

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

----- X

April 18, 2016  
Start: 10:33 a.m.  
Recess: 1:06 p.m.

HELD AT: 250 Broadway - Committee Rm.  
14th Fl

B E F O R E: JUMAANE D. WILLIAMS  
Chairperson

COUNCIL MEMBERS: Rosie Mendez  
Ydanis A. Rodriguez  
Robert E. Cornegy, Jr.  
Rafael L. Espinal, Jr.  
Mark Levine  
Helen K. Rosenthal  
Ritchie J. Torres  
Barry S. Grodenchik  
Rafael Salamanca, Jr.  
Eric A. Ulrich

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

Timothy Hogan, Deputy Commissioner  
Enforcement  
NYC Department of Buildings, DOB

Parick Wehle, Assistant Commissioner  
External Affairs  
NYC Department of Buildings, DOB

Salvatore Agostino, Building Marshal  
NYC Department of Buildings, DOB

Deborah Rand, Assistant Commissioner  
Housing Litigation  
Dept of Housing Preservation and Development

Hiley Chiu Appearing For Gale Brewer  
Manhattan Borough President

Delsenia Glover, New York State Tenants and  
Neighbors and Tenants and Neighbors Coalition

Betty Eng  
Tenant at 90 Elizabeth Street

Fernando Guzman, United Neighbors Organization, UNO,  
Saint Nick's Alliance  
Stand for Tenant Safety Coalition

Tangier Harper, Staff Attorney  
MFY Legal Services

Karen Platt  
Tenant at 522 East 5th

Jack Underwood, Staff Attorney  
Brooklyn Legal Services Corporation A

Jan Lee, Housing Staff Attorney  
Urban Justice Center's Community Development Project

Chris Copeland, Staff Attorney  
Bronx Legal Services

David Fillingame, Staff Attorney  
Manhattan Legal Services

Betsy Eikel, Tenant Organizer  
Housing Conservation Coordinators

Donna Chin, Director  
Housing and Community Services  
Asian-Americans for Equality

Ana Rosa Granados  
Legal Advocate  
Brooklyn Legal Services

Lahari Torres

Nikki Ledger

David Chang, Environmental Health Coordinator  
We Act for Environmental Justice  
Appearing for Stand for Tenant Safety Coalition

Chelsea Blocklin, Tenant Organizer  
South Side of Williamsburg

Emily Goldstein  
Assoc. for Neighborhood & Housing Development, ANHD

2 [sound check, pause] [coughs] [gavel]

3 CHAIRPERSON WILLIAMS: Good morning,  
4 everyone. Thank you so much for your patience, and I  
5 apologize for our tardiness. Council--I'm Council  
6 Member Jumaane Williams, Chair of the Council's  
7 Committee on Housing and Buildings. I'm joined today  
8 by Council Member Margaret Chin, and we were just  
9 joined by Council Member Ritchie Torres. We're here  
10 today to discuss four bills, Intro No. 918, No. 924,  
11 No. 934 and Intro No. 944. In addition, the  
12 committee will vote on three bills, Intro No. 831,  
13 1118 and Intro No. 1119. We've got a lot to cover so  
14 I'm going to give a brief overview of the bills  
15 before us, and then we'll hear from the  
16 Administrations and members of the public. Right  
17 before that, we'll hear from some of the sponsors of  
18 the bill.

19 Intro No. 918 sponsored by Council Member  
20 Chin, who is here and present. Thank you Council  
21 Member Chin--will prohibit construction documents  
22 from being subject to less full examination, and  
23 would also require that final inspection by--be  
24 performed by DOB on more than 10% of the dwelling  
25 units are occupied or where the owner has previously

2 harassed tenants. We've also been joined by Council  
3 Member Grodenchik. [coughs]

4 Intro No. 924, sponsored by Council  
5 Member Espinal, would require vacate orders to  
6 include a requirement for the conditions for which  
7 the vacate order was issued by--be corrected in ten  
8 days or less.

9 Intro No. 934, sponsored by Council  
10 Member Levin--sorry, Levine, would create a real time  
11 enforcement unit in DOB to enforce construction  
12 codes. The bill would also require DOB to publish an  
13 annual report on the effectiveness of such unit.

14 Intro No. 944, sponsored by Council  
15 Member Rosenthal would impose certain additional  
16 penalties for performing construction work without a  
17 permit, and would require posting of information  
18 concerning the occupancy status of buildings subject  
19 to a permit.

20 Intro No. 831, which we'll be voting on,  
21 sponsored by myself at the request of the Mayor,  
22 which the committee will voting on momentarily, would  
23 also permit filing fees for certain new buildings and  
24 alteration permit applications filed with DOB. The  
25 bill would be prescreens--the bill would be

2 prescreened from one, two, and three-family homes and  
3 increase fees for larger buildings. I would like to  
4 note that permit filing fees have not been increased  
5 since 1991.

6 Finally, the last bill the committee will  
7 vote on, Intro No. 1118 and Intro No. 1119, also  
8 sponsored by myself at the request of the Mayor,  
9 would move the City expiration date for the J51  
10 program, a tax exemption and abatement program for  
11 renovation of residential buildings and single-room  
12 occupancy housing units from June 30th, 2015 to June  
13 30th, 2019. And I believe that Council Member Chin  
14 would like to make an opening statement on her bill.  
15 Please go ahead.

16 COUNCIL MEMBER CHIN: Thank you, Chair  
17 Williams. Good morning. I'm Council Member Margaret  
18 Chin. I represent Council District 1 in Lower  
19 Manhattan. First, I want to thank Chair Williams for  
20 hearing Intro 918 sponsored by me and Council Member  
21 Menchaca along with several other bills from the--  
22 from the Department of Buildings Reform package to  
23 protect residents against tenant harassment through  
24 unnecessary construction. I also want to acknowledge  
25 all the members of the stands of Tenant Safety

2 Coalition in the hearing room today for their  
3 tireless work to get these bills to where they are  
4 now. Half a year ago, my colleagues and I introduced  
5 a reform package because we needed a way to  
6 proactively prevent landlords from using construction  
7 as one of the many tactics to force tenants out of  
8 their homes. Since then, the problem has only gotten  
9 worse. For too many landlords, particularly those  
10 with a history of tenant harassment continue to self-  
11 certify and lie that their buildings are safe and  
12 eligible for construction activity without fear of  
13 repercussions. However, by requiring the Department  
14 of Buildings to institute limits on self-  
15 certification of buildings, we will be able to stop  
16 the noise, the clouds of dust, the damage to people's  
17 homes before it even starts. Our bill requires the  
18 Department of Buildings to do a full examination of a  
19 building before doing construction on a building that  
20 has more than ten percent of the dwelling units  
21 occupied or when the landlord has been found guilty  
22 of tenant harassment within the last 15 years. It  
23 also requires the Department of Buildings to do a  
24 final inspection for permanent work on buildings that  
25 have more than ten percent of the dwelling units

2 occupied, or when a landlord has been found guilty of  
3 tenant harassment within the last 15 years. The  
4 practice of self-certification must be limited if we  
5 are to protect the New Yorkers throughout our city  
6 from the growing problem of tenant harassment through  
7 construction. We must hold our landlords accountable  
8 and ensure our residents can live without the fear of  
9 harassment. I look forward to hearing testimony from  
10 the Department of Buildings as well as housing  
11 advocates, community leaders and tenants. Once  
12 again, I want to thank Chair Williams for having this  
13 hearing, and I also want to thank Council Members  
14 Menchaca, Johnson, Kallos, Levin, Levine, Mendez,  
15 Reynoso, Rosenthal, Lander, Rodriguez, Van Bramer,  
16 Rose and Richards for their support on Intro 918.  
17 Thank you. [applause]

18 CHAIRPERSON WILLIAMS: So what we try to  
19 do is one of these if you're happy with the reason  
20 that you've heard. [laughter] Thank you, Council  
21 Member Chin for your opening statement. We've also  
22 been joined by Council Member Salamanca. Again,  
23 we'll be having two separate things happening here.  
24 We'll be having a hearing on four bills, and we'll be  
25 voting on three bills and the three bills that I



2 mentioned. I encourage all of my colleagues to vote  
3 in favor for today. I'd like to thank my staff for  
4 the work they did to assemble this hearing including  
5 Nick Smith, my Deputy Chief of Staff and Legislative  
6 Director; Jim Wilcox and Megan Chin, counsel to the  
7 committee; Guillermo Patino and Jose Conde, Policy  
8 Analysts for the committee; and Sarah Gastelum, the  
9 committee's Finance Analyst. That said, I'm going to  
10 call up representatives from the Administration as  
11 our first panel, and I'd like to remind everyone that  
12 would like to testify today to please fill out a card  
13 with the Sergeant at Arms. We're going to have  
14 Timothy Hogan, the Deputy Commissioner of the  
15 Department of Buildings. [pause] Timothy Hogan, and  
16 we'll have Deputy Commissioner Agostino, and Patrick  
17 Wehle to answer questions as necessary Deborah Reed  
18 and Terry Davis Mitchell. [background comments]  
19 Everyone who's testifying would you please raise your  
20 right hand. Do you affirm to tell the truth, the  
21 whole truth and nothing but the truth in your  
22 testimony before this committee today, and to respond  
23 honestly to council member questions?

24 I do.

2 CHAIRPERSON WILLIAMS: Thank you, and you  
3 can begin at your convenience.

4 DEPUTY COMMISSIONER HOGAN: Good morning,  
5 Chair Williams, members of the Housing and Building  
6 Committee and other members of the City Council. I  
7 am Timothy Hogan, Deputy Commissioner of Enforcement  
8 for the Department of Buildings. I am joined by  
9 Assistant Commissioner for External Affairs, Patrick  
10 Wehle; the department's Building Marshall, Salvatore  
11 Agostino; and from the Department of Housing  
12 Preservation and Development, the Assistant  
13 Commissioner of Housing Litigation Deborah Rand. We  
14 are pleased to be here to offer testimony on four  
15 different pieces of legis--proposed legislation  
16 related to the use of construction to harass tenants  
17 out of their apartments. Performing construction  
18 work as a means to harass tenants is illegal. It  
19 puts the safety of the tenants at risk and  
20 destabilizes families and communities. At the  
21 direction of Commissioner Chandler, the department  
22 has renewed its focus on rooting out this illegal  
23 activity. The department participates in the Tenant  
24 Harassment Prevention Taskforce, a partnership  
25 between multiple city and state agencies in which

2 cellar to roof inspections are performed,  
3 investigations identify bad actors, and enforcement  
4 is executed. Separately, the department partners  
5 with Housing Preservation and Development in its  
6 performing inspections. In determining where to  
7 focus our attention, we work with the Mayor's Office  
8 of Data Analytics to review a number of points to  
9 determine where tenant harassment is likely to occur.  
10 Given that data alone, we will not identify all  
11 instances of harassment. Equally important is our  
12 work with numerous organizations and elected  
13 officials who provide us with locations to inspect.  
14 Over the past 15 months, this effort has resulted in  
15 the issuance of nearly 2,500 violations, 134 stop  
16 work orders, and 39 vacate orders. The Tenant  
17 Protection Unit with the Mayor's Office performs  
18 outreach to tenants in neighborhoods facing rezoning  
19 and addresses issues related to tenant harassment.  
20 Additionally, the Office of Civil Justice with the  
21 Human Resources Administration administers the Anti-  
22 Harassment Tenant Protection Legal Services Program.  
23 This program provides access to legal services for  
24 low-income households, enabling them to remain in  
25 their neighborhoods. Administratively, the

2 department has put several reforms in place to help  
3 identify bad actors, and ensure construction work  
4 does not proceed without appropriate protections in  
5 place for tenants.

6           When Construction documents are filed  
7 with the department, an owner needs to certify that  
8 the building has--whether or not the building has any  
9 occupied dwelling units, and if so, whether they are  
10 subject to rent regulation. If they are subject to  
11 rent regulation, the owner is required to notify New  
12 York State Homes and Community Renewal of their  
13 filing with the department, and that they intend to  
14 apply--to comply with HCR regulations. Additionally,  
15 applicants are required to file a Tenant Protection  
16 Plan with the department whenever they are performing  
17 an alteration to a building in which there are any  
18 units occupied. The Tenant Protection Plan provides  
19 the means and methods to which the health and safety  
20 of the tenants will be protected. Historically, if  
21 an owner falsely stated on a construction document  
22 that their building was unoccupied when, in fact, it  
23 was, absent an inspection, the department has no  
24 means to verify the accuracy of that statement. I am  
25 pleased to inform you that the department has just

2 executed a memorandum of understanding with housing--  
3 HCR, and that they will provide the department with  
4 access to the public database on rent regulated  
5 buildings. Once integrated into our system, the  
6 Buildings Department will be able to verify the  
7 occupancy and rent regulation status of buildings for  
8 which construction work is planned. It is important  
9 information, and it is not filed accurately with the  
10 department, the application will be approved--will  
11 not be approved, and the violation will be issued.  
12 While Tenant Protection Plan s are required to be  
13 filed with the department, unless a visit was made to  
14 the department officers to be reviewed by the  
15 tenants, historically tenants in the public would  
16 not--have no awareness of their existence let alone  
17 what protections are being used to keep them safe.  
18 The department is now posting Tenant Protection Plan  
19 s on our website. Furthermore, applications will not  
20 be approved and construction will not proceed without  
21 a Tenant Protection Plan that meets the department's  
22 satisfaction.

23 I will now comment on the proposed  
24 legislation before this committee. Intro 918 floor  
25 plan examination by the department prohibits the

2 inspection of permit holders for multiple dwellings  
3 when more than ten percent of the units are occupied  
4 or where the owners harass tenants. While the  
5 department's prize--primary mandate is to advance  
6 safety and code compliance construction, we also  
7 obligated to do all we can to ensure safety--safe  
8 development happens swiftly. Allowing a licensed  
9 professional to self-certify their work is integral  
10 to hastening job creation and affordable housing  
11 construction. Prohibiting licensees from self-  
12 certification of their work will drastically increase  
13 the time and cost for development of owners and  
14 professionals, the vast majority of whom are not  
15 engaging in the use of construction to harass  
16 tenants. Furthermore, the department has no ability  
17 to determine how--what percentage of a building is  
18 currently occupied. A universe we can identify that  
19 merits the extra scrutiny is owners who have been  
20 found guilty of harassing tenants. The department  
21 supports requiring full plan exam, and the department  
22 performs final inspections for any building or  
23 portion thereof where there is a court finding of a  
24 owner harassing tenants.

Introductory No. 924 requires conditions that resulted in the vacate order by the department to be corrected within ten days. Given the harm displacement causes to tenants and other occupants of the building, the Department of Buildings issues vacate orders only when absolutely necessary due to conditions at a building presenting an immediate threat to the safety of the occupants and the public. In 2015, the department issued 1,969 vacate orders. Vacate orders are typically issued for structural problems or inadequate life safety systems. Correction of conditions that resulted in that vacate order within ten days is in many instances unrealistic or even impossible given the significant amount of work necessary to correct the condition or that the law does not allow correction, as in the case of many illegal conversions. When opportunities are available to reduce the safety risks, such as the occupants being able to inhabit the building, the department takes full advantage of them. For example, if a building is vacated due to an inadequate sprinkler protection system, the department can allow access on the condition that certified fire guards are stationed in the building.

2 The department welcomes the opportunity to discuss  
3 further the kind of vacate orders where more can be  
4 done to compel correction in the form that that would  
5 take.

6 Introductory 934 establishes a real time  
7 enforcement unit within the department charged with  
8 focusing on occupied multiple dwellings that receive  
9 work without a permit complaint or valid permits for  
10 the alterations of ten percent or more of a  
11 building's floor area or of construction of in  
12 addition to the building. Work without a permit  
13 complaint would require inspection within two hours  
14 of receipt. Owners of occupied multiple dwellings  
15 with the permits for work just described will be  
16 required to notify the department within 72 hours of  
17 commencement of work, and the unit will be required  
18 to perform an inspection within five days after the  
19 commencement of such work. Finally, the unit will be  
20 required to support--provide annual reports on those  
21 activities. There are currently 218,703 multiple  
22 dwellings in the city of New York, which the  
23 department received approximately 7,500 work without  
24 a permit complaints in 2015. In 2015, the department  
25 issued 61,823 alternation permits to those multiple



2 dwellings. The department does not track how many of  
3 those multiple dwellings are occupied, nor do we  
4 track the percentage of floor area affected by the  
5 alterations. In order to effectively respond to the  
6 enormous volume of complaints, the department  
7 receives [coughs]--the department receives a triages  
8 used, which--where those complaints represent a  
9 greater threat to the safety of the public and  
10 inspected before complaints that present a lesser  
11 threat. A-Complaints are potentially life  
12 threatening and receive inspection within 24 hours.  
13 A-Complaints include structural stability issues and  
14 blocked egress. The department has elevated the  
15 status of complaints concerning the use of  
16 construction to harass tenants and now treats them  
17 akin to an A-Complaint, and which we respond within  
18 48 hours. Most work without permit complaints are  
19 not life threatening, and as such, they do not  
20 receive an inspection within the 24-hour period let  
21 alone two hours. Requiring inspections of all types  
22 of work without a permit complaint within two hours  
23 absent a tremendous investment of new resources would  
24 result in an increase in the amount of time it takes  
25 for the department to respond to actual emergencies.

