring a 7-A action, and so the
21 bar is a lot higher than what actually is mandated
22 under law. HPD takes a much more extreme position so
23 my question is, how many 7-As has HPD brought in the
24 last Calendar Year?

2 DEPUTY COMMISSIONER SANTIAGO: I'll talk
3 about 7-A in a second, but HPD also has a suite of
4 tools that we use, right? I think 7-A is not the only
5 tool, and it shouldn't be the first tool. We have
6 fees, we have specialized programs, and you know
7 them, I'm not going to go through the list. We have
8 in this case, especially in terms of vacates, a
9 Special Enforcement Unit in place to try and address
10 issues in a way that's going to get things resolved
11 more quickly. As I'm sure you know, 7-A cases are
12 lengthy often. Unless the building is abandoned, an
13 owner is very willing to fight through trial for the
14 appointment of a 7-A, and that is a long process, and
15 our goal is to get the tenants back as quickly as
16 possible.

17 COUNCIL MEMBER KRISHNAN: How many, sorry
18 to interrupt, just only because I want to be
19 conscious of time. How many 7-A cases has HPD brought
20 in the last year?

21 DEPUTY COMMISSIONER SANTIAGO: We are
22 currently involved in 12 open 7-A cases. Many of
23 those are tenant-initiated cases, and we currently
24 have 27 active buildings in 7-A.

2 COUNCIL MEMBER KRISHNAN: And how many
3 cases has HPD joined legal services organizations
4 when they brought those article 7-A cases?

5 DEPUTY COMMISSIONER SANTIAGO: I can get
6 you the breakdown.

7 COUNCIL MEMBER KRISHNAN: That'd be
8 helpful. It's a much, much smaller fraction of all
9 the buildings. Twelve 7-A cases of all the buildings
10 in New York City and all of them that are in
11 dangerous conditions is far short of where we need to
12 be.

13 DEPUTY COMMISSIONER SANTIAGO: I
14 apologize. 12 cases are the active cases right now.

15 COUNCIL MEMBER KRISHNAN: For all of New
16 York City.

17 DEPUTY COMMISSIONER SANTIAGO: Yes. It
18 doesn't mean over the past year that there's only
19 been 12 cases that we've been involved with.

20 COUNCIL MEMBER KRISHNAN: But 12 cases for
21 all of New York City.

22 DEPUTY COMMISSIONER SANTIAGO: (INAUDIBLE)

23 COUNCIL MEMBER KRISHNAN: Right.

24 DEPUTY COMMISSIONER SANTIAGO: I will
25 provide more detail.

2 COUNCIL MEMBER KRISHNAN: Okay. I
3 appreciate that. I mean 12 cases is far fewer than
4 what we need, and you're also aware, I know I saw
5 here litigation to seek an order to correct on 27
6 buildings, but you also know that when you bring that
7 kind of case, an HP case, there's only one tenant
8 affirmative part in the entire courtroom for all our
9 different housing courts, right, so if we only bring,
10 I'm sure you're well aware, so if we only bring one
11 HP case for an order to correct, that could take
12 months, and we don't deploy the whole arsenal of
13 tools and, to your point, approach this with a
14 comprehensive litigation strategy to solve a
15 comprehensive problem, we're at the mercy of a court
16 system that has one affirmative tenant right
17 courtroom as opposed to 15 different eviction parts,
18 but one courtroom for the entire borough and so I
19 just raise that to say, if we don't rethink the way
20 we approach this, and to your point, I know that
21 there are different tools, but if we don't deploy all
22 of them in a comprehensive way to solve what is a
23 comprehensive building-wide problem, we are at the
24 whim of a court system and landlords that are
25 dragging and delaying and these things take go on

2 forever, and so the only point I would just make and
3 end is just to say I understand the agency's
4 concerns, but the fact of the matter is if we throw
5 up our hands and say we can't, this is all we can do,
6 the problem is not going to change. It's only going
7 to grow worse, and there are tools being left off the
8 table that could actually help with the City getting
9 leverage, with tenants getting leverage to a very
10 basic level even just get home to get their things,
11 and, on a much bigger level, return home.

12 CHAIRPERSON SANCHEZ: Thank you.

13 COUNCIL MEMBER KRISHNAN: Thank you,
14 Chair. I'm passionate, you can see, but I appreciate
15 it.

16 DEPUTY COMMISSIONER SANTIAGO: I am
17 absolutely not saying any tool is off the table. Our
18 position is we want to get the tenants back in
19 occupancy as quickly as possible. All tools are on
20 the table. It just so happens that we feel like the
21 tools that we are currently using, and 7-A is on the
22 table, the tools that we are currently using are
23 being effective. In cases where they are not being
24 effective, we're happy to have that conversation with
25 you. We're happy to continue to discuss new tools.

2 COUNCIL MEMBER KRISHNAN: Look forward to
3 it. Thank you very much. Thank you, Chair.

4 CHAIRPERSON SANCHEZ: Thank you, Council
5 Member. Chair.

6 I just want to add for a point of
7 context, according to the Community Service Society,
8 we're talking about 10,000 chronically distressed
9 buildings across the City of New York, and this is a
10 definition of chronic distress, that is 2.5 or more
11 BNC Housing Code violations during the last six
12 quarters since 2008, and so when we talk about this
13 suite of tools and we hear Council Member Krishnan's
14 passion, which so many of us share, about how the
15 heck do we get the City to do more and be more
16 effective against 10,000 buildings versus a limited
17 capacity in an agency. That's really what this
18 conversation is about, so thank you, Council Member
19 Krishnan, and we have to figure it out. We have to
20 figure out whether it's broadening lien authority
21 with the Department of Buildings, it's bringing back
22 tax enforcement programs that we had access to before
23 but we need to improve upon, whether it's taking more
24 folks to court, whether it's taking more folks to
25 criminal court as HPD has done successfully in the

2 past and DOB as well. We have to explore all of these
3 options to get the compliance we need for the health
4 and safety of New Yorkers.

5 DEPUTY COMMISSIONER SANTIAGO: And I think
6 we absolutely agree with you, both DOB and HPD, on
7 that point, Council Member. Thank you.