2 Given the limited resources and other obligations to  
3 use them responsibly, most work without permit  
4 complaints should not receive the department's  
5 highest attention. Similarly, requiring inspection  
6 within five days of the commencement of work in  
7 occupied dwellings whose floor area is being altered  
8 by more than 10% or more or when an addition is being  
9 constructed is an inefficient use of limited  
10 resources. Those inspections would negatively affect  
11 our response time for work that deserves prompt  
12 attention.

13           Introductory 944 requires public notice  
14 of construction in buildings who's occupied and  
15 establishes new regulations that would apply for one  
16 year following the issue of work without a permit  
17 violation. Concerning public notice, the bill  
18 requires the department to post a notice on its  
19 website indicating whether construction documents  
20 related to the permit indicate any dwellings as being  
21 occupied. With our decision to post the Tenant  
22 Protection Plan on our website as explained earlier  
23 in the testimony, the department does provide that  
24 notice. Additionally, the bill requires posted  
25 permits to state whether the building will be

2 occupied during construction. As an alternative to  
3 having the occupancy included on the permit, work  
4 consideration is requiring the Tenant Protection Plan  
5 be posted in a public area of the building during  
6 construction. The bill also requires full  
7 examination by the department for one year after the  
8 issuance of a work without a permit violation. While  
9 the department--the department agrees that bad actors  
10 should not be entitled to self-certify their work,  
11 the department has concerns with the proposal as it  
12 makes no distinction between a building and an owner.  
13 As this bill is currently written, individual unit  
14 owners can be penalized for the actions of other  
15 tenants in the building. Additionally, when the  
16 work--when a unit is sold--I'm sorry, additionally,  
17 when a unit with a work permit--work without a permit  
18 is sold, the new owner could be prohibited from self-  
19 certifying. The department welcomes the opportunity  
20 to discuss this further with the Council.

21 For a year after the issuance of work  
22 without a permit violations at a building, upon  
23 receipt of an application of the same building, the  
24 department will also be required to provide notice of  
25 the proposed work to the relevant borough--borough

2 president, City Council members and community board  
3 at least 30 days before the issuance of a permit.

4 Local 10 of '16, which was approved by this committee  
5 on January 14th and takes effect on May 1st, requires  
6 weekly--weekly notification of applications received,  
7 approved, and disapproved to the same public  
8 officials. This weekly notification would include  
9 applications for which the notification is required  
10 by this bill.

11 Intro 944 also doubles the civil  
12 penalties for work without a permit violation on a  
13 building that is received within one year of the  
14 initial work without a permit violation, and  
15 authorizes the department to impose an inspection fee  
16 for complaint based inspections that result in a  
17 violation within one year of the issuance of a work  
18 without a permit violation. Although the department  
19 supports complaint based inspection fees, and  
20 increased civil penalties for repeat violators, the  
21 amount of the increase requires further discussion.  
22 Similar to requiring full plan examinations resulting  
23 from the work without a permit as explained above,  
24 and as written, increased penalties will punish  
25 individual unit owners for actions of other tenants

2 in the building. The department does welcome the  
3 opportunity to discuss this further with Council. The  
4 use of construction to harass tenants is a real and  
5 absolutely dreadful practice that requires tenants  
6 and their surrogates to be promptly identified and  
7 served with severe punishment. That said, rather  
8 than advancing solutions that paint all multiple  
9 dwellings with the same broad brush, we ask that you  
10 support in advancing targeted solutions that will use  
11 limited resources efficiently, and ensure our  
12 attention is focused where it needs to be most  
13 productive. Thank you for your attention, and the  
14 opportunity to testify here today. I welcome you for  
15 any questions you may have.

16 CHAIRPERSON WILLIAMS: Thank you so much  
17 for the testimony. I just want to run down and make  
18 sure I have your correct understanding of your  
19 position on the bills, and ask some general  
20 questions, and then allow my colleagues to ask  
21 questions on their specific bills, and follow with  
22 any questions that weren't asked yet. So,  
23 Councilman--I'm sorry. Intro No. 918, Council Member  
24 Chin. It seemed like you were potentially (sic) with  
25 the poster. Is that correct? [pause]

2 ASSISTANT COMMISSIONER WEHLE: Good  
3 morning, Council Member Williams. My name is Patrick  
4 Wehle, Assistant Commissioner for External Affairs at  
5 the Buildings Department. Regarding Intro 918, I'd  
6 say we support it in part. I think the idea of  
7 requiring full plan exams for all multiple dwellings  
8 that have ten--that are ten percent more occupied, we  
9 don't agree with that idea because you're capturing a  
10 very large universe of multiple dwellings, the  
11 overwhelming majority of whom are not engaging in the  
12 use of construction to harass tenants. However,  
13 working on a more narrowly defined and targeted  
14 universe of those buildings where, in fact, a court  
15 has found that that tenant harassment did occur, we  
16 do think it's a good idea to prohibit full plan  
17 examinations, and final inspections for those  
18 buildings.

19 CHAIRPERSON WILLIAMS: And Intro 924,  
20 which is Espinal. This is a welcomed discussion  
21 before the--the counter (sic) vacate orders.

22 DEPUTY COMMISSIONER HOGAN: Yes, as  
23 discussed earlier, the--we--we support the--the  
24 vacate orders as it relates to tenant harassment, but  
25 with the wide range of vacate order that are issued

2 would make this very difficult to do. In--in a lot  
3 of instances, they use a lot with fires and  
4 structural stability issues that often take long  
5 periods of time to repair.

6 CHAIRPERSON WILLIAMS: Intro No. 934,  
7 Council Member Levine. It sounds like you have  
8 several issues with this one.

9 [background comments]

10 DEPUTY COMMISSIONER HOGAN: The  
11 department does not have the assets to have focus on  
12 that two-hour response time. We currently run an--  
13 and emergency response team that does respond to  
14 emergencies. With the amount of emergencies that we  
15 have around the city, and the staffing that we have  
16 available to cover that team, would--would never be  
17 able to handle a two-hour response. In many  
18 instances it takes us over two hours just to get to a  
19 location, and when they go to a location, they're  
20 often tied up there on a--on a major incident for  
21 many hours.

22 CHAIRPERSON WILLIAMS: So this one it  
23 seemed like everyone so far, you have the least  
24 support about--for this one.

2 DEPUTY COMMISSIONER HOGAN: That's  
3 correct.

4 CHAIRPERSON WILLIAMS: And Intro No. 944,  
5 Rosenthal, it seemed like there was some support if  
6 there were changes made.

7 DEPUTY COMMISSIONER HOGAN: Yes, Council  
8 Member, that's correct.

9 CHAIRPERSON WILLIAMS: I just wanted to  
10 go back to [pause] what seems to be a [coughs] very  
11 big change of you now working with HCR, with the  
12 memorandum of understanding that there is I guess  
13 some information sharing now that wasn't happening  
14 before.

15 DEPUTY COMMISSIONER HOGAN: That's  
16 correct. It took us a while to work out the issues  
17 related to the privacy act for the exchange of that  
18 information. We've since done so. We're using the  
19 public information and making it available to  
20 Buildings Department employees who do plan reviews,  
21 and we have some limited access to specific units  
22 that are involved.

23 CHAIRPERSON WILLIAMS: How long have you  
24 been working on it?



2 DEPUTY COMMISSIONER HOGAN: Probably  
3 about six months.

4 CHAIRPERSON WILLIAMS: Because it seems  
5 to me there's a lot of--a lot of stressful answers  
6 when we try to ask the city agencies why they were  
7 not--where they are or are not working with state  
8 agencies, particularly HCR. I'm glad that you found  
9 a way to get past that. Do you have some best  
10 practices that you can share with HPD? Have you  
11 shared them?

12 DEPUTY COMMISSIONER HOGAN: HPD already  
13 receives that information from--from HCR, and we had  
14 to work out a separate agreement with them in order  
15 to get it.

16 CHAIRPERSON WILLIAMS: Sure. Can I ask  
17 someone from HPD to come up?

18 ASSISTANT COMMISSIONER RAND: [off mic]  
19 I'm here.

20 CHAIRPERSON WILLIAMS: I'm--I'm sorry.  
21 [coughs]

22 ASSISTANT COMMISSIONER RAND: [off mic]  
23 I'm Deborah Rand.

24 CHAIRPERSON WILLIAMS: Yes.

2 ASSISTANT COMMISSIONER RAND: We have  
3 agreements with HCR, MOUs, which permit us to use the  
4 data only for enforcement purposes.

5 SERGEANT-AT-ARMS: Can you use the mic,  
6 please.

7 ASSISTANT COMMISSIONER RAND: I'm sorry.  
8 [background noise] I'm Deborah Rand. I'm head of  
9 the Division of Housing Litigation. Portions of HPD  
10 already have agreements with HCR, which permit us  
11 access to HCR information, but it's for the purposes  
12 of enforcement only. So I think that's what the OBS  
13 seek in a similar MOU.

14 CHAIRPERSON WILLIAMS: So I'm just and  
15 this is a little off topic, but whenever we talk  
16 about what is issue in terms of rent stabilization is  
17 mentioned. But we always get a lot of pushback that  
18 we can't get that information. So while are we able  
19 to do it here, and not when it comes to registration  
20 or when it comes rent stabilization?

21 ASSISTANT COMMISSIONER RAND: I'm sorry.  
22 I didn't understand. The registration? What do  
23 mean?

24 CHAIRPERSON WILLIAMS: When we--when we  
25 ask questions about--

2 ASSISTANT COMMISSIONER RAND:

3 [interposing] Oh.

4 CHAIRPERSON WILLIAMS: --renters having  
5 registered for rent stabilization correctly,  
6 accurately in the rents that are signed up. We  
7 always get pushback of how difficult that is, and we  
8 keep pushing to--to have it done, even trying to push  
9 for HPD to create their own system. We've been--  
10 we've been told that it's duplicative, but it seems  
11 now for the--for the purpose of enforcement it can be  
12 done. So why can't it be done here, but can't be  
13 done when it comes to rent stabilization?

14 ASSISTANT COMMISSIONER RAND: You'd have  
15 to ask DHCO. We're under a privacy requirement like  
16 HCR is. We can't publicize the information, but you  
17 should approach HCR.

18 CHAIRPERSON WILLIAMS: Have you--the same  
19 format that you requested the information for this,  
20 have you requested it for rent stabilization?

21 ASSISTANT COMMISSIONER RAND: No, that's  
22 what we have. We have an MOU to give us access to  
23 rent stabilization information, but it's only for the  
24 purposes of enforcement. We can't publicize the  
25 information we get.

2 CHAIRPERSON WILLIAMS: Okay. I'm--I'm  
3 going to follow HPD on a bunch more questions on  
4 that. We actually have a quorum now to take a vote  
5 that I think we need to take. So we've been joined  
6 by Council Members Reynoso, Mendez, Torres,  
7 Rosenthal, Levine, and Espinal. So I'm going to  
8 pause for a second and ask the Clerk to call the  
9 roll.

10 CLERK: William Martin, Committee Clerk.  
11 Roll call vote Committee on Housing and Buildings.  
12 Chair Williams.

13 CHAIRPERSON WILLIAMS: I vote aye.

14 CLERK: Mendez.

15 COUNCIL MEMBER MENDEZ: I vote aye.

16 CLERK: Espinal.

17 COUNCIL MEMBER ESPINAL: [off mic] I  
18 vote aye.

19 CLERK: Levine.

20 COUNCIL MEMBER LEVINE: Aye.

21 CLERK: Rosenthal.

22 COUNCIL MEMBER ROSENTHAL: Aye.

23 CLERK: Torres.

24 COUNCIL MEMBER TORRES: Aye.

25 CLERK: Grodenchik.

2 COUNCIL MEMBER GRODENCHIK: Aye.

3 CLERK: Salamanca.

4 COUNCIL MEMBER SALAMANCA: Aye.

5 CLERK: By a vote of 8 in the  
6 affirmative, 0 in the negative and no abstentions,  
7 Intro--Introductions 831-A, 1118 and 1119 have been  
8 adopted by the committee.

9 CHAIRPERSON WILLIAMS: Thank you very  
10 much. [coughs] I am still very confused about--

11 ASSISTANT COMMISSIONER RAND: I'm sorry.

12 CHAIRPERSON WILLIAMS: Oh, no, I'm just--  
13 I'm still very confused about--would like to--did you  
14 want to add something? I just--I--I want to  
15 understand. So the information you're getting from  
16 HCR would--in terms of construction, can't be shared  
17 with the public?

18 ASSISTANT COMMISSIONER RAND: I don't get  
19 any information from HCR about construction. I'm  
20 sorry. Maybe there was a misunderstanding.

21 CHAIRPERSON WILLIAMS: You do not?

22 ASSISTANT COMMISSIONER RAND: Not about  
23 construction. No.

24

25

2 CHAIRPERSON WILLIAMS: All right, DHC can  
3 you explain to me--I'm sorry, DOB, what information  
4 do you now get with HCR?

5 DEPUTY COMMISSIONER HOGAN: Previously,  
6 we were not given the information related to whether  
7 or not a particular building was in the rent  
8 subsidized community.

9 CHAIRPERSON WILLIAMS: And you get that  
10 information now?

11 DEPUTY COMMISSIONER HOGAN: We are  
12 getting that information now.

13 CHAIRPERSON WILLIAMS: HPD you're not  
14 getting any information?

15 ASSISTANT COMMISSIONER RAND: A limited  
16 number of units in HPD have signed a private--an MOU,  
17 a memorandum of understanding, with the HCR. We  
18 cannot share the information with any other portion  
19 of HPD. We only--on housing litigation. We only can  
20 use it for a limited portion of housing liti--  
21 litigation.

22 CHAIRPERSON WILLIAMS: DOB what's your  
23 limitation on information that you have?

24 DEPUTY COMMISSIONER HOGAN: They will  
25 advise us as to a--a location of a building that has

2 a rent subsidized unit. They will not identify the  
3 level within. So if--if you have a building with 50  
4 units and only three of them are rent subsidized, we  
5 have a very limited access to about a few people  
6 within the Enforcement Division who would be able to  
7 look at the actual units to make a determination of  
8 whether they're affected by the construction. But the  
9 regular plan examiners would not have access to it.  
10 Only an identification that says that that building  
11 is, in fact, has--has rent stabilized apartments in  
12 it.

13 CHAIRPERSON WILLIAMS: HPD, do you have  
14 similar information that you can get so that you can  
15 get so that you can enforce rent regulation, or help  
16 enforce that you do not?

17 ASSISTANT COMMISSIONER RAND: We do not  
18 enforce rent regulations.

19 CHAIRPERSON WILLIAMS: Well, so just so  
20 that we know--what I'm trying to get at is to assist  
21 in getting that information out there. So you are  
22 the city agencies. So if someone is violating, you  
23 can't even get that information to find out whether  
24 or not they're violating?

2 ASSISTANT COMMISSIONER RAND: I--I--I'm  
3 not sure I understand the question. What we use the  
4 information we get for is to sue. Use it for  
5 lawsuits for enforcement of the Housing Maintenance  
6 Code.

7 CHAIRPERSON WILLIAMS: All right, because  
8 there's been information about violations of tax  
9 abatements, and there have been. You know, they--  
10 they haven't registered units appropriately with  
11 they're doing tax information, city tax information,  
12 and we have learned that you didn't have that  
13 information.

14 ASSISTANT COMMISSIONER RAND: I'm--I'm  
15 sorry. I can't speak for that portion of the  
16 Department of Housing Preservation.

17 CHAIRPERSON WILLIAMS: I know. It just  
18 seems to me now that the city can, in fact, enter an  
19 MOU with the State agency so that the City can  
20 enforce what they need to enforce. It sounds like  
21 several (sic) they don't want to. So I'm a little  
22 frustrated by that because although you don't enforce  
23 rent regulation, you do enforce tax abatements, and  
24 so--



2 ASSISTANT COMMISSIONER RAND: I honestly  
3 don't know the answer to that question.

4 CHAIRPERSON WILLIAMS: Okay. All right.  
5 Thank you very much. I'm going to go to my  
6 colleagues that have bills first. They're going to  
7 get five minutes each. We'll have Council Member  
8 Chin, Rosenthal, possibly Reynoso--

9 COUNCIL MEMBER REYNOSO: And Levin, sir.  
10 Levin.

11 CHAIRPERSON WILLIAMS: Levin. Well,  
12 let's--we have Chin, Rosenthal, Reynoso and Levin.  
13 Does anybody else--?

14 [pause]

15 COUNCIL MEMBER CHIN: Okay. Thank you  
16 for your testimony. Regarding 918, you were saying  
17 that the--there are just too many buildings that you--  
18 -we are asking for that at least ten percent of the  
19 dwelling unit is occupied that you have to--to review  
20 the plan, and then they--they cannot just self-  
21 certify. Now, in your testimony, you said that the  
22 department's primary mandate is to advance safe and  
23 co-com--compliance, right? Co-compliance  
24 construction. So, the issue here is that we have so  
25 many examples of not preserving affordable housing,

2 but taking away affordable housing, and I think that  
3 is an important mandate for the department to help us  
4 preserve the affordable housing that we have. So  
5 that now since you have the memorandum of  
6 understanding with HCR, you should be able now to get  
7 the information easily of all these rent regulated  
8 buildings, and you can see if they are occupied or  
9 not. So what would be so difficult to make sure that  
10 that the department reviews those plans and makes  
11 sure that tenants are not being harassed by these  
12 illegal constructions. Because the landlords have  
13 been certifying that they have no residents in the  
14 building and, in fact, they lie. We have examples  
15 after examples in my district, and it's really  
16 unconscionable that tenants have to live through  
17 those conditions. So as the City agency, we want to  
18 make sure that the city agencies are proactive to  
19 help us protect and preserve affordable housing.  
20 Because in your testimony, you're talking about, you  
21 know, pushing the process forward so we can build  
22 more affordable housing. But these bad actors are  
23 taking away affordable housing. So how is the City  
24 and the City agencies, how do we stop that? How do  
25 we proactively protect these units? Because we know

2 that this is a game that's going on, and these  
3 landlords might not have a history of harassment  
4 because they're new landlords? They're just spending  
5 a lot of money. They bought the building, and they  
6 just start harassing tenants. The tenants that's  
7 sitting right here they could tell you what they went  
8 through. So I'm asking the Department of Buildings  
9 how do we proactively make sure that they following  
10 the rules and doing the right thing?

11 DEPUTY COMMISSIONER HOGAN: We're taking  
12 a number of actions as of recent to ensure that this  
13 goes on. First of all, the--if as enact--as in  
14 enacted, if this bill is to be enacted, it would mean  
15 that we would have to do 61,000 reviews of all--of  
16 permits that are being issued, and in the vast  
17 majority of those situations, it's not a tenant  
18 harassment issue.

19 COUNCIL MEMBER CHIN: Well, if that's the  
20 case, then it shouldn't take that long, right? I  
21 mean you also would sort of have an idea to sort out  
22 where the problems are. From your own experience you  
23 know who those bad landlords are.

24 DEPUTY COMMISSIONER HOGAN: We have been  
25 taking--

2 COUNCIL MEMBER CHIN: [interposing] You  
3 can--

4 DEPUTY COMMISSIONER HOGAN: We have been  
5 taking action involving false statements on the PW1  
6 form where we find that they have taken and filed a  
7 document that says that the building is--is vacant  
8 and it's not vacant. And we have taken action with  
9 ECB violations, and others against those people, and  
10 that's been going on for a number of months now.  
11 Where previously if they--if that was found, they  
12 were allowed to correct it, and file an amendment.  
13 Now, we actually take ECB violations against those  
14 actors. If we find that there's a pattern, we--we--  
15 we monitor that and we run those particular  
16 landlords, and if we find that they have a pattern of  
17 doing it, then we inspect all their buildings, which  
18 we've done with HPD. And, that goes back to where we  
19 did the 2,500 violations because we--when we become  
20 aware of a landlord who may be a problem, we don't  
21 just inspect the building where the problem, we  
22 inspect every building that he has proactively.

23 COUNCIL MEMBER CHIN: That's great.  
24 That's good, and when you were talking about, you  
25 know, doing that inspection, I mean you need

2 additional resources, and we would support that  
3 because that is so important. And once you start  
4 doing that, and hopefully it would send a strong  
5 message to these landlords that they can't get away  
6 with it, and that's what we want to do.

7 DEPUTY COMMISSIONER HOGAN: Additionally,  
8 Council Member, we are doing referrals to the Tenant  
9 Harassment Task Force that's run by the State.

10 Unfortunately, a lot of the issues we run into with  
11 tenant harassments are not construction related.

12 They're actual late night phones calls and--and use  
13 of force around the building to try and force people  
14 out, which doesn't fall under a jurisdiction. But we  
15 have done a number of referrals at the State, and  
16 they are looking at number of prosecutions.

17 COUNCIL MEMBER CHIN: That's great. I  
18 mean we just want to have--to ask you to do more, and  
19 what you are doing is great but we need to make sure  
20 that every [bell] tenant is protected. So I urge you  
21 to work with us, and make sure [applause] that we can  
22 do that, and let's work together and make sure that  
23 we can get a strong bill passed. Thank you very  
24 much. Thank you, Chair.

2 CHAIRPERSON WILLIAMS: Thank you. So I--  
3 I do want to make sure that I'm going to give  
4 courtesy to the sponsors of the bills first. So I  
5 just want to reorganize the order that I gave.  
6 Council Member Rosenthal is next. Council Member  
7 Espinal is next, Council Member Levine and then  
8 [background comments, pause]. I apologize. So just  
9 again it's going to be Council Member Rosenthal,  
10 Council Member Levin, then Council Espinal. That  
11 will be followed by Reynoso, Grodenchik, Levine and  
12 Salamanca. My apologizes to Council Member Levin and  
13 Levine, and so it will be Rosenthal, Levin and  
14 Espinal.

15 COUNCIL MEMBER ROSENTHAL: Thank you so  
16 much Chair Williams. I just--and I appreciate your  
17 leadership, and the leadership of the groups, Stand  
18 for Tenant Safety for all the work they've done to  
19 help protect the tenants in our city who are--whose  
20 lives are miserable everyday because of these  
21 landlords. I want to give you three examples of  
22 things that have happened in my district, and get  
23 your help, and I'll--I'll preface by saying of  
24 Department of Buildings I--I think you guys have been  
25 great. HPD very, very helpful for all, DOH, DEP and

2 going out time and time again and issuing violations.  
3 So here are my three stories. One is--and I'm just  
4 going to be honest about the addresses, 321 West 94th  
5 Street for years had been having problems with just  
6 the regular harassment of the tenants. And finally  
7 they got a work permit to do some minor cabinet  
8 repairs and minor partition work, and so once they  
9 got the permits, the landlord used those to do a  
10 complete gut renovation of an apartment. And, of  
11 course, other tenants are looking around. They hit a  
12 steam pipe in doing this work. Steam floods the, you  
13 know, the entire building. The Fire Department is  
14 called because there is steam and dust sort of coming  
15 out of this building. So eventually we did get to  
16 the point where they were hit with violations, and  
17 had to do a proper work--get a proper work permit. I  
18 have another building, the Axton (sp?), that you have  
19 been incredibly helpful with so much so that we got  
20 their job shut down for eight weeks. And this is the  
21 building where there is yes Local Law 1 work that  
22 must be done to repair those terraces. A 100% agree  
23 with that. Not so sure of the methodology of  
24 wrapping plastic around the entire building including  
25 the air conditioning units in all the windows, and

2 the terrace doors had to be the way to protect the  
3 tenants, but the dust comes in anyway. Anyway, you  
4 guys working together, our office, Patrick, poor guy.  
5 At 10:00 p.m. I'm calling him on this stuff. He gets  
6 the inspector out the next day. Hey, just come to  
7 the table and we had a meeting with them the other  
8 day where they said all right, uncle, we are now  
9 going to offer the tenants different ways of sealing  
10 up their windows so there could possibly be a way of  
11 opening it to exit there. We'll now give a two-week  
12 look ahead so tenants will know which floors are  
13 being blah, blah, blah, blah, blah. We're now going  
14 to give Hepa filters. By the way, these are all the  
15 things that they are legally responsible to do  
16 starting a year and a half ago, and we've still got  
17 two more years to go in this project. And lastly, I  
18 had a person come up to me outside the library the  
19 other day, when I was just handing out information  
20 about my town hall, saying I don't understand what  
21 you politicians think you're doing in terms of  
22 protecting tenants. You know, even your staff said  
23 to me the whole game is rigged. There's nothing we  
24 can do. Just give up. You know, you--you guys do  
25 get DOB out there and HPD violations. It doesn't



2 matter. It's the cost of doing business, and these  
3 guys don't care. You know, I'm living with dust and  
4 harassment, and asthma and there's nothing--you tell  
5 me what you can really do about this? You tell me  
6 and I'm like I got some bills, you know, I'm standing  
7 with the tenants. I'm calling everyday. We have a  
8 great relationship, but really I got nothing and, you  
9 know, really what I want to say to the guy is yeah,  
10 the tenant--the landlords have the money, and they  
11 have us. So, with 55 seconds left, I--I--I don't  
12 know what to do. I think this package of bills is a  
13 good start. There are more bills to come. I really  
14 urge you to reconsider these, and help us find ways  
15 to craft them so that they're not unwieldy and  
16 unmanageable for you. But, you know, even mine where  
17 I'm just asking for there to be a box on the work  
18 permit that you check that says tenants live here. I  
19 mean that's like nothing and, you know, to hear well,  
20 the solution is the TPP will be posted in the lobby.  
21 I'm telling you the TPP is posted in the lobby of  
22 tax--where it's the bottom right hand corner that,  
23 you know, the mouse chews that every night. No one  
24 sees it, and when you say that the TPP is posted on  
25 every floor, [bell] yeah, it's the TPP from two years

2 ago. That page has changed five more times. Okay,  
3 two more times, but it's not the most recent. Okay,  
4 I'm done. I'll wrap up. It's really hard, and I  
5 appreciate you guys accepting our efforts, and trying  
6 to make them more manageable for you, but either-- I  
7 don't think you--I understand you deal with a lot of  
8 buildings, and most are great. The ones who are bad  
9 are very, very bad and we have very few tools going  
10 for us.

11 DEPUTY COMMISSIONER HOGAN: I--I think  
12 the main issues we is--is I think that it's something  
13 we can work with, but the--the current fee violation  
14 or civil penalty for work without a permit is 14  
15 times the cost of the permit. So to double that  
16 number I don't know it's necessarily the best way to  
17 do it. So I think if we have additional discussions  
18 on how we can more effectively--

19 COUNCIL MEMBER ROSENTHAL: [interposing]  
20 You know what? For the guys who don't abuse it, they  
21 won't get the fee. They're not going to have a  
22 problem.

23 CHAIRPERSON WILLIAMS: [interposing]  
24 Council Member.

2 COUNCIL MEMBER ROSENTHAL: They're just  
3 going to have their work permit, and no problems.  
4 [bell] Only the people who are doing it illegally are  
5 going to get fined, and yes, fine crap out them.

6 FEMALE SPEAKER: [off mic] Yes, fine the  
7 crap of them.

8 DEPUTY COMMISSIONER HOGAN: And we'll be-  
9 -

10 CHAIRPERSON WILLIAMS: [interposing]  
11 Council Member.

12 DEPUTY COMMISSIONER HOGAN: --we'll be  
13 happy to have that discussion.

14 COUNCIL MEMBER ROSENTHAL: Thank you.  
15 It's not my bill, but I agree with that one.

16 CHAIRPERSON WILLIAMS: Council Member  
17 Levin and Espinal.

18 COUNCIL MEMBER LEVIN: Thank you very  
19 much, Mr. Chair. Thank you very much, gentlemen and  
20 ladies for joining us today. I do have a question  
21 about Intro 934, that's the--the bill which I'm the  
22 lead sponsor. What is the current--I think you  
23 alluded to this in your testimony. What--what is the  
24 current response time right now average for work  
25 without permit complaints in New York City

2 DEPUTY COMMISSIONER HOGAN: Work without  
3 a permit complaint us up to 40 days. As a general  
4 time frame to get them done, they're--they're  
5 considered B-Complaints. When we know that there's a  
6 history of tenant harassment, both go immediately to  
7 the building marshal's office, and they respond with  
8 48 hours.

9 COUNCIL MEMBER LEVIN: What defines the  
10 history of tenant harassment?

11 DEPUTY COMMISSIONER HOGAN: If were then  
12 to investigate buildings where landlords have  
13 demonstrated that they have taken actions that are  
14 deleterious to the tenants that are in the building.

15 COUNCIL MEMBER LEVIN: So what's the  
16 threshold for that demonstration? Like who makes  
17 that determination? Is that a--is that a DOB  
18 attorney, or somebody in DOB makes that--an inspector  
19 or---?

20 DEPUTY COMMISSIONER HOGAN: We have--we  
21 have inspectors who go out and inspect buildings.

22 COUNCIL MEMBER LEVIN: And how many of  
23 those exist? How many cases are there where a  
24 landlord has been found to--to have a history of  
25 tenant harassment.

2 ASSISTANT COMMISSIONER WEHLE: So we  
3 have--so what--the main thing that we do is we work  
4 with HPD, the different council members on--on this  
5 committee and complaints from the public. When we  
6 get those complaints of tenant harassment  
7 specifically, we respond to those within eight hours.

8 COUNCIL MEMBER LEVIN: Yeah, and I--I  
9 hear you. I mean part of the situation is that like  
10 the current practice is somebody will submit--will--  
11 will call 311 about working without a permit  
12 complaint. The tenant is concerned about it. Thinks  
13 they're being harassed. They--they call 311. You  
14 know it's the 40 days. Eventually, they might, if  
15 they're--if they know where to go find a council  
16 member to reach to, probably reach out to the staff,  
17 and maybe the council member staff tells the council  
18 member. Then maybe that council member calls  
19 Patrick, and then--and then, you know, so that's the  
20 kind of process or I call Ben Columbo, and, you know,  
21 and there's process that's somewhat un--informal  
22 process. And--and meanwhile, the work continues, and  
23 I mean I have a building in my districts on--on Kent  
24 Avenue, a rent stabilized building, three buildings  
25 in a row in probably the hottest section of

2 Williamsburg and, you know, the owner removed the  
3 roof off of the building all winter, and DOB came  
4 back and said it wasn't really a structural issues  
5 because the roof is not a structural thing, no but  
6 it's--so there was no--you know, and 100 and a 100-  
7 year-old woman lived in the building and, you know,  
8 it's-- At a certain point, you know, there--there  
9 was--there's been work going on without a permit.  
10 It's--that situation is still unresolved. It's been  
11 going on for about three years, and I worked with--  
12 with HPD on it. I worked with DOB on it, and all  
13 these issues still continue. Now that we're down to  
14 like one or two tenants left, they've all been  
15 basically harassed through--through alterations and--  
16 and, you know, and--and work without a permit.  
17 Basically, they've been kind of harassed out of the  
18 apartment, and, you know, that kind of things is--to  
19 me is indicative of, you know, we need to have a  
20 framework in which it's effective to be able to go  
21 out in--in real time to catch people when they're  
22 doing it. They're doing it. Forty days honestly is  
23 not going to be-- You know, they'll--they'll be over  
24 and done with and--and the damage will be done. It  
25 doesn't take that long to--to really mess things up

2 in somebody's apartment, right? It doesn't take 40  
3 days.

4 DEPUTY COMMISSIONER HOGAN: Council  
5 Member we do--what happens is all 311 complaints that  
6 come in, when they come into the agency through a  
7 triage officer.

8 COUNCIL MEMBER LEVIN: [interposing] Uh-  
9 huh.

10 DEPUTY COMMISSIONER HOGAN: If that  
11 triage officer sees a work without a permit that  
12 involves a--the words "tenant harassment" or  
13 "harassment" in it, then that gets forwarded to the  
14 Buildings Marshal's--Marshal's office.