8 CHAIRPERSON SANCHEZ: Thank you. Just
9 another note, an update on the translation. Okay, I
10 will say it in English and then in Spanish. We
11 unfortunately, and I apologize on behalf of the
12 Council that we do not have active translation of
13 this hearing to Spanish and we do have a Spanish
14 audience, but we will have translation interpreters
15 available when Spanish-speaking-only individuals are
16 testifying so I just want to apologize on behalf of
17 the Council. We weren't prepared for this hearing so...

18 (SPEAKING SPANISH)

19 We can gossip later after the hearing
20 about what happened and what we do for next steps so
21 thank you.

22 Thank you. Council Member Krishnan.

23 My next question and then I'll have a
24 list, but I'll keep it short just in the interest of
25 time. I just wanted to follow up on Council Member

2 Krishnan's line of questioning around vacate orders.

3 My experience, and it's really stark to see the

4 number of fires that ARC is responding to, 2,100

5 displaced families in this Fiscal Year alone is an

6 incredible number, and it feels like in my District,

7 it's every week, every other week that we have a fire

8 or some event that is displacing folks. The feeling

9 of being displaced, that experience of being

10 displaced is entirely just disjointed, right? If you

11 are unlucky enough to be in a large enough disaster

12 that there is an emergency center that is opened

13 where several agencies are responding, maybe you'll

14 get some answers, but it's really confusing, and so

15 my question for HPD is what is your process, and

16 maybe it's through ARC in the beginning, at the

17 onset, but what is your process at the time of

18 displacement, that very same night, that very same

19 day of the event, what is your process to connect

20 tenants to resources like legal service providers? I

21 know you don't share contact information for tenants

22 and we have discussions around that, but what is your

23 broader process to connect tenants to legal service

24 providers?

25

2 DEPUTY COMMISSIONER SANTIAGO: Thank you,
3 Council Member, and I think we have, as you said,
4 started to have conversations around that, both with
5 Council Member Avilés and Council Member Gutiérrez,
6 and I think there is some room for improvement there
7 that we're interested in continuing conversations
8 with them on.

9 CHAIRPERSON SANCHEZ: So TBD, and it's
10 going to get better?

11 DEPUTY COMMISSIONER SANTIAGO: Absolutely,
12 Council Member.

13 CHAIRPERSON SANCHEZ: All right, I look
14 forward to those discussions because it's just really
15 important. It's a really important experience to
16 improve upon.

17 Okay, turning back to Department of
18 Buildings for a bit and my Pre-Considered
19 Introduction that I'm very excited to work with you
20 on as we debate and discuss all kinds of tools to
21 ensure that both agencies have the tools that you
22 need to keep New Yorkers safe. What tools does the
23 Department of Buildings use today to identify
24 buildings that may pose structural concerns? What
25 actions do you take?

2 COMMISSIONER ODDO: There's a combination
3 of things that we do from utilizing the courts to our
4 various inspectorial units. Construction Safety has a
5 Compliance and Enforcement Unit. That's the one area
6 where we do some of those proactive inspections that
7 we want to do a wider universe.

8 Do you want to add any specifics or?

9 ASSISTANT COMMISSIONER SHAMASH:

10 Specifically in terms of our Construction Safety
11 Compliance Unit, that unit does proactive inspections
12 on permitted sites that have construction supers that
13 fit that category so those proactive inspections
14 happen. In terms of inspections on buildings, non-
15 construction sites, we respond to complaints eight
16 complaints within 24 hours, and then we break up the
17 complaints, Bs, Cs, and DS as well, depending on the
18 priority level and the type of complaint that comes
19 in through 3-1-1, and we inspect all of those
20 complaints that come in. In terms of from the
21 compliance side, we talked about FISP and PIPS so
22 that's façade and parking structures, but the
23 Department also has requirements for proactive
24 inspections that the owner's need to perform for gas,
25 piping, for boilers, for elevators so there are

2 numerous proactive inspections that are required that
3 the owner take on that are submitted to the
4 Department of Buildings to ensure that they are in
5 compliance with those elements.

6 COMMISSIONER ODDO: Yeah. The only other
7 thing I wanted to mention is where on we want to go
8 and getting on offense. One of the folks at DOB
9 brought up some of the old, let's call them,
10 brochures that the agency had provided from the Koch
11 Administration, and there's one from the de Blasio
12 Administration from then Commissioner Rick Chandler
13 about talking about where he's found the agency and
14 where he wants to go, and one of the first bullets is
15 a risk mitigation program. It's essentially what your
16 Pre-Considered is talking about, it's essentially
17 what we talked about during the budget hearing, and
18 we have the benefit today that I think Commissioner
19 Chandler's DOB didn't in that we are a few more years
20 into DOB now and we have much more data available
21 that's there to be utilized. Again, we have existing
22 programs where we do some proactive inspection, but
23 we need to do a whole lot more of that. The other
24 thing I want to repeat is it existed once, it needs
25 to exist again, and that is open Class 1s. We have a

2 tremendous number of open Class 1 violations, and
3 that's not to say that the underlying condition that
4 resulted in that Class 1 still exists. It's often the
5 case where it was addressed, it was fixed, but that
6 the folks didn't send in their certificate of
7 correction to us. That's the affirmation that they
8 actually undertook that so, and I mentioned this
9 during the budget hearing, we have, it's another,
10 GSD, it's another acronym, but this is Get Summonses
11 Done where under Deputy Commissioner Patino's
12 guidance, we're aggressively trying to get folks to
13 issue their certificate of corrections so that we can
14 discern and we need to do above and beyond that in
15 terms of open Class 1s, which are simply that failure
16 to submit that affirmation and where the underlying
17 condition still exists. What we need to do above and
18 beyond that is, again, have a unit that we just go
19 out again and again looking at open Class 1
20 violations so that we can have them move to have them
21 resolved.