15 COUNCIL MEMBER LEVIN: So if they hear  
16 from a complainant if they say to the 311 operator  
17 harassment then it gets over to triage?

18 DEPUTY COMMISSIONER HOGAN: Then--well,  
19 the triage officer reviews every complaint that comes  
20 in.

21 COUNCIL MEMBER LEVIN: Through 311?

22 DEPUTY COMMISSIONER HOGAN: And when  
23 they--when the--when they review those complaints, if  
24 they see the words "tenant harassment" or  
25 "harassment" they take that and send it to the

2 Building Marshal's Office, and they respond within 48  
3 hours.

4 COUNCIL MEMBER LEVIN: And how many of  
5 those instances are there where--where there's--  
6 harassment is--is--like whatever you said before  
7 about it, there's an indication of harassment or a  
8 prior pattern of harassment, do you--how many are  
9 there? DO you know?

10 DEPUTY COMMISSIONER HOGAN: I--I don't  
11 have that number. I can tell you that we've got a  
12 significant number landlords that we've been looking  
13 at.

14 COUNCIL MEMBER LEVIN: Can--can you guys  
15 get back to me with the--the actual number? [bell]

16 DEPUTY COMMISSIONER HOGAN: I think we  
17 can probably come up with some figures for you.

18 COUNCIL MEMBER LEVIN: Okay, thank you.

19 CHAIRPERSON WILLIAMS: Council Member  
20 Espinal who will be followed by Council Member  
21 Reynoso, Grodenchik, Levine and Salamanca.

22 COUNCIL MEMBER ESPINAL: [off mic] I--I  
23 want to speak on Intro 924. [background comments]  
24 [on mic] I want to speak on Intro 924, which is the



2 vacate order bill. So I think DOB has some issues,  
3 but can you explain that a little more for me?

4 DEPUTY COMMISSIONER HOGAN: We only--we--  
5 especially when it comes to tenancy and unregulated  
6 apartments, we take every step we can not to vacate a  
7 location. So the best example I can give you is--is  
8 we had--we had a building where the landlord ripped  
9 out the kitchen and the bathroom of an apartment and  
10 left--and left and didn't do any repairs to the  
11 building. When we came in, we--we worked with the  
12 tenant to get access to bathroom and the kitchen at a  
13 neighboring apartment, and vacated those two rooms  
14 and allowed them to stay there, and then placed the  
15 fireguard in the building because some of the fire  
16 stopping was removed. And that fireguard is paid for  
17 by the landlord. Either he pays for it upfront or  
18 it's liened against his property, and so that was one  
19 of the--and one example of how kept the tenant in, in  
20 a very bad situation. So that he couldn't get them  
21 out when he tried to get them through construction.  
22 When we do do a vacate, it's normally because of a  
23 structural issue or it's because of a--a egress  
24 issue. So the examples I can give you, we went into  
25 one property where the landlord removed the--all the

2 supports for the main beam heading into the building,  
3 and just to get an engineer to come in and figure out  
4 how to--how to repair it and get it set up takes much  
5 more than ten days. Never mind the permitting  
6 process and--and putting in the proper equipment to  
7 do it. You can do temporary shoring and bracing in--  
8 in some instances. In other instances, you can't.  
9 So those situations where ten days is unrealistic.  
10 Additionally, we get a lot of fire damage or we get  
11 blocked egress where they removed a fire escape. We  
12 had one in--in the Bronx where they took the fire  
13 escape off a 60 unit building. It took four months  
14 to actually rebuild the fire escape they needed to go  
15 in that building, and it was three, four, five us  
16 (sic) in the building for that--

17 COUNCIL MEMBER ESPINAL: [interposing] So  
18 what--

19 DEPUTY COMMISSIONER HOGAN: --for that  
20 period of time.

21 COUNCIL MEMBER ESPINAL: So what's the  
22 action DOB takes against these owners? You know, I  
23 think the issue that I'm having especially in  
24 Bushwick you have people living in the stabilized  
25 apartments and, you know, the--the building owners

2 will come in and rip the apartments apart to the  
3 point where the--the building is vacated, and you  
4 have someone who's out of the rent stabilized  
5 apartment for a certain amount of time. And in that  
6 time, they start receiving pressure to either take a  
7 buyout or to just wait it out, and to point where  
8 they just can't wait any more.

9 DEPUTY COMMISSIONER HOGAN: Those are the  
10 types of cases we take to the New York State Attorney  
11 General for criminal prosecution.

12 COUNCIL MEMBER ESPINAL: Okay. So,  
13 what's the average amount of time that a--that a  
14 tenant stays out of the apartment while they vacate  
15 or it is in place?

16 DEPUTY COMMISSIONER HOGAN: You know, I  
17 can't--I can't give you that number, and the reason  
18 is is that every case is different. There are some  
19 where we have--the vacate gets issued while they  
20 repair a rear door. They block a rear door up and  
21 they get the rear door in, and they're back in within  
22 a day or two days. Again, normally, if--if that's  
23 the situation and we can use a fireguard, we do that  
24 because that's a real financial direct out-of-pocket  
25 expense to the landlord for taking that action. In

2 the instances where we can't do it, if it's something  
3 simple, we--we usually push to get them right back  
4 in, but in the majority of instances when--when we  
5 get to the point of a vacate order there--there is  
6 such a--a vast amount of damage done that the  
7 building has structural issues.

8 COUNCIL MEMBER ESPINAL: Now is this--is  
9 this a--a new part of DOB's policy in--in trying to  
10 keep the tenants in their home or is this something  
11 that you guys incorporated recently or something that  
12 was practiced?

13 DEPUTY COMMISSIONER HOGAN: We started at  
14 about 18 to--18 months to 2 years ago where we  
15 started seeing issues related to construction and  
16 tenant harassment, and we actually found we were--we  
17 were--we have low--we have lessened the number of  
18 vacate orders in certain neighborhoods by doing it,  
19 and some of the landlords have stopped doing what  
20 they were doing based on the actions.

21 COUNCIL MEMBER ESPINAL: So you--do you  
22 believe this bill can be amended or do you think it's  
23 just not feasible to put a time frame?

24 DEPUTY COMMISSIONER HOGAN: I--I--I think  
25 that we could look at specific types of vacates that

2 we could try and work on, but again, when you look at  
3 the number of vacate orders, I mean we have active  
4 approximately 14,000 vacate orders in the city, and  
5 some of those are illegal conversion apartments for  
6 the--where people have illegally converted their  
7 basement apartments, and you can't make them safe.  
8 They--you don't have adequate light and adequate  
9 ventilation. You don't have to means of egress, and  
10 it's impossible to make--to correct those situations.  
11 The only thing you can do is return it to a basement,  
12 and again this--this would have an effect on those.  
13 So, I--I think it's something we could work on if we--  
14 -if we look specifically at rent stabilized vacate  
15 orders related to construction that may be something  
16 that we could look at and try and work with you on  
17 those.

18 COUNCIL MEMBER ESPINAL: I--I think  
19 developing those (sic) to make sure that people can  
20 stay in their homes and don't get pushed--bullied out  
21 of their apartments. So, you know, I look forward to  
22 working with guys [bell] and the Chair if possible.

23 CHAIRPERSON WILLIAMS: Council Member  
24 Reynoso followed by Council Member Grodenchik, Levine  
25 and Salamanca.

2 COUNCIL MEMBER REYNOSO: Thank you,  
3 Chair. [background noise] I don't know why that's  
4 happening. Thank you guys for being here. I'm going  
5 to just speak on criminal prosecution. You said you  
6 send it to criminal prosecution. How many--how many  
7 landlords have been criminally prosecuted in the city  
8 of New York over the last two years?

9 ASSISTANT COMMISSIONER WEHLE: [off mic]  
10 The tenant harassment taskforce.

11 COUNCIL MEMBER REYNOSO: Oh, the tenant--

12 DEPUTY COMMISSIONER HOGAN: The Tenant  
13 Harassment Task Force just is--has one out of Westry  
14 (sic) this past February. [mic noise]

15 COUNCIL MEMBER REYNOSO: So in that year  
16 how many--how many times. I think both of your mics  
17 are on. You've got to--there you go. So how many  
18 times--so how many folks have gotten prosecuted in  
19 the time that you've existed.

20 DEPUTY COMMISSIONER HOGAN: [off mic]  
21 There are number of cases that I'm working right now--

22 COUNCIL MEMBER REYNOSO: Yeah.

23 DEPUTY COMMISSIONER HOGAN: [pause]  
24 Right now for--to be prosecuted, but that's something  
25 that they would have to answer. So as of right now,

2 the--the task force has one--on landlord that  
3 they're--that they're--they've actually brought  
4 prosecution against.

5 COUNCIL MEMBER REYNOSO: Who is that  
6 landlord?

7 DEPUTY COMMISSIONER HOGAN: I'm--I'm--I'm  
8 not--I don't even know what the conversation is.

9 COUNCIL MEMBER REYNOSO: So I guess, you  
10 know, when--when the answer to a broad set of  
11 harassment through construction that's happening, and  
12 you talk about your answer being prosecution or  
13 criminal prosecution and we have one person or one  
14 landlord that has actually gone through that, you  
15 know understand why a lot of the members in this--in  
16 communities that are being harassed think that that's  
17 not sufficient or that obviously you haven't done  
18 enough. I just want to be very clear. So that's a  
19 big--that's a big issue. Even if it's a one-year  
20 anniversary, it's not happening, and obviously the  
21 construction through harassment--the harassment  
22 through construction is happening and not enough  
23 prosecutions are happening. So I--I won't say how  
24 many are being investigated. Can you actually answer

2 that question? How many folks are being  
3 investigated, landlords?

4 DEPUTY COMMISSIONER HOGAN: Yeah, I--I'm  
5 not able to answer that.

6 COUNCIL MEMBER REYNOSO: Okay.

7 DEPUTY COMMISSIONER HOGAN: I have no  
8 place to be--

9 COUNCIL MEMBER REYNOSO: Okay. So we've  
10 all got to wait 'til--'til-'til it comes down.  
11 That's a big concern for all of us. How many times--  
12 so work without a permit is a huge issue in my  
13 community as well, Williamsburg, Bushwick, and then  
14 Queens, mostly Williamsburg and Bushwick, and now  
15 we're really starting to feel that. So I wanted to  
16 ask, work--work without a permit. How--how many  
17 times--how many work without permits I guess fines  
18 has the DOB given out over the last year?

19 DEPUTY COMMISSIONER HOGAN: Last year we  
20 issued 7,500 work without a permit violations.

21 COUNCIL MEMBER REYNOSO: After the  
22 inspection came, how many of those resulted in vacate  
23 orders?

24

25



2 DEPUTY COMMISSIONER HOGAN: I couldn't  
3 answer. I don't have that data in front of me. We  
4 can get back to you with that.

5 COUNCIL MEMBER REYNOSO: How many vacate  
6 orders in the city of New York over the last year?

7 DEPUTY COMMISSIONER HOGAN: I'm sorry,  
8 how many vacates over the last year? 1,969.

9 COUNCIL MEMBER REYNOSO: 1,969. Okay,  
10 So a big concern that we have is folks call in a work  
11 without permit, and it takes forever for the  
12 inspector to finally get there. By the time they get  
13 there, the building is--is in such disrepair and  
14 unlivable conditions that the vacate order gets--gets  
15 presented, and it's actually what the landlord wants  
16 is to have a vacate order. So by the time you get  
17 there, they've done their job. And that's why we're  
18 trying to figure out a way to close that timeline, in  
19 which you actually show up and that work without a  
20 permit is happening especially in districts like  
21 Williamsburg, Bushwick, Bed-Stuy, these neighborhoods  
22 that you know are ripe for illegal conversions and  
23 folks want to get--that landlords want to make more  
24 money off of rooting out tenants that are rent  
25 controlled or rent stabilization.

2 DEPUTY COMMISSIONER HOGAN: I can tell  
3 you that last year in our work with HPD where we  
4 proactively identified where we believed work without  
5 a permit or harassment construction was going on that  
6 we only issued 39 vacate orders out of the number of  
7 buildings that we went to. We did everything we  
8 could to keep as many tenants in as we could.

9 COUNCIL MEMBER REYNOSO: I hope that all  
10 those folks that were issued vacate orders--there  
11 should be at least 39 landlords that speak the same  
12 language, 39 landlords are being investigated  
13 criminally under what you're saying. So I hope  
14 that's something---

15 DEPUTY COMMISSIONER HOGAN: [interposing]  
16 I know--I know a number of them are currently under  
17 investigation.

18 COUNCIL MEMBER REYNOSO: That's great. I  
19 hope it's 39 is what I'm saying or all landlords  
20 within those buildings.

21 DEPUTY COMMISSIONER HOGAN: Well, the--  
22 the--the 39 vacates may have been five in one  
23 building or six or in one building.

24 COUNCIL MEMBER REYNOSO: [interposing]  
25 Exactly. Okay.

2 DEPUTY COMMISSIONER HOGAN: So it's--it's  
3 not 39 landlords that were involved. We--if a  
4 building had eight units and we had to vacate all  
5 eight units, that would be eight vacates.

6 COUNCIL MEMBER REYNOSO: I understand.  
7 All right. So the next thing I'm going to ask  
8 Franklin--Franklin Avenue or Franklin Street.  
9 Correct me if I'm wrong. Avenue or Street.

10 FEMALE SPEAKER: [off mic] I think that's  
11 Avenue.

12 COUNCIL MEMBER REYNOSO: Avenue. They  
13 built a synagogue in the back yard of this building,  
14 and it's fully built out. You guys didn't see it in-  
15 -in however months it takes to build an entire  
16 building, DOB wasn't there. By the time DOB got  
17 there, they found out that there's egress issue, of  
18 course, because the back doesn't exist now. It's a  
19 building that's abutting the building in the front.  
20 It's the same lot. So there's a building a three-  
21 story, four-story building in the front and a little  
22 synagogue in the back. There's an egress issue.  
23 After you guys go, of course, there's a vacate order.  
24 So if these people are living on the couches of  
25 family members [bell] or living doubled up with

2 children in other homes because of this, this  
3 landlord then thereafter gets a permit by the  
4 Department of Buildings to fix the--the--what is it  
5 called the fire escape. How is it that that landlord  
6 can still go to DOB and actively get permits to do  
7 something like fix an issue--like not even fix it.  
8 They wanted to remove and replace the fire escape.  
9 So they can maintain the synagogue in the back of the  
10 house. So they want to move the--the fire escape to  
11 another location so that they can do that legally,  
12 and what I'm hearing also and I hope that you guys  
13 can clarify these rumors is that you guys are-- They  
14 are actively seeking a waiver to allow for the  
15 synagogue to stay in the back yard, and that--and  
16 that you guys are considering that. So I would like  
17 to just get some answers on those issues, and how  
18 after somebody works without a permit and builds a  
19 full structure and gets a building vacated, that they  
20 can still get a permit from DOB?

21 DEPUTY COMMISSIONER HOGAN: We have no  
22 authority to stop someone from getting a permit that  
23 has previous violations. It's not in the code. It's  
24 not in the regulations.

2 COUNCIL MEMBER REYNOSO: Okay so--but  
3 it's in our--it's in our laws. That's what we're  
4 trying to say here, and that you guys obviously don't  
5 have--and that--there's not enough policy or  
6 legislation or teeth to what you're doing that can  
7 allow you not to let that happen, and what the STS  
8 laws and legislation that we're proposing is really  
9 giving you more power to able to say to a landlord,  
10 you did work without a permit. You're a bad landlord  
11 obviously because you built a structure that put  
12 people's lives in danger, and that were vacated.  
13 We're going to make sure that if we ever give you a  
14 permit we're going to do our own inspection  
15 physically or we're not going to give you that  
16 permit. If you still can't do that as of right--  
17 right now, that is a problem for me.

18 [applause/cheers]

19 SERGEANT-AT-ARMS: [off mic] Keep it  
20 down, please.

21 COUNCIL MEMBER REYNOSO: So I'm done with  
22 my time, but I hope you can answer how either  
23 internally through policies you guys can address the  
24 issue of we're giving our permits to people that have  
25 vacate orders on their buildings to--to allow for

2 their modification to be legal. Explain it to me how  
3 you guys can either deal with that internally, and if  
4 not there is STS legislation that could help you do  
5 that.

6 CHAIRPERSON WILLIAMS: All right, thank  
7 you council member.

8 COUNCIL MEMBER REYNOSO: [off mic] Thank  
9 you, Chairman. (sic)

10 CHAIRPERSON WILLIAMS: I gave you a lot  
11 of time, huh?

12 COUNCIL MEMBER REYNOSO: You did.

13 DEPUTY COMMISSIONER HOGAN: The reason  
14 for the fire escapes permit was to try and correct  
15 the situation and get the tenants back into the  
16 building.

17 COUNCIL MEMBER REYNOSO: So, you--you are  
18 allowing them to mod--to move the fire escapes to  
19 allow them to keep the synagogue in the back?

20 DEPUTY COMMISSIONER HOGAN: We want to--  
21 we were continuing to vacated on the synagogue, and  
22 continuing action to try and have the building  
23 removed. But in the short-term it was to allow a  
24 change to the fire escape so we could re-occupy the  
25 building for the vacated tenants.

2 COUNCIL MEMBER REYNOSO: And that was--  
3 and so the landlord had no--by the way, the landlord  
4 didn't want to do this, moving the fire escapes from--  
5 --to allow for the tenants to come back. He wanted to  
6 that so he could keep---

7 CHAIRPERSON WILLIAMS: [interposing]  
8 Council Member.

9 COUNCIL MEMBER REYNOSO: --the synagogue  
10 in the back. All right I'm done--

11 CHAIRPERSON WILLIAMS: [interposing]  
12 Thank you. [laughs]

13 COUNCIL MEMBER REYNOSO: --but there's a  
14 huge issue. If there's second round, I would  
15 actually like a second round, too.

16 DEPUTY COMMISSIONER HOGAN: And there are  
17 potential criminal charges pending on that landlord.

18 COUNCIL MEMBER REYNOSO: That's what--  
19 thank you for that. I appreciate it.

20 CHAIRPERSON WILLIAMS: Council Member  
21 Grodenchik, Levine and Salamanca. We will have a  
22 second round for three-minute questions.

23 COUNCIL MEMBER REYNOSO: [off mic] You're  
24 giving someone a call back. (sic) [laughter] Thank  
25 you, Chair. [background comments, pause]

2 CHAIRPERSON WILLIAMS: Council Member

3 Levine. Yeah. Oh, I'm sorry. I meant to call the--  
4 the clerk so Council Member Cornegy can vote.

5 CLERK: Continuation roll call Committee  
6 on Housing Buildings, Introductions 831-A, 1118 and  
7 1119. Council Member Cornegy.

8 COUNCIL MEMBER CORNEGY: I vote aye.

9 CLERK: The vote now stands at 9.

10 CHAIRPERSON WILLIAMS: Council Member  
11 Levine and Salamanca.

12 COUNCIL MEMBER LEVINE: All right. Thank  
13 you, Mr. Chair. Great to see all of you. In my  
14 district there's a strategy that's being repeated  
15 over and over and over again in buildings that were  
16 historically mostly rent stabilized and now a number  
17 of units are becoming vacant. Sometimes because of  
18 landlord harassment, and aggressive efforts to push  
19 tenants out. And then the landlord decides they're  
20 going to do a complete overhaul of common areas in  
21 the building bringing them up to luxury levels so  
22 that the landlord can then go market to vacant units  
23 at very expensive market rate prices. This often  
24 occurs in buildings where existing tenant can't even  
25 get repairs in their rent stabilize units. In



2 extreme cases, we've seen renovations in a hallway  
3 outside of an apartment where the ceiling is falling  
4 down in the living room. Sometimes the differences  
5 are that stark. And while these may not result in  
6 vacate orders, they can certainly put the safety of  
7 the existing tenants under threat. So it could be  
8 that the workers prop open the front door so anyone  
9 can walk in or out, or prop open the back door.  
10 Anyone can walk in and out. Perhaps fire escapes are  
11 blocked. Perhaps there are exposed wires, live wires  
12 in hallways. Perhaps there's periods where there's  
13 no light in wallways--in hallways. Perhaps the  
14 tenants have to traverse hallways strewn with  
15 materials, obstacle courses of materials, and there's  
16 noxious chemicals left overnight and on and on and  
17 on. In such cases, we would presume that the  
18 landlord had prepared a tenant safety plan. Now, are  
19 these plans currently posted in the buildings where  
20 the renovation is taking place?

21 DEPUTY COMMISSIONER HOGAN: There's no  
22 requirement for them to be currently posted in the  
23 building. That's one of the things that we offered  
24 as an alternative to try and make a list on because  
25 the--it's posted on the website--

2 COUNCIL MEMBER LEVINE: [interposing]  
3 Right.

4 DEPUTY COMMISSIONER HOGAN: --that you  
5 can go onto our website and look at the construction  
6 document and Tenant Harassment Plan is specifically  
7 called out there as well as on the plans. But the  
8 proposal would be to--to--to alter one of the  
9 proposals in these bills to have them post a Tenant  
10 Protection Plan at the front door.

11 COUNCIL MEMBER LEVINE: Well, I think I  
12 actually have a bill that's packaged that would  
13 require that for consideration on a later hearing.  
14 It sounds like you guys are already on board, which  
15 is great news. But the kinds of safety problems and-  
16 -and just plain sources of hardship for the life of  
17 the existing tenants that I've described. Would  
18 these--is there an mandate to address these in the  
19 current requirements for safety plans?

20 DEPUTY COMMISSIONER HOGAN: There's a  
21 requirement that they be allowed full egress to and  
22 from their apartments during any type of construction  
23 that's going on. So if you're in a situation where  
24 the egress has been blocked and that comes in as a  
25 call to 311 that the egress is blocked, that is an A-

2 Complaint for us and we respond within--as quick as  
3 we can usually within two to six hours, but at a  
4 maximum within 24 hours we would be out there, and we  
5 would issue a stop work order and make them clear the  
6 hallway. So if there was construction materials  
7 blocking the hallways, that's the way that it's  
8 handled.

9 COUNCIL MEMBER LEVINE: So the--the--I  
10 guess the threshold is impassibility.

11 DEPUTY COMMISSIONER HOGAN: The--the  
12 threshold is blocked egress in the event of a fire  
13 that you would not be able to get to get to and from  
14 your apartment, and if they're--if they are putting  
15 materials in the hallways, that is considered blocked  
16 egress, and we'll issue a stop work order, and make  
17 them make safe and remove the product--the--the  
18 materials out of those hallways.

19 COUNCIL MEMBER LEVINE: [interposing] Is  
20 the e--is the egress definition broad enough that it  
21 would guarantee that someone in a wheelchair would  
22 also be able to pass?

23 DEPUTY COMMISSIONER HOGAN: Yes.

24 COUNCIL MEMBER LEVINE: Got it, and what  
25 about leaving chemicals in public spaces overnight?

2 DEPUTY COMMISSIONER HOGAN: That actually  
3 would be handled by the Fire Department as an noxious  
4 fume issue. They would be the ones who would respond  
5 and they remove it as a--as a hazard.

6 COUNCIL MEMBER LEVINE: Right, and what  
7 about hallways with no light?

8 DEPUTY COMMISSIONER HOGAN: Hallways with  
9 no light is violation for failure to supply egress  
10 because egress is has to be lit so that they can get  
11 to it and see--see their way down the hallway.

12 COUNCIL MEMBER LEVINE: And what about  
13 front and back doors propped open?

14 DEPUTY COMMISSIONER HOGAN: That's not in  
15 the--in the Building Code.

16 COUNCIL MEMBER LEVINE: So even if a back  
17 door can be open, anyone could walk into the building  
18 and that's not considered a safety violation?

19 DEPUTY COMMISSIONER HOGAN: Yeah, it's a  
20 Housing Maintenance Code violation. It would go to  
21 HPD. It doesn't go to the Buildings Department.

22 COUNCIL MEMBER LEVINE: Okay. So if--if-  
23 -if a City Council person has to ask all these  
24 questions to understand what agency enforces each  
25 violation, then you can imagine that the average

2 tenant is completely in the dark. They don't know  
3 their rights. They don't know when a violation of  
4 the law is occurring. That's what we know--know--  
5 don't know what agency has jurisdiction. We have got  
6 to inform tenants of their rights, vis-a-vis  
7 construction in their buildings. They have to be  
8 informed of safety plans in their building. They  
9 have to understand what recourse they have, and the  
10 vast majority of tenants do not have that currently,  
11 and landlords are exploiting that. Because they know  
12 if tenants are subjected to this for months and  
13 months, some of them are going to move out [bell] and  
14 that's all part of their plan to push out market--  
15 push out rent regulated tenants, bring in market rate  
16 tenants, increase their profit. In the process, we  
17 lost affordable housing and that--that's just  
18 something we can't allow to continue. Thank you.

19 CHAIRPERSON WILLIAMS: Council Member  
20 Salamanca.

21 COUNCIL MEMBER SALAMANCA: Thank you, Mr.  
22 Chair. My question is more geared towards HPD. I  
23 had in my council district one of the worst slumlords  
24 in the city of New York at 750 Grand Concourse. They  
25 were on the--the top list from the--that the Public

2 Advocate recently put out. In doing my research,  
3 this building has over 500 violations. Conditions  
4 include hot water--lack of hot water, lack of cooking  
5 gas, peeling ceilings, lead paint, and going back to  
6 2008, there's been violations for illegally  
7 conversion of apartments in the basements as well.  
8 Recently, there was a sink hole in the basement where  
9 there was illegally converted room, and as a result,  
10 there was a partial vacate order and gas was shut-  
11 off. I rallied with the tenants in Housing Court,  
12 and we brought a--a tenant action suit against them.  
13 Now, my question in terms of--I know that HPD has a  
14 process in terms of the 7A in which management is  
15 taken away from the building owner and violations are  
16 addressed. How does that work? What is the process,  
17 and I'm--I'm interested in advocating on that behalf  
18 in--in terms of getting things done at 750 Grand  
19 Concourse.

20 ASSISTANT COMMISSIONER RAND: The head of  
21 the 7A unit is here, Mona Ritsky (sp?)-[pause]

22 MONA RITSKY: Hi. Good morning. So for  
23 7A, we will get life, safe and healthy--health  
24 issues. We will do an assessment of the building

2 and, if appropriate, refer to our Housing Litigation  
3 Division for--for a 7A.

4 COUNCIL MEMBER SALAMANCA: But what is  
5 it? How long does that take. I mean when--

6 MONA RITSKY: [interposing] Generally

7 COUNCIL MEMBER SALAMANCA: --we're  
8 talking about a building in which they've had over  
9 500 violations dating back to years, back to 2008 for  
10 example.

11 MONA RITSKY: Okay, so we'd have to look  
12 to see how many violations are--have been issued  
13 within the past so many years? How many are still  
14 open and if there are any recent violations that  
15 still have--the landlord still by law has time to  
16 correct, we would wait 'til those violations are  
17 overdue, and we would do an assessment of the  
18 building to make sure that the conditions--the  
19 violations actually reflect the conditions in the  
20 building and refer it to litigation.

21 COUNCIL MEMBER SALAMANCA: All right, and  
22 what type violations are we talking about, and which  
23 HPD takes serious. I know there's various  
24 violations. There are some that are more serious  
25 than others.

2 MONA RITSKY: Okay, so violations for our  
3 cascading water leaks, molds, no heat, no hot water.  
4 Those are some of the most serious--more serious  
5 violations.

6 COUNCIL MEMBER SALAMANCA: All right.  
7 Okay. Well, I look forward to working with you.  
8 This is a serious issue in my--my council district,  
9 and they--these tenants are living in horrible  
10 conditions. I mean to address these issues. Thank  
11 you.

12 CHAIRPERSON WILLIAMS: Thank you vey  
13 much. I'm just going to do a second round now  
14 because it's only two--two people. So for the second  
15 round for three minutes, Council Reynoso followed by  
16 Council Member Rosenthal.

17 COUNCIL MEMBER REYNOSO: You were so  
18 gracious where--actually timing the first one.  
19 Although, I'm going to go ahead and pass on this one.  
20 Thank you so much, Chari.

21 CHAIRPERSON WILLIAMS: I'll see you.  
22 (sic)

23 COUNCIL MEMBER ROSENTHAL: Wow and  
24 things.



2 CHAIRPERSON WILLIAMS: Council Member  
3 Rosenthal, and you doing the same?

4 COUNCIL MEMBER ROSENTHAL: No. [laughter]  
5 He's such a good guy. I'm not like him. [laughter]  
6 So do you have--do you have a sense of how many--I'm  
7 going to go back to my Bill 944. Do you have a sense  
8 of how many violations DOB issued for working without  
9 a permit in any year, '14, '15? No?

10 DEPUTY COMMISSIONER HOGAN: [off mic]  
11 Yes. [on mic] We had 7,500 complaints last year. I  
12 have to correct myself from the previous. I don't  
13 know exactly how many we had where we actually issued  
14 violations, but I can get that information.

15 COUNCIL MEMBER ROSENTHAL: Right. I mean  
16 less complaints, and more--how many violations--

17 DEPUTY COMMISSIONER HOGAN: [interposing]  
18 Correct.

19 COUNCIL MEMBER ROSENTHAL: --did you  
20 actually-- Okay, for work without a permit?

21 DEPUTY COMMISSIONER HOGAN: Do you want  
22 it specifically for, you know, subsidized areas or--  
23 work without a permit--

24

25

2 COUNCIL MEMBER ROSENTHAL: [interposing]  
3 I mean if you can separate out those two, that's  
4 great.

5 DEPUTY COMMISSIONER HOGAN: I'll look and  
6 see if we can. I may be able to. I--I can't  
7 guarantee it.

8 COUNCIL MEMBER ROSENTHAL: Well, the--the  
9 develop--the owner would have to check the box to  
10 tell you there were rent regulated tenants in there,  
11 but yes, that would be great. You mentioned in your  
12 testimony that the department has no ability to--to  
13 determine the percentage of units in the building  
14 that are occupied. Could you--

15 DEPUTY COMMISSIONER HOGAN: [interposing]  
16 That's correct.

17 COUNCIL MEMBER ROSENTHAL: --explain that  
18 a little bit more why there are--why you can't have  
19 as part of the work permit how many units? I mean I  
20 thought it was on the TPP, right because they  
21 identify the unit number.

22 DEPUTY COMMISSIONER HOGAN: It may in  
23 some instances where the work is being done, the  
24 Tenant Protection Plan usually refers to those exact  
25 units.

2 COUNCIL MEMBER ROSENTHAL: That's right.

3 DEPUTY COMMISSIONER HOGAN: However, if  
4 the work is being done in general in the building and  
5 it's not necessarily for example if you're doing the  
6 hallways, it's not necessarily on the individual  
7 units. So the Tenant Protection Plan doesn't  
8 necessarily identify which units are occupied and not  
9 occupied.

10 COUNCIL MEMBER ROSENTHAL: Right. Not a  
11 great example because you'd want to know if they're  
12 doing work on the hallways which units are--but I get  
13 the general idea that you're talking about. How hard  
14 would it be to get that information on the TPP for  
15 right on the front page for it to say, you know, 12  
16 of the 200 units are occupied?

17 DEPUTY COMMISSIONER HOGAN: I--I'd have  
18 to look into that. It's not data that we would be  
19 able to keep in our computer system. It's--would be  
20 able to register that type of information. So it  
21 would--it wouldn't necessarily--

22 COUNCIL MEMBER ROSENTHAL: [interposing]  
23 Right.

24 DEPUTY COMMISSIONER HOGAN: --be  
25 searchable.

2 COUNCIL MEMBER ROSENTHAL: The computer  
3 systems aside for right now, you could require it on  
4 the TPP that's getting uploaded into your website,  
5 right?

6 DEPUTY COMMISSIONER HOGAN: I--we can  
7 have that discussion, and look into it.

8 COUNCIL MEMBER ROSENTHAL: Okay. All  
9 right, so do you do any work to confirm that if a  
10 building--a building [bell] is occupied or vacant  
11 after you take the applicant?

12 DEPUTY COMMISSIONER HOGAN: We--we rely  
13 on the applicant.

14 COUNCIL MEMBER ROSENTHAL: You rely on  
15 the applicant and then complaint?

16 DEPUTY COMMISSIONER HOGAN: Correct.

17 COUNCIL MEMBER ROSENTHAL: Right. Okay.  
18 Thank you very much. Thank you, Chair.

19 CHAIRPERSON WILLIAMS: Thank you.  
20 [coughs] I have a few follow-up questions starting  
21 with 918. One professional certified plans are  
22 modified who inspects the work to ensure that it's  
23 done in conformance with the amended plans?