22 CHAIRPERSON SANCHEZ: Thank you,
23 Commissioner, and as far as this goes again, I'm very
24 excited at the partnership and further discussions
25 that we'll have. We're wanting to ensure that this

2 risk-based inspection program at DOB modeled after
3 FDNY's RBIS, that you have the best information
4 available to you to pinpoint which buildings should
5 deserve that special focus, right? In the
6 legislation, we wrote in looking at the building's
7 age, occupancy, ownership type, construction
8 material, number of floors, number of public-facing
9 exposure, alteration history, overall permit history,
10 and points like this, but I'd mentioned in a private
11 conversation that there's a world of information that
12 we get from HPD violations, there's a world of
13 information that we get from other agencies. Are
14 there any areas or any data points from either sister
15 agencies or data points that are not mentioned that
16 DOB does have access to that you also believe would
17 be helpful in pinpointing the most problematic
18 buildings?

19 COMMISSIONER ODDO: I don't know if
20 Commissioner Shamash has a specific answer, but I
21 don't believe accessing the data or the data is the
22 issue for us. I think it's we have plenty of data,
23 and we know our sister agencies have it, and
24 accessing it I don't think will be the challenge. In
25 all candor, and this will probably get me in trouble

2 for sure across the way, my challenge is getting the
3 bodies to be able to do it, and the bodies aren't
4 just inspectorial staff. The bodies are engineers,
5 the bodies are data analysts so I can create that
6 team that will work cohesively together to whatever
7 the data we have and, again, I think we will have
8 plenty to look at it 42 ways from Sunday to then
9 discern those patterns to then identify problematic
10 locations before they become grander tragedies.
11 That's the challenge, and it's a matter of resources
12 and that's on me. I have to figure out a way to get
13 it.

14 CHAIRPERSON SANCHEZ: It's certainly on
15 us. It's on us together, and I'll just say that my
16 attention is focused on DOB's capacity starting with
17 inspectors but, as you mentioned there's other staff
18 that would be needed for a program like this but,
19 even in conversations that when we talk about the
20 rounds of PEGs that affected the agency that were not
21 supposed to affect inspectors but did affect
22 inspectors and the headcount reduction of nearly 500,
23 I think that's the starting point in the conversation
24 with the Mayor's team, with OMB to just make the
25 point that we need to keep our buildings safe, and

2 we're trending in the direction of DOB having less
3 capacity instead of more.

4 COMMISSIONER ODDO: I mentioned this again
5 in March and, again, my detentions will be mounting,
6 not that anyone has asked, but it would be wrong for
7 Commissioner to come here with a straight face and
8 say, no, I really couldn't use more and then go back
9 to 280 Broadway or their respective agency and say go
10 take that hill, and I won't do it. What I will say is
11 the fact that after the two rounds of PEGs, our
12 service levels continue to be relative to our history
13 this strong is a credit to the men and women of the
14 agency. There is some regression, and we talked about
15 it in March, and we'll talk about it in a few weeks
16 in the Executive Budget. That's in part because of
17 our need to really turn the valve left on OOT, but
18 our service levels are remarkably strong
19 historically, and I give that credit to the men and
20 women of the Department, but the numbers are the
21 numbers, you and your team have looked at it, and
22 there's no hiding from that, but we want as many
23 resources to do the work we're doing now and, at the
24 same time, we know we have to go on offense and,

2 again, that's on me, on us collectively to be able to
3 provide the agency with the ability to do that.

4 CHAIRPERSON SANCHEZ: Thank you. Thank
5 you, Commissioner. The bill also points to sort of
6 the requirement for corrective action plans or the
7 requirement for faster action to repair conditions
8 that would be found during these inspections. Just
9 turning back to an existing program, turning back to
10 FISP, can you help us understand what is the repair
11 process that results from a FISP façade technical
12 report indicating unsafe conditions or SWARMP?

13 COMMISSIONER ODDO: Yeah, I will have the
14 Assistant Commissioner speak about the timeline,
15 about the obligation of the design professional to
16 get word to us, how quickly we go out there, and then
17 the timeline that they have put up a shed immediately
18 but then the timeline they have to do the repairs.

19 ASSISTANT COMMISSIONER SHAMASH: In terms
20 of the requirements from the professional and the
21 building owner, first and foremost, when they
22 discover that unsafe condition in terms of the
23 professional doing the inspection, they're to notify
24 the Department of Buildings immediately, notify the
25 owner immediately, and then have public protection

2 installed immediately so that's our first and
3 foremost concern, to make sure that the public is
4 protected when that unsafe condition has been
5 inspected and discovered. From there, the
6 requirements in the law and the rule is that the
7 repairs happened within 90 days, and sometimes that
8 can actually occur and sometimes, obviously, if it's
9 a larger unsafe condition they will need more time so
10 the law and the rule does make an accommodation for
11 them to submit extension requests on a 90-day basis
12 after the initial 90 days and tell us the progress of
13 their work and, as long as we see continued progress
14 with that work, have they engaged the professional to
15 design the repair campaign, have they retained a
16 contractor, have they submitted an application, have
17 they pulled a permit, have they started work, all
18 that constitutes progress for us. As long as they
19 continue making progress with those extension
20 requests, we will grant those requests, and all that
21 leads up to what we call an amended report being
22 submitted to the Department that tells us the
23 building is no longer unsafe, we've completed all the
24 repairs, and we have now a safe building, which is
25 what we all want. As the Commissioner said, we want

1 compliance. We inspect 100 percent of all those
2 amended reports. We want to make sure that all the
3 unsafe conditions that they cited in that initial
4 report that they told us, hey, we found 17 things
5 that are unsafe. We go back and look at those
6 buildings 100 percent, right, to make sure that
7 they've addressed all those unsafe conditions and
8 that that amended report is very specific in terms of
9 the repairs that were done, and only then can they
10 remove the public protection that was installed when
11 the unsafe conditions were installed. That's
12 typically the procedure. If there is a lag in the
13 submission of the extension request or if there's a
14 lag between when the unsafe report is submitted and
15 the amended report is issued in terms of the 90 days
16 for each one of those steps, civil penalties will
17 accrue. They'll accrue at a rate of, it's an
18 escalating scale depending on how long the gap
19 between the extension requests so in the first year,
20 it's 1,000 dollars a month, and then it escalates per
21 year by the length of the public protection that's
22 installed so the violations do get very hefty very
23 quickly.
24

2 CHAIRPERSON SANCHEZ: Thank you, Assistant
3 Commissioner Shamash, and it's not that I don't trust
4 building owners, it's that we can't so my question is
5 we are relying on self-report and there is a
6 requirement, right, that folks are submitting their
7 FISP reports on the five-year cycle etc., but how
8 confident is DOB in what we know about the status of
9 façades in the City of New York when in buildings
10 over six stories?

11 ASSISTANT COMMISSIONER SHAMASH: That's
12 exactly why the requirement is for the owner to hire
13 a registered design professional, a PE or an RA with
14 relevant experience with exterior walls, very
15 specific. We have about 450 folks in the entire city
16 that are designated by the Department of Buildings to
17 do this work, to do these inspections and submit the
18 reports. It's a very select group and, just like
19 parking structures, it's a very select group of folks
20 that can do these inspections, and they are
21 registered design professionals. They have a
22 responsibility to us, the Department of Buildings,
23 but to the public as a whole to make sure that the
24 public is safe so we're relying on those
25 professionals and not just the owners.

2 COMMISSIONER ODDO: And Madam Chair, I
3 would just add that's why we acted as swiftly and
4 appropriately as we did with respect to 1915 with the
5 licensed professional. Again, as you and I have
6 spoken about previously, to a resident who's been
7 displaced, two years sounds perhaps as a slap on the
8 wrist relative to the hurt that they've endured but,
9 historically speaking and within the industry, it
10 sent the message that underscores to the Assistant
11 Commissioner's point the relationship we have and the
12 responsibility they have to us and to the public and,
13 when they break that covenant, we're obligated to act
14 appropriately and swiftly. In that case, we did.

15 ASSISTANT COMMISSIONER SHAMASH: And I'll
16 mention one other name. You guys mentioned Grace Gold
17 and Erica Tishman, but one other name that comes up
18 that changed our processes within the Department of
19 Buildings, especially within the Façades Units, is
20 Greta Green. She was the 2-year-old that in May of
21 2015, and I was at the Department at the time and
22 went to that incident specifically, she was the
23 little girl that also got hit in the head with a
24 piece of terracotta, and that's the consistent theme
25 with all of these fatalities, unfortunately, that we

2 have these decorative elements on these buildings
3 that are beautiful to look at, but they are
4 overhanging, that they extend outside of the
5 building, and they are elements that need to get
6 inspected on a regular basis, and that's why we hired
7 this firm, Thornton Tomasetti. They're an
8 international firm. They have numerous QE's on their
9 staff that submit the reports to us to do this study,
10 to make sure that what we are doing fits with the
11 building typology, the building age, as you mentioned
12 in your intro, it's all factors that need to be taken
13 into account, and it's an important study for the
14 City of New York that we are undertaking right now.

15 CHAIRPERSON SANCHEZ: Thank you. Before I
16 forget, I do have to acknowledge that we were joined
17 briefly by Council Member Dinowitz, and just a final
18 question, well, not final, but a followup question
19 for HPD. Does the ERP program ever step in in
20 occasions where maybe owners are not addressing the
21 challenges that the building has?

22 DEPUTY COMMISSIONER SANTIAGO: Thank you.
23 We do receive orders, immediate emergency
24 declarations and such from the Department of
25 Buildings to erect sheds, put up fencing address

2 things that may actually be in the process of falling
3 so we do that pursuant to orders received from the
4 Department.

5 CHAIRPERSON SANCHEZ: Thank you. You may
6 not have this right now, Department of Buildings, but
7 it would be helpful to just have an understanding of
8 what those numbers are like, the noncompliance rates,
9 the amount of times that HPD has to step in, how much
10 the City is spending on that front.

11 Again, in relation to compliance, I noted
12 in my introductory remarks that 1915 failed to file
13 their FISP reports in cycle 6 and 7 and then their
14 cycle 8 report noted that work that was supposed to
15 be done in the past had not been completed so it's in
16 connection to concerns that even though the rules are
17 there, there isn't necessarily the compliance and how
18 can we give the agency more power to enforce, and so
19 to turn that into a question with some statistics
20 that our amazing Staff has pulled for us, according
21 to DOB, the number of safe inspections decreased from
22 56 percent of buildings in cycle 7 reported as safe
23 to 47 percent of buildings marked as safe in cycle 8.
24 How does DOB understand what is happening with this
25 trend and what are you doing about it?

2 COMMISSIONER ODDO: So Assistant
3 Commissioner Shamash can give you a detailed answer.
4 The only thing I will say is that the universe of
5 buildings is not the same in each cycle co cycle 7
6 had 13,500 or 13,000, cycle 8 had 14,500. I think
7 cycle 9 that we're in is a shade under 30, and so
8 it's a different universe, and there's a fluidity to
9 the designation of safe, unsafe, and SWARMP.

10 CHAIRPERSON SANCHEZ: Got it, and can you
11 remind everyone what SWARMP stands for?

12 COMMISSIONER ODDO: Just when I need it,
13 it's not here. Safe With Repairs and A Maintenance
14 Program.

15 CHAIRPERSON SANCHEZ: Thank you.

16 COMMISSIONER ODDO: I made a joke, Madam
17 Chair, earlier just to get the folks nervous across
18 the way that I was going to say that I wouldn't
19 answer a question from a Council Member if they
20 didn't know the acronym, and here I blew the acronym
21 myself.

22 CHAIRPERSON SANCHEZ: That's fair. I like
23 that rule.

24 ASSISTANT COMMISSIONER SHAMASH: Let me
25 just go back to your point on 1915 Billingsley. The

2 cycle 7 report was submitted and it was submitted
3 SWARMP. The cycle 8 report was submitted as well. It
4 was submitted unsafe but, however, the report
5 indicated that there were a note and I'm quoting the
6 report here "imminently hazardous conditions and that
7 the building was filed unsafe due to the uncorrected
8 SWARMP repairs from the previous cycle" so that is
9 part of the law that if the SWARMP conditions were
10 are repeated in two cycles, the same exact
11 conditions, that they now have to default to an
12 unsafe condition, but the report did clearly say that
13 those unsafe conditions are only administratively
14 unsafe, that they're not actually unsafe conditions,
15 and only until the cycle 9 report did they cite those
16 conditions as actually unsafe, and that's when the
17 that same professional that filed the cycle 9 report
18 did submit the repair application, the owner obtained
19 the permit, and they were well underway in terms of
20 commencing those repairs.