24 DEPUTY COMMISSIONER HOGAN: That's going  
25 to vary based on the type of application that was

2 filed whether was it was ALT1, ALT2 or an ALT3, and  
3 whether the C of O has to be changed. So normally if  
4 there had to be a change to the C of O, we'll do a  
5 final inspection.

6 CHAIRPERSON WILLIAMS: I'm going to let  
7 Council Member--I'm going to pause for a second and  
8 let Council Member Levin ask his three minutes worth  
9 of the second round.

10 COUNCIL MEMBER LEVIN: Thank you very  
11 much, Mr. Chair. Sorry, going back to the  
12 legislation that I'm the lead sponsor of 934, I just  
13 want to ask about so delving a little bit further  
14 into this issue, how many inspectors does DOB have  
15 employed right now at any given time?

16 DEPUTY COMMISSIONER HOGAN: Approximately  
17 400.

18 COUNCIL MEMBER LEVIN: Four hundred. How  
19 many--how many inspections does an inspector conduct  
20 per day?

21 DEPUTY COMMISSIONER HOGAN: It depends on  
22 the unit, but most probably five to six.

23 COUNCIL MEMBER LEVIN: Five to six.  
24 Okay. How many complaints did DOB receive in 2015?  
25 Do you know? I'm just going through the--through

2 these that are marked here. (sic) How many complaints  
3 did DOB receive for work without a permit in--in  
4 2015?

5 DEPUTY COMMISSIONER HOGAN: We received  
6 7,500 work without a permit complaints in 2015.

7 COUNCIL MEMBER LEVIN: Okay. Were all of  
8 those then in inspected?

9 DEPUTY COMMISSIONER HOGAN: I believe  
10 they were all inspected. I have to go back and  
11 check, but--

12 COUNCIL MEMBER LEVIN: And what was the  
13 av--do you know the average time that it took to  
14 respond to those?

15 DEPUTY COMMISSIONER HOGAN: I--I couldn't  
16 tell you that. I--I don't have that information on  
17 those particular permits, but we can try and follow  
18 up on it.

19 COUNCIL MEMBER LEVIN: Okay. Have you--  
20 has DOB run a cost estimate on what it would cost or  
21 what DOB believes it would cost in terms of  
22 additional cost for--to respond to the requirements  
23 of this bill?

24 DEPUTY COMMISSIONER HOGAN: Well, part of  
25 the problem is in order to have enough people on

2 standby to respond to this the way that you're--  
3 you're laying it out for a two-hour response--

4 COUNCIL MEMBER LEVIN: [interposing] Uh-  
5 huh.

6 DEPUTY COMMISSIONER HOGAN: --I would--I  
7 would have to have multiple teams in each borough--

8 COUNCIL MEMBER LEVIN: [interposing] Uh-  
9 huh.

10 DEPUTY COMMISSIONER HOGAN: --in order to  
11 get to our response time, and so you start right off  
12 the bat at a minimum of ten people, probably more,  
13 and if we're--we do a lot of response in the evening  
14 and at night. So it would--it would be substantial.  
15 Probably three--figure for--to--to cover 24 hours a  
16 day, 7 days a week for one person takes about 4.2  
17 employees--

18 COUNCIL MEMBER LEVIN: [interposing] Uh-  
19 huh.

20 DEPUTY COMMISSIONER HOGAN: --to cover  
21 that shift. So if you wanted us to have ten people  
22 available, ten positions available that would be 40  
23 plus inspectors just to handle the real time  
24 regardless of the other work we do.

2 COUNCIL MEMBER LEVIN: Got it, and then  
3 just one other question with--for HPD, I wanted to  
4 ask, are you the right person to ask about rent  
5 stabilization as it pertains to 421A buildings?

6 ASSISTANT COMMISSIONER RAND: [off mic]  
7 We frame that, and I don't believe that we'll hear  
8 it. (sic)

9 COUNCIL MEMBER LEVIN: Okay, thank you  
10 very much. Thank you for the extra time. Thanks.

11 CHAIRPERSON WILLIAMS: [pause] what  
12 happens when DOB makes an inspection and determines  
13 that the work is done in accordance with the approved  
14 plans or picket blue law. (sic)

15 ASSISTANT COMMISSIONER RAND: [off mic]  
16 This has not.

17 CHAIRPERSON WILLIAMS: I'm sorry. It has  
18 not been. What happens when the--when the refi work  
19 is not done in accordance with the law, or in  
20 accordance to what they certify?

21 DEPUTY COMMISSIONER HOGAN: Then  
22 violations are issued that require them to bring it  
23 back into co-compliance.

24 CHAIRPERSON WILLIAMS: And they're  
25 allowed to self-certify after that?



2 DEPUTY COMMISSIONER HOGAN: Normally. It  
3 depends on the type of work that's being done.  
4 There--there are ways for them self-certify certain  
5 types of violations. Others require an inspection.

6 CHAIRPERSON WILLIAMS: How many  
7 professional--professional certified applications  
8 does DOB receive per year?

9 DEPUTY COMMISSIONER HOGAN: I--I don't  
10 have that number in front of me, but it's  
11 significant.

12 CHAIRPERSON WILLIAMS: All right. It  
13 probably would have been a good number to have for  
14 this--for this hearing. So and you probably don't  
15 know how often--how often DOB audited construction  
16 documents were professionally certified?

17 DEPUTY COMMISSIONER HOGAN: We have a  
18 unit called the Professional Certification Directive  
19 14 unit that does about 3,000 audits a month  
20 approximately, and it varies month to month, but they  
21 do approximately 3,000 audits on that. Hold on.

22 ASSISTANT COMMISSIONER WEHLE: Council  
23 member in 20--in 2015, a total of 36,515 building  
24 alteration applications were filed. 20--of just over

2 24,000 were professionally certified or self-  
3 certified.

4 CHAIRPERSON WILLIAMS: Thank you. Were  
5 self-certified, 20,000?

6 ASSISTANT COMMISSIONER WEHLE: 24,000.

7 CHAIRPERSON WILLIAMS: 24,000. How many  
8 of those have you double back of--or double checked?

9 [pause]

10 DEPUTY COMMISSIONER HOGAN: Again, we--  
11 the--the full cert unit does Alt--Alt--Alteration 2  
12 and 3 audits, and they do approximately 3,000 a  
13 month. They don't do inspections on all 3,000  
14 because they'll find that some of them on the--on  
15 their face are--are acceptable. You know, again it  
16 depends on the type of work that was being done, but  
17 they do, in fact, go out and do audits on a  
18 percentage of those when they--when they see that  
19 there's potential for issues.

20 CHAIRPERSON WILLIAMS: How many of them  
21 have you found any issues?

22 DEPUTY COMMISSIONER HOGAN: For various  
23 matters. Their numbers vary every month but, you  
24 know, they'll find that they didn't answer a  
25 particular issue or they had a particular objection

2 that they haven't confirmed that resolved. So say,  
3 for example, that there was an objection written by a  
4 development inspector for the way that they redid  
5 their plumbing underneath the sink as an example.  
6 Then we would probably go back and inspect that to  
7 make sure that it was corrected.

8 CHAIRPERSON WILLIAMS: What's the average  
9 number?

10 DEPUTY COMMISSIONER HOGAN: I--I couldn't  
11 give you that number off the top of my head.

12 CHAIRPERSON WILLIAMS: All right. It's  
13 an important number because it's critical to what it  
14 is that we're talking about. So, again, I'm glad you  
15 got this number for us, but that--

16 DEPUTY COMMISSIONER HOGAN: [interposing]  
17 The--the new--

18 CHAIRPERSON WILLIAMS: --won't probably  
19 help me.

20 DEPUTY COMMISSIONER HOGAN: --the new  
21 buildings in the Alteration 1 permits they get final  
22 sign-off inspections for the new C of O's. S o all of  
23 those get an inspection. It's all maybe an  
24 Alteration to an Alteration 3, which tend to be the  
25 smaller jobs--

2 CHAIRPERSON WILLIAMS: [interposing]

3 Okay.

4 DEPUTY COMMISSIONER HOGAN: --at the  
5 audit.

6 CHAIRPERSON WILLIAMS: We sill would to  
7 get--get that number of what it is, and--okay. [off  
8 mic] I already asked this question. Would that be  
9 one? (sic)

10 LEGAL COUNSEL: Yeah.

11 CHAIRPERSON WILLIAMS: I'm going to go to  
12 Intro No. 944. Can you provide us a breakdown per  
13 Council District of violations for work without a  
14 permit, and of these how many violations occurred in  
15 single-family homes and multi-family homes? Do you  
16 have the breakdown by--by Council?

17 ASSISTANT COMMISSIONER WEHLE: We do not.

18 CHAIRPERSON WILLIAMS: Okay. Are you  
19 able to get that?

20 ASSISTANT COMMISSIONER WEHLE: We can get  
21 that for you.

22 CHAIRPERSON WILLIAMS: Thank you, and how  
23 much does it cost for DOB to conduct an inspection?

24 [pause]

25

2 DEPUTY COMMISSIONER HOGAN: I--I couldn't  
3 tell you that number. It depends on the type of  
4 inspection. Some inspections take the entire day.  
5 Some inspections can be done in--in 20 minutes or a  
6 half hour. But we try and do them in 20, 25-minute  
7 increments, but there are inspections that require an  
8 entire day. So it's--it's going to vary based on the  
9 costs.

10 CHAIRPERSON WILLIAMS: Okay. Thank you  
11 very much. Thanks so much for your testimony. We  
12 really appreciate it and we look forward to continued  
13 conversation about these bills in moving forward.  
14 Thank you.

15 DEPUTY COMMISSIONER HOGAN: Thank you.

16 CHAIRPERSON WILLIAMS: [coughs] Next  
17 we'll have Hiley (sp?) Chiu from the Manhattan  
18 Borough President Gale Brewer's Office. After her,  
19 the next panel will be Tangier Harper, MFY; Karen  
20 Platt, Seth Wandersman, Delsenia Glover, Tenants and  
21 Neighbors; Fernando Guzman, United Neighbor  
22 Organization; and Betty Eng. [background comments,  
23 pause] Can you please raise your right hand. Do you  
24 affirm to tell the truth, the whole truth and nothing  
25 but the truth in your testimony before this committee

2 today, and to respond honestly to council member  
3 questions?

4 HILEY CHIU: I do.

5 CHAIRPERSON WILLIAMS: You can begin.  
6 Thank you.

7 HILEY CHIU: Thank you. Good morning. I  
8 am here today to provide testimony on behalf of  
9 Manhattan Borough President Gale Brewer. Thank you  
10 Chair Williams, and the members of the committee for  
11 the opportunity to testify today regarding those  
12 package of legislative introductions that will  
13 strengthen tenant protection. Each day my office is  
14 inundated with complaints and concerns from tenants  
15 and advocate--advocacy groups regarding construction  
16 and the alterations taking place in occupied  
17 buildings. Some of these cases are extremely serious  
18 where tenants are exposed to dangerous conditions  
19 impacting their health and safety as well as their  
20 quality of life. My staff has found in many of these  
21 situations, Department of Buildings' permits have  
22 been granted, but either the applications contain  
23 false information or the construction is occurring  
24 outside the scope of the permit. Many of these  
25 abuses could be prevented by improving the Department

2 of Buildings' policies for issuing permits and  
3 increasing as resources for siting and enforcing  
4 violations. Therefore, I would like to voice support  
5 for the following intros.

6 Intro 934 seeks to establish a real time  
7 enforcement unit within the DOB. The unit will  
8 improve responsiveness to complaints related to  
9 construction projects working without a permit and  
10 two types of projects with valid permits. One is the  
11 projects that alter 10% or more of existing floor  
12 area of the building, and the second one is projects  
13 that construct an additional but--an addition to the  
14 building. I believe this is critical--crucial  
15 because in all scenarios tenants within the building  
16 often suffer from noise, dust inhalation, elevator  
17 shut-downs, hallways flocked with construction  
18 materials and worse. In the most egregious cases,  
19 landlords use construction to harass rent regulated  
20 tenants in order to push them out generating a  
21 vacancy that they would then lease legally or  
22 otherwise at its deeply increased unaffordable rent.  
23 Too often, the tenants that are driven from their  
24 apartments are the most vulnerable. The disabled,  
25 ill or elderly making the repercussions more severe.

2 Because of the constraints on DOB's current system of  
3 enforcement response to these cases of subsequent  
4 action is often too late to help the tenants being  
5 harassed. The result is not only hardship for  
6 tenants, but the loss of affordable housing stock.  
7 Every day that such abuses go on is a day too long,  
8 and I believe that establishing a real time  
9 enforcement unit will help prevent unlawful  
10 construction from being used to harass tenants.

11 Intro 944 seeks to increase the  
12 transparency and awareness of DOB procedures by  
13 requiring the public disclosure of a building's  
14 occupancy status. Local elected officials in the  
15 district and the community board would be notified of  
16 any buildings that perform work without proper  
17 permits or where construction documents might be  
18 falsified. This is a priority for my office. As I  
19 noted earlier, one of the biggest sources of tenant  
20 harassment is construction work in a building where  
21 the owner has certified to DOB that the building is  
22 unoccupied when, in fact, there are tenants in the  
23 building who will be affected by the proposed work,  
24 and who by law are entitled to protections under a  
25 tenant protection plan. Tenants unfamiliar with DOB



2 filing requirements and process would not know to  
3 verify whether their landlords has falsely certified  
4 that the building is unoccupied. As a result, the  
5 work continues unmitigated and tenants suffer. In  
6 certain instances, tenants are trapped or endangered.  
7 Housing advocates have shared with my office  
8 countless cases of tenant harassment including when  
9 landlords have removed a tenant's toilet in the case  
10 of 90 Elizabeth Street. A building has 3,000 times  
11 the limit of lead in the building and 102 Norfolk  
12 Street, and the landlord has removed the building's  
13 ventilation system leaving gaping holes accessible to  
14 rodents as in the case of 22 Spring Street. This is  
15 why it is critical that DOB must verify a building's  
16 occupancy status before granting work permit--  
17 permits. In addition, DOB should make the status of  
18 a building's occupancy easily visible online and at  
19 the job site for everyone interested in verifying  
20 whether a filing is valid. By allowing tenants as  
21 well as elected officials and advocacy groups easier  
22 access to the reported status of the building's  
23 occupancy, falsified documents and illegal work can  
24 be halted earlier. Another important aspect of Intro  
25 944 is notifying the appropriate borough president,

2 council member and community board when the  
3 construction documents is submitted for buildings  
4 where work has been done without a permit in a  
5 previous year. This will prevent bad actors from  
6 repeating their violations adding an increase of  
7 check and balances to the attempt require new  
8 permits. As an additional measure of accountability,  
9 I also support the sections of Intro 944 that seek to  
10 enhance penalties for violations and impose  
11 inspection fees where work has been done without a  
12 permit.

13 I am in support of Intro 924, which would  
14 ensure that DOB vacate orders issued in cases where  
15 conditions pose an imminent risk to the tenants or  
16 the public are, in fact, vacate and repair orders.  
17 This would bring such DOB orders in line with  
18 parallel expedite orders and eliminate the loss of  
19 housing that currently transpires under DOB orders.  
20 Landlords who move out tenants on the grounds of  
21 unsafe building conditions will be held accountable  
22 to make the necessary repairs to cure those unsafe  
23 conditions. Currently, nefarious landlords can use  
24 DOB vacate orders as a method to remove tenants from  
25 a building, incentivizing them to allow conditions to

2 deteriorate until a building is unsafe and a vacate  
3 order is required. By ensuring that a vacate order  
4 includes the requirement to correct unsafe conditions  
5 within ten days, the landlord would not be able to  
6 keep tenants removed indefinitely under the guise of  
7 an actor vacate order. Additionally, this measure  
8 would stem the loss of rent regulated housing in  
9 vacated buildings based on the tactic that landlords  
10 have been utilizing to self-report against their own  
11 extremely deteriorated buildings with the goal of  
12 attain--obtaining DOB's permission to demolish those  
13 structures. Once demolished, regulated units are  
14 lost forever. Time and obligation to remediate the  
15 conditions that trigger the vacate order will provide  
16 a much-needed safeguard against losing more of the  
17 city's affordable housing. While I support Intro  
18 924, I believe further steps can be taken to ensure  
19 landlords' adherence to the condition vacate orders.  
20 Fines should be assessed in increased increment for  
21 every day past the allotted ten days that conditions  
22 are not improved. There should be a mechanism for  
23 tenants to file grievances if they are having trouble  
24 returning to the building and believe that their  
25 landlord is actively preventing their return. If

2 these grievances are investigated and found to have  
3 merit, fines should be assessed to the landlord, and  
4 tenants must be allowed to return to their units.