21 COMMISSIONER ODDO: Can you talk about the
22 timeline, the five years for SWARMP and the one year
23 for unsafe?

24 ASSISTANT COMMISSIONER SHAMASH: Yes. In
25 terms of the definitions, and the definitions that

2 I'm speaking about right now are very specific to the
3 Local Law 11 or the FISP program. They do not
4 correlate to to other programs that the Department
5 has and Building Code in general, but in terms of the
6 different statuses, and I always like to break it up
7 as safe and unsafe first and then the more complex
8 one is the middle ground. The unsafe condition or the
9 status doesn't mean that there is an immediate safety
10 concern where something is about to fall off the
11 building. What we are asking and what the definition
12 of unsafe is in the rule is that the conditions that
13 they've uncovered during the inspection need to get
14 repaired within a year. The safe status that we have
15 is just the opposite, that the building does not need
16 any maintenance or any work on the exterior wall
17 until the next cycle or five-plus years, and then the
18 SWARMP condition is the middle ground where in
19 between one and five years, the owner has to do some
20 sort of maintenance or some sort of program on the
21 building exterior wall, and it allows the owner to,
22 most of the buildings, 62 percent of the buildings
23 are residential buildings, co-ops and condos, that
24 allows them to go through the process of raising
25 funds, procuring an architect or an engineer to put

2 the repair program together, hiring a contractor, and
3 going through all of those steps that are required to
4 even just get folks on the building to start the
5 repairs, and it allows them to gear up to do that
6 program as part of a maintenance program rather than
7 part of an emergency situation where you could have
8 in terms of the unsafe, but it's important to note
9 that the unsafe doesn't mean that there is an
10 immediately hazardous condition.

11 COMMISSIONER ODDO: Madam Chair, if I
12 could just say one other thing to that. I think
13 that's a really important point that Yegal made
14 because when you combine the presumption of what the
15 definition of unsafe meant with the reporting of 300
16 violations on this building that happened to be a lot
17 of HPD violations, heat, whatever it created a
18 narrative that there were these blinking neon red
19 light saying this building was about to collapse and
20 that is not the case, and we will, again, issue the
21 report in the summer to you and it will, I think,
22 underscore that was not the case so I think Yegal's
23 specific referencing what unsafe meant in that cycle
24 is really important.

2 CHAIRPERSON SANCHEZ: Thank you so much.
3 I'm going to ask my last question and then, just so
4 that folks can begin to prepare themselves, I will
5 tell you who's on the first public panel, but we're
6 going to take a five minute just quick break before
7 we start that first panel so you all can just get
8 ready.

9 Yes, so my last question for Department
10 of Buildings is just to hear it from you all, to hear
11 it from the source, in Billingsley Terrace and Ann
12 Street, there were a history of violations, not
13 necessarily related to FISP as you just mentioned
14 being blaring red lights, but there were a lot of
15 indicators that could have brought heightened
16 attention to those sites or sites like them so, in
17 addition to being amenable to creating with resources
18 provided a proactive and inspection program, what
19 other tools would you highlight as helpful? We talked
20 about increased lien authority, but are there other
21 tools that you would highlight that could help the
22 agency have better enforcement throughout and, HPD,
23 if you want to chime in with enforcement for you all,
24 same question.

2 COMMISSIONER ODDO: I will say two things.
3 One, I think we did a good job. Some might say too
4 good of a job explaining the tools that we would want
5 and need so we will look forward to continuing to
6 talk with you on those fronts and keep an open mind
7 to sit with you and other Members of the Council on
8 any ideas you have.

9 The second thing, again, forgive me for
10 repeating myself, but when we come back next before
11 you to have a conversation on this issue, I'm not
12 saying May obviously but, when the two reports are
13 issued, I look forward to that conversation with that
14 new information brought to light.

15 DEPUTY COMMISSIONER SANTIAGO: Thank you.
16 Of course, we echo that. I think Council Member
17 Krishnan, Council Member Avilés, Council Member
18 Gutiérrez have all raised important issues, important
19 places where we should look to make improvements, and
20 we do look forward to continuing conversations with
21 them because there are places where we could use your
22 assistance to move our efforts forward so thank you.

23 CHAIRPERSON SANCHEZ: Thank you so much to
24 you all for your time and your honest testimony, and
25 I look forward to making more progress. Thank you.

2 Okay. I'm just giving a heads up to the
3 first panel. The first panel is going to consist of
4 Judith Goldner, Emiliano Herrera and interpreter
5 Maribel Lopez and Lina Renique-Poole. Did I say that
6 right? Okay, so you all can head over to the dais.
7 We're going to take a quick five-minute break and
8 then we'll start.

9 Thank you, everyone. I now open the
10 hearing for public testimony.

11 I remind members of the public that this
12 is a formal government proceeding and that decorum
13 shall be observed at all times. As such, members of
14 the public shall remain silent at all times.

15 The witness table is reserved for people
16 who wish to testify. No video recording or
17 photography is allowed from the witness table.
18 Further, members of the public may not present audio
19 or video recordings as testimony but may present
20 transcripts of such recordings to the Sergeant-at-
21 Arms for inclusion in the hearing record.

22 If you wish to speak at today's hearing,
23 please fill out an appearance card with the Sergeant-
24 at-Arms and wait to be recognized. When recognized,
25 you will have two minutes to speak on today's hearing

2 topic of Building Integrity, including the following
3 legislation, Intros number 135, 136, 170, 176, 231,
4 313, 607, 608, 609, and the Pre-Considered
5 Introduction.

6 If you have a written statement or
7 additional written testimony that you wish to submit
8 for the record, please provide a copy of that
9 testimony to the Sergeant-at-Arms. You may also email
10 written testimony to testimony@council.nyc.gov within
11 72 hours of this hearing. Audio and video recordings
12 will not be accepted.

13 Okay, so the first panel is here. Okay.
14 Who would like to begin? Judith?

15 JUDITH GOLDNER: Can you hear me? Great.
16 My name is Judith Goldner. I'm the Attorney-in-Charge
17 of the Civil Law Reform Unit at the Legal Aid Society
18 and so happy to be here today to testify on these
19 important bills and really appreciate the leadership
20 of the Council on these issues, especially the
21 leadership of Council Member Sanchez who's been such
22 an ally on these issues. Unfortunately, my practice
23 attorneys who should be here instead of me, because
24 they know much more than me, many of them are out
25 this week because it's school vacation week so I'm

2 trying to fill in for them inadequately, I'm sure.

3 Specifically, we represent tenants who have been

4 vacated from their buildings at both the buildings

5 that were discussed at this hearing, at the

6 Billingsley partial collapse building as well as the

7 150 Bay 22nd Street building, which is the building

8 that was in Council Member Avilés District and

9 certainly had some concerns about what DOB was saying

10 because many of the things that they were saying are

11 not what are clients on the ground have experienced

12 with them with vacate orders. I did sort of want to

13 talk about three things, and our testimony will

14 probably focus on some other things as well as some

15 technical corrections to some of the legislation, and

16 I look forward to working with Council Member

17 Krishnan on some thoughts we have on the legislation

18 that he's proposed. We're very excited about the idea

19 in Council Member Krishnan's bill that there should

20 be this designated agency group team that will work

21 with tenants who have vacate orders but, rather than

22 having it just be people who go in at the immediate

23 time of the vacate order to give tenants information,

24 we'd really like to see them continue that work with

25 those tenants because what we see, and it certainly

2 is what Council Member Krishnan was talking about,
3 was that we see that tenants are put in a position
4 where they have no idea what's going on, they're not
5 notified about what either HPD or DOB or the landlord
6 is doing, and they often even have no way to connect
7 with attorneys or their attorneys. Sorry, I know
8 that, I'll try..

9 CHAIRPERSON SANCHEZ: You can just
10 summarize.

11 JUDITH GOLDNER: Yeah. We're just hoping
12 that we can have a designated team who can work with
13 the tenants, make sure the tenants are connected with
14 HPD, with legal services to the extent that they need
15 that, and help negotiate relocation and put pressure
16 on the landlord themselves to do relocation. We also
17 see DOB pointedly did not respond to Council Member
18 Avilés' questions about interactions with State
19 housing agency, and our experience is that even in
20 rent-regulated buildings they don't talk to HCR and
21 they give permits for demolition for rent-regulated
22 buildings when they shouldn't and that is an area
23 that I think is ripe for legislation from the
24 Council.

2 Lastly, we look forward to working with
3 Council Member Krishnan on the 7-A. We do have some
4 concerns about mandating 7-As in every vacate case,
5 but we agree that 7-As should be a much more
6 important tool than HPD is currently using. Sorry
7 that I took a little longer than I should have, but
8 thanks.

9 CHAIRPERSON SANCHEZ: No problem. Thank
10 you so much.

11 I'd like to acknowledge that we've been
12 joined by Council Member Gutiérrez.

13 LINA RENIQUE-POOLE: Is it on? Hi, good
14 morning. My name is Lina Renique-Poole. I'm the
15 Deputy Director of Housing Resources at Los Sures in
16 Williamsburg, Brooklyn, and I'd like to testify in
17 support of Intros 607, 608, and 609. Specifically,
18 I'd like to speak about how those bills can assist
19 tenants who've been vacated from buildings that did
20 not go through fires. In our experience, vacate
21 orders in Williamsburg that we've seen that have not
22 been related to fires have been the landlord's fault.
23 I'd like to give two examples. The first being 273
24 Lee Avenue. This building was vacated last fall after
25 the landlord dug basically a trench in the basement,

1 undermined the foundation, the building is in a flood
2 prone area, and the basement subsequently filled with
3 water. Given this, it undermined the stability of the
4 building, and the tenants were vacated. Throughout
5 this, this was the landlord's workers causing this
6 condition on purpose, and so it's very clear that,
7 unlike HPD would have the Council believe, the
8 landlord has no intention of cooperating with anyone
9 on anything here. Another example is 183 South 2nd
10 Street. The tenant was vacated after the landlord
11 basically convinced DOB to go back multiple times and
12 find that the tenant's apartment was an illegal
13 basement apartment, despite DOB previously having
14 found that it was not. In both of these cases, we
15 think that these bills would be very important
16 because, at least in the example of 273 Lee, neither
17 the landlord, DOB, nor HPD ever told the tenants
18 anything. The only people the tenants had contact
19 with while they were being vacated was our office.
20 The tenants could not even reach the Red Cross in
21 that example. In 273 Lee, the landlord also caused
22 the damage on purpose so we believe that the proposal
23 to use 7-As would be crucial because he's not going
24 to cooperate.
25

2 CHAIRPERSON SANCHEZ: Your time is up but
3 if you could please summarize.

4 LINA RENIQUE-POOLE: Yeah. The tenants
5 there have not been able to get back their stuff yet
6 since last fall. The landlord has not let them in so
7 the idea of the landlord cooperating is not helpful.
8 On 183 South 2nd, prior to the vacate, the landlord
9 had actually expressed that he wanted the building
10 vacant of tenants. He had told the tenants he wanted
11 them gone. He had tried to break into other tenants'
12 apartments while they were showering so this is
13 clearly a bad actor, and so we believe that these
14 bills would be able to help tenants in these
15 situations, especially when landlords have no intent
16 of cooperating with DOB or HPD. Thank you.