5 I believe Intros 934, 944 and 924 with  
6 some amendments will result in a better quality of  
7 life for tenants and support for the prevention of  
8 affordable rent regulated housing. I've heard  
9 stories from tenants who have had their locks  
10 removed, their heat and gas shut-off for months,  
11 their hot water turned off, their elevators shut  
12 down, the phone and Internet lines cut, their medical  
13 equipment compromised, their hallways filled with  
14 debris and their lungs filled with dust due in great  
15 part to the construction issues being addressed by  
16 this package of bills. Thank you for the opportunity  
17 to testify, and I look forward to working with  
18 members of the committee to continue to protect  
19 safety of tenants. [pause]

20 CHAIRPERSON WILLIAMS: Any questions?

21 COUNCIL MEMBER: [off mic] No.

22 CHAIRPERSON WILLIAMS: Thank you very  
23 much for your testimony. Appreciate it.

24

25

2 HILEY CHIU: Thank you. I'll ask--I'll  
3 call the Clerk to call a vote for Councilman Ulrich.  
4 [coughs]

5 CLERK: Continuation roll call Committee  
6 on Housing and Buildings. Council Member Ulrich.

7 COUNCIL MEMBER ULRICH: The vote now  
8 stands at 10 in the affirmative.

9 CHAIRPERSON WILLIAMS: Thank you very  
10 much. Tangier Harper, Karen Platt, Seth Wondersman,  
11 Delsenia Glover, Fernando Guzman and Betty Eng.  
12 [background comments] After them we'll have Jack  
13 Underwood.

14 LEGAL COUNSEL: [off mic] Chris Copeland.

15 CHAIRPERSON WILLIAMS: Chris Copeland,  
16 David Fillingame and Jane Lee will be right after  
17 this. Is that everybody? We have Tim Jerry Hopper,  
18 Karen Platt, Delsenia Glover, Yolanda Goldman, and  
19 Betty Eng. Is that correct? You can put two chairs  
20 up. Can you each raise your right hand, please?  
21 [background comments, pause] Can you please raise  
22 your right hand? Do you affirm to tell the truth,  
23 the whole truth and nothing but the truth in your  
24 testimony before this committee today, and to respond  
25 honestly to council member questions? You'll each

2 have two minutes and you can begin in the order of  
3 your preference. [pause]

4                   DELSENIA GLOVER: Good morning and thank  
5 you Chair Williams, and the Council Committee on  
6 Housing for the opportunity to testify today. My  
7 name is Delsenia Glover. I'm with New York State  
8 Tenants and Neighbors, and New York State Tenants and  
9 Neighbors and Tenants and Neighbors Coalition are two  
10 affiliate organizations that share a common mission:  
11 To build a powerful and unified statewide  
12 organization that empowers and educates tenants,  
13 preserves affordable housing, livable neighborhoods  
14 and diverse communities and strengths--strengthens  
15 tenant protections. The Information Service  
16 organizes tenants and at-risk regulated and  
17 subsidized buildings, and helps them preserve their  
18 homes as affordable and organizes administrative  
19 reform campaigns. I am here today to testify in  
20 support of all BSTS legislation with particular  
21 impetus--emphasis on Intro 934, the establishment of  
22 a real time enforcement unit. Every week I talk to  
23 tenants across the city that live in rent regulated  
24 or other affordable housing apartments who are  
25 increasingly experiencing construction as harassment

1 to devastating effects. It has become increasingly  
2 common for landlords to do construction and work in  
3 buildings without the proper permits, and in really  
4 egregious cases perform unnecessary constructions in  
5 apartments, don't finish it, and the leave people's  
6 homes in completely unlivable states. Then there are  
7 those who simply purchase rent regulated buildings  
8 and stop doing repairs. I am currently working with  
9 tenants in a building in Manhattan who finally took  
10 their landlord to court for hundreds of violations  
11 because the landlord purchased the building, and has  
12 refused to make any repairs. For more than ten  
13 years, the tenants in this building on the Upper East  
14 Side have had to contend with scaffolding around the  
15 building, which eventually became rotten. They were  
16 harassed with dogs around the building, and these  
17 tenants were not sure they had any recourse until  
18 they organized and began reaching out to  
19 organizations like Urban Justice Center and Tenants  
20 and Neighbor. The Real Time Enforcement Unit will  
21 fix the DOBs and adequate response time for tenant  
22 complaints. It would also mandate inspection within  
23 a specified period of time, which would bring great  
24 relief to tenants as well as reinforce with teeth  
25

2 that landlords cannot continue bad or legal conduct  
3 without swift accountability. Thank you.

4 CHAIRPERSON WILLIAMS: Thank you.

5 BETTY ENG: Hi. My name is Betty Eng.  
6 I'm from 90 Elizabeth Street. I'm the one that as  
7 mentioned before, I had a toilet in my living room  
8 for over eight months. It was just put into a  
9 bathroom last week, and I was there for the  
10 inspection with--with a Housing inspector last  
11 Thursday the 14th. He--he was telling my landlord  
12 that he was able to self-certify that everything was  
13 repaired and meanwhile I'm standing there next to a  
14 window was cracked and a fire escape that was broken.  
15 That's the type of stuff that I have to deal with  
16 every day, and then the day after he started without  
17 a dust door, which is required for--for like  
18 construction, and I couldn't even talk down. I live  
19 on the second floor. I had problems walking down my  
20 steps to the front door. That's what's the--the  
21 construction as harassment is doing. Supposing he--  
22 he had the permit. I looked through all the permits.  
23 I am one of the few tenants in my own building that  
24 actually sat down and read through mountains of stuff  
25 for a permit requirement. He didn't have the proper



2 permits, and no matter what I seem to do, and I've--  
3 this is my third round of doing this, I--I can't seem  
4 to get any relief from the DOB because every time he  
5 fixes one thing, but the ten different things happen  
6 the same--the very next day. And at some point you  
7 have to look into the face of the person that can't--  
8 But even just to get to the meeting here that was  
9 gasping breath and turned blue trying to get out of  
10 the building to come to this meeting. And I coughed  
11 in front of my building for two minutes just so I can  
12 have enough strength to get here. That's--and I'm  
13 not that old. Imagine there are senior citizens in  
14 my building, and they're actually still stuck in  
15 their apartment and having problems. I'm just one of  
16 the lucky ones that can actually her way out. Thank  
17 you.

18 CHAIRPERSON WILLIAMS: [off mic] Thank  
19 you.

20 FERNANDO GUZMAN: Good afternoon. My  
21 name is Fernando Guzman. I'm here on behalf of  
22 United Neighbors Organization, UNO from North  
23 Brooklyn and also from Saint Nick's Alliance. We are  
24 here also on behalf--representing or being part of  
25 the Stand for Tenant Safety Coalition. This is a

1 group of citywide organizations that we got tired of  
2 the harassment by construction happening throughout  
3 the city of New York. I just want to get back to a  
4 couple comments the Department of Buildings actually  
5 made when there was testimony. In our community  
6 based research that STS conducted, we actually found  
7 out that the average response time for DOB to from a  
8 311 complaint to an actual inspection is about 42  
9 days and a half. Listening to them saying that there  
10 is not a priority in terms of complaints for work  
11 without permit is really unnerving for us. We work  
12 with several buildings where tenants got tired of  
13 call 311 reporting conditions in their building,  
14 reporting work to--with--with--work without permits,  
15 and by the time that DOB goes in, they just go to  
16 issue a vacate order. So take for instance 300  
17 Nassau where conditions were so bad that first the  
18 DOB issued a partial vacate order for a tenant not to  
19 use their bathroom. So you can imagine living in  
20 your apartment and not having access to your  
21 bathroom. And then we have several other buildings  
22 where tenants got tired of complaining for work  
23 without permits, and DOB taking forever to go.  
24 Examples are 119 Corinthian Street in Greenpoint; 36

2 Linden Avenue in Bushwick; 106 Bedford Avenue in  
3 Williamsburg, and 1031 Lorimer Street in Greenpoint.  
4 Those buildings. but the way, this is a modest--this  
5 is a--a means of business for some landlords. A lot  
6 of predatory equities are using aggressive,  
7 disruptive work to harass these--those tenants and  
8 also advantage that the city is not responding in  
9 time. [bell] We believe this legislation is going to  
10 provide tools to the city. We thank the Council  
11 Member Williams for having this hearing, and we thank  
12 Council Member Williams--Chin, Levin, Rosenthal,  
13 Johnson, Levine, and all the other council members  
14 that are supporting the STS legislation. Thank you  
15 very much.

16 TANGIER HARPER: Good morning. Thank you  
17 for having us here today. My name is Tangier Harper.  
18 I'm a staff attorney with MFY Legal Services. I've  
19 submitted written testimony outlining MFY support for  
20 all of the bills, and today I just want to give a  
21 brief description of what the current policies at DOB  
22 look like in terms of vacate orders. Landlords  
23 routinely use vacate orders to distance tenants, and  
24 they use it to deregulate buildings that are rent  
25 stabilized. A group of tenants in the Longwood

2 section of the Bronx, 783 Southern Boulevard  
3 experienced a fire in May 2015. Four of the  
4 apartments had DOB vacate orders, and those tenants  
5 were displaced. But the building tenants had--has a  
6 history of reporting violations, but nothing has been  
7 done. So that was May. So the tenants have been  
8 calling HPD, have been calling the landlord and  
9 nothing has been happening. They decided to start an  
10 HP action in Housing Court against the landlord, and--  
11 -and MYF stepped in to help them get the tenants back  
12 into the apartment, and that required, you know,  
13 having the landlord do the repairs, having DOB come  
14 in and do inspections. Having DOB--they--they lift  
15 the vacate order. Even after MFY was involved--  
16 sorry, started the case, the landlord still didn't do  
17 anything in court. MFY had to then plead DOB as a  
18 respondent in order to get the landlord to put the  
19 lengthy fire under their--

20 FEMALE SPEAKER: [off mic] Their legal  
21 name. (sic)

22 TANGIER HARPER: Exactly, and so it was  
23 three months after MFY started the case that the  
24 repairs were finally completed, the vacate order  
25 lifted and blind elder wheelchair [bell] wheelchair

2 bound tenant was able to get back to the apartment  
3 that he called home for 25 years. And so that is  
4 just one example of I'm certain--certain many  
5 throughout the city, especially the neighborhoods  
6 that are being targeted and up-zoned in--in New York  
7 City. And so I--MFY enthusiastically supports these  
8 bills, and thank you for allowing us to testify in  
9 support of it.

10 KAREN PLATT: Hello, my name is Karen  
11 Platt. I am testifying--[bell]. Oops. I am  
12 testifying on behalf of Intro 934 for a real time  
13 enforcement unit in the Department of Buildings. I  
14 have been a resident of the East Village for 30 years  
15 and was born and raised in Manhattan. The past few  
16 years have seen many buildings including mine at 522  
17 East 5th Street being renovated by new owners, and it  
18 often feels like we are under siege by predatory  
19 landlords using construction, and the neglect of  
20 serious building issues as forms or harassment to get  
21 rent stabilized people out of their apartments. In  
22 my building alone, there have been five rent  
23 stabilized departments completely gut renovated to  
24 become market rate apartments, and they even added a  
25 floor in the basement despite the fact that notices

2 hanging in the lobby indicated the work would only  
3 include minor alterations but no change in egress.  
4 There were many times when tenants from the building  
5 used the 311 system to file complaints that were  
6 either never responded to or were labeled as closed  
7 or resolved without anyone in the building actually  
8 talking to an inspector, receiving correspondence  
9 from an inspector or knowing if anyone had actually  
10 come to inspect. One of the first problems that  
11 started in the building after it changed hands was  
12 intermittent hot water especially during the day.  
13 While the demolition crews were renovating vacant  
14 apartments, I suffered with intermittent hot water  
15 that went from cold--that went from hot to ice cold.  
16 311 was unable to give me a timeframe for sending an  
17 inspector. I needed the super, who did not live on  
18 premises to let them into the basement. So it was  
19 really impossible to get the problem solved. I  
20 therefore had completely unreliable hot water for  
21 over two years. Last summer we lost cooking gas in  
22 the building for four months. It took weeks for an  
23 inspector to come out to respond to the no cooking  
24 gas complaints. It seems like there was no  
25 organizing with regards to the inspector's visits.

2 DOB takes so long to send an inspector that by the  
3 time the problem--the problem finally gets addressed,  
4 we have spent a lot of time suffering with lack of  
5 services or dangerous buildings. This seems to go  
6 unrecognized by the DOB who also seems [bell] to be  
7 neglecting to appropriate--to issue appropriate fines  
8 and violations. For serious safety issues we  
9 desperately need inspectors who can come out to the  
10 buildings immediately especially for important issues  
11 such as plumbing, leaks and related disasters, gas  
12 issues, collapsed ceilings, fumes, hot water issues,  
13 missing sidewalks, giant holes, et cetera, et cetera.  
14 We would like to feel safe and protected by the DOB,  
15 and that is why we need real time enforcement. One  
16 other thing.

17 CHAIRPERSON WILLIAMS: Can I ask you to  
18 wrap up.

19 KAREN PLATT: Oh, sorry. If--if  
20 harassment was just--DOB mentioned that if harassment  
21 is mentioned to 311, they send someone right out.  
22 Well, I wish I had known that. So maybe 311 should  
23 be asking everybody do you feel like you are the  
24 victim of harassment, yes or no?

25 CHAIRPERSON WILLIAMS: Thank you.

2           SETH WANDERSMAN: My name is Seth  
3 Wandersman. I lived in a building owned by one of  
4 the notorious construction as a harassment landlords.  
5 I'm going to skip over a lot of what I've said to--to  
6 emphasize some of this--the--the scheduling part of  
7 this, and how this really causes a lot of these  
8 things to be not seen. So in our building one  
9 resident's ceilings collapsed spilling dust and  
10 debris on her bed. She reported it, but she can't  
11 say home from work for two days to wait for an  
12 inspector, and you have no idea during--when in those  
13 next two days they're going to come. She has to  
14 clean up the debris because it falls on her bed and  
15 the construction crew fixes most--fixes the ceiling.  
16 So if an inspector is arriving two days later nobody  
17 is home. The person has to go to work. This type of  
18 issue, which is pretty serious just gets missed. It  
19 gets lost, and I think that's one of the true  
20 importance of--of--of real time enforcement that--  
21 that we haven't really been addressing. And I'll  
22 point out that these ceilings collapses happened at  
23 these other buildings that were undergoing  
24 renovations by our landlord. We also had huge  
25 problems with lead dust getting distributed into



2 apartments due to them not following regulations.  
3 One of the buildings in our small coalition of five  
4 they had testing at 3,000 times the federal threshold  
5 for what lead should be. People had respiratory  
6 issues due to the dust, and we were all left nearly  
7 powerless because inspections were just not geared in  
8 a way to work with residents. You know, again we  
9 have no idea when the inspectors are coming. They  
10 come. They--they ring the bell and they leave, and  
11 then issue gets lost, and I think that's the most  
12 important part of what I have to say. Thank you.

13 CHAIRPERSON WILLIAMS: Thank you very  
14 much for your testimony. As for some of the pushback  
15 on DOB, they are still here in the back. So I  
16 appreciate them being here, and they can hear the  
17 responses. I just want to be clear that there's a--  
18 there's an operable toilet in your living room?

19 BETTY ENG: It was inoperable, but it sat  
20 there.

21 CHAIRPERSON WILLIAMS: I see.

22 BETTY ENG: It was--

23 CHAIRPERSON WILLIAMS: [interposing]

24 Well, the--

25

2 BETTY ENG: I--I had to stare at it for  
3 eight months.

4 CHAIRPERSON WILLIAMS: Was the toilet  
5 operable in the regular bathroom?

6 BETTY ENG: Yes.

7 CHAIRPERSON WILLIAMS: Okay.

8 BETTY ENG: It was at one point. It was  
9 actually taken out--

10 CHAIRPERSON WILLIAMS: Oh, I see.

11 BETTY ENG: --when it was operable.

12 CHAIRPERSON WILLIAMS: I'm confused.

13 Were you living without a toilet for a while?

14 BETTY ENG: Yes.

15 CHAIRPERSON WILLIAMS: Okay. Thank you  
16 very much. Appreciate it. Jack Underwood, Chris  
17 Copeland, David Fillingame and Jane Lee. [background  
18 comments, pause] So we have Jack Underwood. Is Jack  
19 Underwood here?