17 CHAIRPERSON SANCHEZ: Thank you so much,
18 Lina.

19 EMILIANO HERRERA: (SPEAKING SPANISH)

20 CHAIRPERSON SANCHEZ: (SPEAKING SPANISH)
21 Are you the interpreter? Okay, yes, so you should
22 join us at the table. Yes. No problem. (SPEAKING
23 SPANISH)

24 EMILIANO HERRERA: (SPEAKING SPANISH)

2 INTERPRETER: Good afternoon. My name is
3 Emiliano Herrera. I'm coming from, I didn't get the
4 street name, but I will figure it out. (SPEAKING
5 SPANISH)

6 EMILIANO HERRERA: (SPEAKING SPANISH)

7 INTERPRETER: We were fighting in court
8 for our justice, and we just came back from the 7-A
9 case.

10 EMILIANO HERRERA: (SPEAKING SPANISH)

11 INTERPRETER: We were fighting in the
12 court for the 7-A, and we won the legal case
13 settlement, but it's the equivalent that we haven't
14 win anything because they still haven't done anything
15 for us.

16 EMILIANO HERRERA: (SPEAKING SPANISH)

17 INTERPRETER: We are here because we
18 really need your help and cooperation. We have really
19 been waiting for a very long time, and we don't know
20 what to do.

21 EMILIANO HERRERA: (SPEAKING SPANISH)

22 INTERPRETER: We have seen many cases like
23 this, and we don't know why they're discriminating us
24 because these people get a lot of help and support.

2 We don't get anything, and I don't know why they're
3 discriminating us.

4 EMILIANO HERRERA: (SPEAKING SPANISH)

5 INTERPRETER: We are very hard-working
6 Hispanic people. We don't bother anybody. We are poor
7 people, but we are hard-working, and I don't know
8 what they are doing this to us.

9 EMILIANO HERRERA: (SPEAKING SPANISH)

10 INTERPRETER: We are doing the best what
11 we can, and we also pay taxes ourselves.

12 EMILIANO HERRERA: (SPEAKING SPANISH)

13 INTERPRETER: Sorry. It's a different
14 accent. The Red Cross even told us that they were
15 going to help us financially, and they didn't keep
16 the word. The Red Cross didn't help us at all.

17 EMILIANO HERRERA: (SPEAKING SPANISH)

18 INTERPRETER: Sometimes, we ask ourselves
19 why these things are happening, why they don't care
20 about us. We are losing our families, and they don't
21 care about this.

22 EMILIANO HERRERA: (SPEAKING SPANISH)

23 INTERPRETER: We had requested help
24 several times about this problem, and they keep
25 denying the help that we are requesting about this.

2 EMILIANO HERRERA: (SPEAKING SPANISH)

3 INTERPRETER: Okay, and this is the reason
4 why we came here because we are thinking that we can
5 find people here that can help us with this problem.

6 EMILIANO HERRERA: (SPEAKING SPANISH)

7 INTERPRETER: We just wanted to know when
8 we will be able to return to our homes finally and
9 how we can return to our homes again without any
10 problem.

11 EMILIANO HERRERA: (SPEAKING SPANISH)

12 INTERPRETER: This is all. Thank you so
13 much for listening to us.

14 CHAIRPERSON SANCHEZ: (SPEAKING SPANISH)

15 the address?

16 EMILIANO HERRERA: (SPEAKING SPANISH)

17 INTERPRETER: It's in Brooklyn. 225 Lynch
18 Street. I'm just not familiar with the area.

19 CHAIRPERSON SANCHEZ: Thank you. And
20 (SPEAKING SPANISH)

21 EMILIANO HERRERA: (SPEAKING SPANISH)

22 INTERPRETER: Yes, we won the legal case,
23 but, unfortunately, we haven't gotten any apartment
24 arrangement or they haven't fixed anything in the
25 apartments.

2 CHAIRPERSON SANCHEZ: (SPEAKING SPANISH)

3 EMILIANO HERRERA: (SPEAKING SPANISH)

4 INTERPRETER: This happened in December of
5 the year 2020.

6 CHAIRPERSON SANCHEZ: Okay. (SPEAKING
7 SPANISH) Thank you for your testimony.

8 EMILIANO HERRERA: (SPEAKING SPANISH)

9 INTERPRETER: Okay. Thank you very much
10 for listening to me.

11 MARIBEL LOPEZ: Yes. Good afternoon,
12 everyone. Thank you for allowing us to be here. I
13 just want to start off first I want to say that I do
14 support 607, 608, 609. I want to speak a little bit
15 about the benefits that this will bring. My family
16 and I as many of you know that we did go through this
17 situation that we lost our apartment in August 2018.
18 We were vacated and, basically, we were just left in
19 the street. The only people that assisted us was the
20 Red Cross. From that moment on, we had a fend for our
21 own. We didn't receive any type of assistance from
22 HPD. Instead of receiving that type of assistance, we
23 were basically given a harder time by going into
24 their offices and them turning us away because we
25 didn't have the proper documentation but them knowing

2 that we just had a fire. That was one. Our neighbor
3 was given a shelter about an hour away from where we
4 currently lived at that time because she had minor
5 children. As soon as the youngest one turned 18, she
6 was told that she had to leave the shelter and figure
7 it out where she was going to go. Also, another thing
8 is that, for example, for us and 374 Wallabout, it
9 took us about four, close to five years to get back
10 in. HPD did not want to approve the 7-A so we really
11 had to depend on CORE, Communities Resist, and Los
12 Sures to help us, to fight to get back in our homes.
13 We feel that they really left out a lot, we didn't
14 get the support that we really needed at the time and
15 we wanted. It's the same situation with 225 Lynch
16 that they have a 7-A which was appointed in December
17 of 2023, and HPD denies the funding. They don't want
18 to give the funding for the building, and that makes
19 it harder because the judge will overturn the
20 decision if it's not funded. Thank you.

21 CHAIRPERSON SANCHEZ: Have you concluded?
22 Do you want to summarize anything?

23 MARIBEL LOPEZ: No, I'm done.

24 CHAIRPERSON SANCHEZ: Excellent. Thank you
25 so much for your testimony. It's very helpful to

2 understand your context. I'll certainly be following
3 up on 225 Lynch and with my Colleagues, any other
4 examples like this? It's not acceptable. (SPEAKING
5 SPANISH)

6 Thank you so much.

7 We're now going to move to a Zoom panel.
8 I'm going to call Alex Hui Chen Yong followed by Adam
9 Roberts.

10 ALEX HUI CHEN YONG: Good afternoon,
11 everyone. I'm Mr. Yong from the same coalition as
12 Maribel and Lina, who you just heard from. I'm going
13 to cut this in half to beat the clock, but you have
14 the full PDF, District 14 has the full PDF, but
15 vacate orders are certainly for the safety of
16 tenants, but what typically happens next is hurdle
17 after hurdle, always confusing, stressful and lacking
18 official guidance. Sadly, we've seen this pattern all
19 too often. Our coalition of families on the Lower
20 East Side who were victims of irresponsible
21 construction who then were relocated to far away
22 areas after receiving a vacate order. In
23 Williamsburg, we've seen vacate orders surge over the
24 last five years after suspicious fires or after
25 landlords use construction to damage the structural

2 integrity of buildings. Three of the Williamsburg
3 buildings are still not ready for tenants to return
4 with the tenants of 225 Lynch Street experiencing the
5 longest wait. In all these cases, tenants were left
6 scrambling for information and they desperately
7 reached out to any and all organizations who might
8 know what to do. The Back Home Act can finally tame
9 this chaos and, going forward, operational
10 inefficiencies will be reduced. Most importantly,
11 affected tenants would be able to stay nearby their
12 community until it's time to officially return.
13 They'll know where to get tangible help, such as
14 temporary safe access to their damaged homes. Vacate
15 orders force tenants from their homes in a traumatic,
16 disruptive way with little to no advance warning.
17 Once out, it's typical for tenants to face lengthy
18 delays as landlords continuously fail in their
19 obligations to repair buildings back to habitability.
20 On that specific issue, the Back Home Act would hold
21 landlords and City agencies accountable. This
22 legislative package is a dignified, holistic plan,
23 and anyone who loves common sense should support it,
24 and we put our contact information at the bottom of

2 the PDF. Thank you, Chair Sanchez and Committee
3 Members and everyone who attended today.

4 CHAIRPERSON SANCHEZ: Thank you so much,
5 Alex.

6 Adam Roberts.

7 SERGEANT-AT-ARMS: You may begin.

8 ADAM ROBERTS: Thank you for holding this
9 hearing today. I am Adam Roberts, Policy Director for
10 the Community Housing Improvement Program, also known
11 as CHIP. We represent New York's housing providers,
12 including apartment building owners and managers. We
13 are here to testify on Intros 607 and 608 as well as
14 tenant relocations more generally. These bills would
15 place limitations on relocating tenants after a
16 vacate order due to an emergency. While we do not
17 have any objections to these bills, we wanted to note
18 that these bills would be redundant for the 1 million
19 units of rent-stabilized housing in the city. This is
20 because New York State Housing and Community Renewal,
21 HCR, already places strict limits on relocating rent-
22 stabilized tenants. Looking more broadly at tenant
23 relocations, we hope the Council will use this as an
24 opportunity to reform tenant relocations in all
25 situations, not only in emergencies. As previously

2 mentioned, HCR makes relocating rent-stabilized
3 tenants effectively impossible. The inability to
4 relocate rent-stabilized tenants is perhaps the
5 greatest obstacle to building new housing in the
6 city. As we have seen in countless failed affordable
7 housing projects, a single rent-stabilized tenant can
8 block the construction of new affordable housing by
9 refusing to relocate temporarily during demolition.
10 No amount of tax credits or zoning reforms will
11 change this. The passage of 485X and the City of Yes
12 will not lead to new housing if existing buildings
13 with rent-stabilized tenants cannot be rebuilt. Over
14 40 percent of rental housing is rent-stabilized,
15 meaning huge portions of the city will not produce
16 new affordable housing because tenants cannot be
17 relocated. This is not only to the detriment of
18 future tenants but also to existing tenants. If
19 offered a brand-new apartment in exchange for
20 relocating during construction, the vast majority of
21 tenants would likely accept. Most rent-stabilized
22 buildings are over 100 years old. They do not have
23 basic necessities like elevators and functional HVAC
24 systems. Furthermore, they are filled with lead and
25 asbestos, which are dangerous to abate in occupied

2 apartments. Yet a single tenant refusing to relocate
3 can prevent all of their neighbors from having a new
4 home with an elevator and a heat pump, not to mention
5 other features like a new kitchen and bathroom.

6 SERGEANT-AT-ARMS: Time is expired.

7 ADAM ROBERTS: Thank you for holding this
8 hearing today. Happy to answer any questions.

9 CHAIRPERSON SANCHEZ: Thank you so much,
10 Adam.

11 I'd now like to call up Israel Sanchez,
12 Ibrahim Xavier Johnson, Alex Stein, and Todd Roulet.

13 SERGEANT-AT-ARMS: You may begin.

14 CHAIRPERSON SANCHEZ: Okay, not seeing the
15 presence of these individuals on Zoom, I would now
16 like to turn back to in person and call up
17 Christopher Leon Johnson.

18 CHRISTOPHER LEON JOHNSON: Ready? Good
19 afternoon, Chair Pierina Sanchez and Council Member
20 Gutiérrez. I want to make this speech a little quick.
21 I know I just came here. I'm in support of Intro.
22 136. Now, the reason I'm for that Intro. is because
23 the thing is like why it's not even a bill yet. To
24 keep it 100 percent, some of these buildings, they
25 need to have a weight system because there's a reason

2 why that certain buildings, like later on in the run,
3 they're not in compliance and they're prone to
4 unfortunate demolition so I'm in for that Intro.

5 One more thing is this bar called Saint
6 Vitus, it needs to be saved. I don't know why you
7 didn't ask him, like Mr. Jimmy Oddo, what's up with
8 Saint Vitus Bar? Why he's hellbent on trying to shut
9 down that bar. It should be a landmark, and that's
10 all I have to say. Thank you.

11 CHAIRPERSON SANCHEZ: Thank you so much.

12 This concludes our public testimony and,
13 with that, I want to thank everybody who participated
14 in this hearing today for your thoughtful comments
15 and questions. Thanks to my Colleagues.

16 With that, this hearing is adjourned.

17 [GAVEL]

18

19

20

21

22

23

24

25

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 May 23, 2024