20 JACK UNDERWOOD: [off mic] Yes, right  
21 here.

22 CHAIRPERSON WILLIAMS: Chris Copeland?

23 CHRIS COPELAND: [off mic] Here.

24 CHAIRPERSON WILLIAMS: David Fillingame.

25 DAVID FILLINGAME: Here.

2 CHAIRPERSON WILLIAMS: And Jane Lee.

3 [background comments] After this panel we have Betsy  
4 Eifel, Donna Chin, Ju Chong-Chang and Lahari Torres  
5 and Ana Rose--Rosa Granados (sp?) I believe. So if  
6 they can stand on deck, that would be great. Right  
7 now we have Jack Underwood, Chris Copeland, David  
8 Fillingame and Jane Lee. Can you please raise your  
9 right hand. Do you affirm to tell the truth, the  
10 whole truth and nothing but the truth in your  
11 testimony before this committee and to respond  
12 honestly to council member questions?

13 PANEL MEMBERS: (in unison) I do.

14 CHAIRPERSON WILLIAMS: You have two  
15 minutes each. You can begin in the order of your  
16 preference.

17 JACK UNDERWOOD: Thank you, Mr. Williams.  
18 My name is Jack Underwood. I am a staff attorney at  
19 Brooklyn Legal Services Corporation A. I am here in  
20 support of all the STS legislation, and I guess I  
21 would like to start by seconding--seconding a lot of  
22 the things that Ms. Harper said in the last panel  
23 with regards to how the courts are in--inadequate  
24 remedy as currently constituted to address this sort  
25 of harassment by construction. The vacate orders are

1 being weaponized against tenant, and the Department  
2 of Buildings more largely being used as an unwilling  
3 instrument of displacement. One of my clients will  
4 be speaking, Ms. Torres on the next panel more about  
5 that. We represent her and sort of in Housing Court  
6 where this--this a lot of works is the--the owner is  
7 given as much time as it wants to sort of delay the  
8 proceedings against it whether an HP action or, you  
9 know, another case. And it's--it drags on and it  
10 drags and drags on, and the--the courts just aren't  
11 currently constituted to resolve this problem. What  
12 we need is comprehensive reform of the type that STS  
13 --of the exact type that STS is putting forward. I  
14 think that it needs to be more timely, and that's  
15 sort of what the real time enforcement addresses. I  
16 believe that the enforcement needs to be a greater  
17 deterrent, and that's the other Council--the other  
18 bills in here address sort of the self-certification  
19 and making the landlord jump through more hoops if  
20 they have a history of harassment and illegal  
21 uncompleted construction. So Brooklyn and STS  
22 supports those bills wholeheartedly. I think  
23 particularly with--you'll hear from my client who  
24 will be out--be out of her rent stabilized apartment  
25

2 for nine months as of tomorrow because there's a  
3 vacate order put in place nine months ago because of  
4 illegal construction. I think my number one concern,  
5 and Council Member Espinal's bill goes toward  
6 addressing is once [bell] once a vacate order is put  
7 in place, it doesn't seem that there's enough concern  
8 for what becomes of a tenant and the rent stabilized  
9 housing. I think these bills would go towards  
10 addressing concerns like that, and Brooklyn A and STS  
11 strongly supports that.

12                   JAN LEE: Hi, thank you for the  
13 opportunity to testify today. My name is Jan Lee. I  
14 am a housing staff attorney at the Urban Justice  
15 Center's Community Development Project. The  
16 Community Development Project is a member of the  
17 Stanford Tenant Safety Coalition, and it's supporting  
18 the four bills being heard today. Our coalition  
19 recently conducted a survey of over 150 tenants who  
20 live in 57 buildings, and their experiences with the  
21 DOB and construction work in their building shows  
22 that 70% of the tenants found that DOB did a fair or  
23 poor job in addressing their problems. Twenty-two of  
24 their--22% of the respondents said that their  
25 problems were not addressed at all. The average

2 response time between a complaint being filed and a  
3 DOB inspection being done was over 42 days, and the  
4 longest response time in a surveyed building was 926  
5 days. So the results really point to the inadequacy  
6 of the system. As it is now, the DOB is not timely  
7 doing inspections, and letting a critical amount of  
8 time lapse between when the problem is reported and  
9 when they actually show up. So many of the tenants  
10 that I currently represent especially in those living  
11 in areas where there's a new influx of wealthier  
12 tenants coming in are facing a lot of construction  
13 issues. And when I tell them to call 311 and make  
14 complaints, you know, the--the usual refrain that I  
15 hear is that, you know, that doesn't really work. So  
16 as an advocate what I'm left to do is to reach out to  
17 elected officials such as yourselves, community  
18 organizations or rely on the court system to get DOB  
19 inspections that I know will happen at a--at a  
20 specific time or date. So that the landlord can  
21 [bell] be caught in the act of doing the unpermitted  
22 work or dangerous construction work. So that's all  
23 to say we are strongly in favor of these bills.  
24 Tenants need much more information to hold their  
25 landlords accountable, and we have a role to make

2 sure that DOB is playing a crucial role in that  
3 enforcement. Thank you.

4 CHAIRPERSON WILLIAMS: Having just pause  
5 one second before testimony to call the Clerk--to ask  
6 the Clerk to call--this is for Council Member  
7 Rodriguez who we've been joined.

8 CLERK: Continuation roll call, the  
9 Committee on Housing and Buildings. Council Member  
10 Rodriguez.

11 COUNCIL MEMBER RODRIGUEZ: Do--I  
12 apologize for being late, but I was also chairing the  
13 other hearing on Transportation, and I vote aye.

14 CLERK: The final vote now on those items  
15 now stand at 11 in the affirmative, 0 in the negative  
16 and no abstentions.

17 CHAIRPERSON WILLIAMS: Thank you . You  
18 can continue.

19 CHRIS COPELAND: Good afternoon. My name  
20 is Chris Copeland. I'm a staff attorney with Bronx  
21 Legal Services, and I am joined by David Fillingame  
22 also a staff attorney with Manhattan Legal Services.  
23 We speak today on behalf of Legal Services New York  
24 City. Thank you for the opportunity to give  
25 testimony before the New York City Committee on

2 Housing and Buildings. As staff attorneys in  
3 Manhattan and the Bronx, Mr. Fillingame and I work  
4 closely with low-income tenants in rapidly changing  
5 neighborhoods where tenants too often and  
6 increasingly so experience many fold types of  
7 harassment from landlords. And more often than not  
8 these harass--harassing tactics are designed to  
9 displace rent stabilized tenants from their  
10 apartments and to replace them with higher paying  
11 tenants. With these concerns in mind, we thank the  
12 committee for holding this hearing pertaining to  
13 Intros 918, 924, 934 and 944 and we believe that  
14 these code amendments would have a positive impact--  
15 impact on the clients that we serve. With regard to  
16 Intro 924, landlords often engage in illegal  
17 construction that creates hazardous uninhabitable  
18 conditions in an effort to displace low-income  
19 tenants from their homes. When the con--when these  
20 conditions created reach such a dangerous level, they  
21 inevitably necessitate vacate orders from the  
22 Department of Buildings, another related tactic that  
23 landlords employ to permanently displace tenants from  
24 their homes. Currently, when the Department of  
25 Buildings issues a vacate order due to dangerous



2 conditions in a building, Section 28-207.4 of the  
3 Administrative Code mandates the Department of  
4 Buildings reduce the order to writing, listing the  
5 specific reasons for the order. Under this regime  
6 the landlords simply allow their buildings to  
7 languish in disrepair long enough to permanently  
8 displace the tenants and replace them with wealthier  
9 ones. And although the Department of Housing  
10 Preservation and Development currently issues its own  
11 vacate order along with orders to correct the  
12 conditions in place, this has proved inadequate.  
13 Intro 924 takes a major step toward enabling the  
14 Department of Building itself to resolve the problem,  
15 and it would eliminate any duplication of efforts  
16 [bell] between the Department of Buildings and HPD.  
17 As such, we believe that Intro 924 would have a  
18 positive impact for our clients.

19           DAVID FILLINGAME: Thank you for this  
20 opportunity. My name is David Fillingame. I'm a  
21 staff attorney at Manhattan Legal Services, and as my  
22 colleague shared, we could all share stories of how  
23 illegal construction has dramatically impacted our  
24 clients' lives. Passage of the Code Amendments in  
25 Intro 944 that create additional safeguards for

2 construction from building owners--owners that have  
3 engage in illegal construction in the past, and  
4 enhanced against building owners who repeatedly  
5 perform illegal construction would benefit the low-  
6 income clients we serve. In our experience the  
7 existing safeguards and civil penalties are  
8 insufficient to deter building owners from engaging  
9 in misconduct again and again. In one recent case, a  
10 landlord in East Harlem decided four separate times  
11 for work without a permit over an eight-month  
12 period. The fourth citation came when in the course  
13 of doing an illegal gut renovation of a vacant apart-  
14 -apartment underneath my client's apartment, they  
15 removed a load-bearing wall, destabilizing my  
16 client's entire apartment, seeding the floor and  
17 forcing her and her family to leave the apartment for  
18 several days so emergency shoring work could be done  
19 to correct this reckless construction. My colleagues  
20 often see similar situations where building owners  
21 are gut renovating vacant apartments with--without  
22 permits, engaging in unauthorized electric--  
23 electrical or plumbing work that leads to the shut-  
24 off of gas services for months and other disruptive  
25 and dangerous construction. When this construction

2 is literally moving ground underneath a tenant's  
3 feet, it can be a powerful tool for landlords to  
4 drive tenants from their long-term homes. New  
5 safeguards such as those in Intro 944 are needed to  
6 ensure that building owners who have engaged in work  
7 without a permit in the past are subjected to  
8 additional scrutiny--scrutiny in the future. And we  
9 think these amendments are also important to ensure  
10 that building owners applying for permits are not  
11 subjected to anything less than a full examination  
12 when they have a recent history of engaging in work  
13 without permits. Thank you.

14 CHAIRPERSON WILLIAMS: Thank you all for  
15 your testimony and for the work that you do today.  
16 Really appreciate it. Thank you. We have Betsy  
17 Eikel. I'm sorry. Sorry, sir. [background  
18 comments] Yes, Betsy Eikel, Donna Chin, Ju Chong  
19 Chang and Lahari Torres, Ana Rosa Granados. [off  
20 mic] That's great. Then the last panel will be Emily  
21 Goldstein, Chelsea, Laughlin, David Chang, Nikki Lay-  
22 -Ledger. Thank you. That will be the panel after  
23 this. That's all of the people that we have signed  
24 up today. So if you still want to testify please get  
25 a card filled out with the sergeant-at-arms, and we

2 have Betsy Eikel, Donna Chin, Chiu Chang Jong, Lahari  
3 Torres, Ana Rose Granados, and I apologize to  
4 everyone whose name I butchered. If you can please  
5 raise your right hand. Do you affirm to tell the  
6 truth, the whole truth and nothing but the truth in  
7 your testimony before the committee today, and to  
8 respond honestly to council member questions?

9 PANEL MEMBERS: I do.

10 CHAIRPERSON WILLIAMS: You can--you each  
11 have two minutes. You can begin in the order of your  
12 preference.

13 BETSY EIKEL: My name is Betsy Eikel,  
14 and I am a tenant organizer with Housing Conservation  
15 Coordinators, a non-profit legal service and tenant  
16 advocacy organization based in Hells Kitchen. I'm  
17 here to testify in favor of Bill No. 944 and thank  
18 you for allowing me to speak today. I organize  
19 buildings in Hells Kitchen, Chelsea and the Upper  
20 West Side where affordable housing is extremely  
21 scarce. Landlords want to get the already dwindling  
22 number of rent regulated tenants out so they could  
23 take advantage of hot markets and charge rents many  
24 times greater than what current tenants pay, and I  
25 have worked in several buildings where the management

2 claimed a building was unoccupied in order to bypass  
3 restrictions and speed up this planned renovation or  
4 demolition work. In fact, the problem is so  
5 prevalent on the west side that a group of tenants in  
6 Chelsea form the Community and Residents Protection  
7 working group or CRP to help tenants decode long  
8 jargon filled DOB permit applications, and determine  
9 if their landlord had lied about occupancy.

10 Landlords know that they can avoid a tenant  
11 protection plan and other precautions if a building  
12 is unoccupied even only on paper. And a particularly  
13 egregious example the eight tenants of 15 and 19 West  
14 55th Street learned that their landlord wanted to  
15 convert rent stabilized--turn their rent stabilized  
16 building into a commercial hotel. And if landlords  
17 submitted paperwork to the DOB that claimed the  
18 building had no rent regulated--regulated tenants.

19 After a lot of intervention between advocates, city  
20 and city elected officials and the DOB, the  
21 application was amended to reflect that there were,  
22 in fact, rent stabilized tenants, and that a Tenant  
23 Protection Plan was needed or was provide, excuse me.  
24 But by that point, it was too late. Work had already  
25 begun that had disrupted tenants' lives, and

2 continues to do so to this day, and made them feel  
3 unsafe in their long-time homes. The landlord faced  
4 on consequences for their deception. Rent regulate  
5 tenants are under immense pressure throughout the  
6 city. The city agencies need to use their  
7 considerable power and resources to ensure that  
8 tenants' rights are protected, [bell] and landlords  
9 who gain the system face consequences. Thank you.

10 CHAIRPERSON WILLIAMS: If you have a wrap  
11 up, you could, but that's fine.

12 BETSY EIKEL: Oh, I'm all--all set.

13 CHAIRPERSON WILLIAMS: Thank you.

14 DONNA CHIN: Good morning--good morning.

15 My name is Donna Chin. I'm the Director of Housing

16 and Community Services at Asian-Americans For

17 Equality. I'm very lucky today to be joined by Ms.

18 Chiu Chang Jong, who's a long-term resident at 211

19 Madison Street. First, I want to thank Council

20 Member Williams for scheduling this hearing and for

21 the council members that addressed--that introduced

22 the STS legislation. AAFE is a non-profit

23 organization with a community based office in--in and

24 serving Chinatown on the Lower East Side, and we're

25 also a member of the STS Stand for Tenant Safety

2 Coalition, and like Betsy mentioned, construction as  
3 harassment is one of the most prevalent issues that  
4 we're seeing right now. So much so that any time a  
5 tenant comes in telling us that they have a new  
6 owner, we're going to see some level of construction  
7 as harassment or shut-off of any essential service.  
8 I want to make--structure my remarks so that I  
9 address some of the comments that DOB made today. We  
10 support Intro 924 because we don't see an order to  
11 correct simultaneous with the full or partial vacate  
12 order as being mutually exclusive. When they--when  
13 DOB issues an order to correct, the time is running.  
14 They have a tool where they can enforce. From my  
15 years being a tenant advocate what's been so  
16 frustrating is that any time there's a partial or  
17 full vacate order, the burden is on the tenant to do  
18 something. It's never on the owners, and at least  
19 with an order to correct there's something advocates  
20 can go and enforce or DOB or HPD can enforce. We  
21 also support 9--Intro 918. An example of how that  
22 will help our tenants is the building that we have  
23 been organizing, which is 173 Henry Street, the  
24 owners have work permits for some units, but not work  
25 permits for others, but the owner is doing illegal

2 construction to make the units bigger. So, for  
3 example, the owner is taking down load-bearing walls.  
4 The are rearranging fixtures and, of course, when DOB  
5 comes to inspect, no one--the owner is not going to  
6 give access to show DOB the unlawful illegal work  
7 they're doing. And so that's why the self-  
8 certification is so important as well, and this--  
9 Okay. May I just have one minute to discuss Ms.  
10 Jong's situation?

11 CHAIRPERSON WILLIAMS: Is she going to  
12 speak also.

13 DONNA CHIN: She's not going to speak  
14 because she only speaks Chinese, but may I speak--  
15 represent her experience?

16 CHAIRPERSON WILLIAMS: Yes and she can  
17 speak and you can translate if you'd like.

18 DONNA CHIN: [Speaking Chinese]

19 CHIU CHANG JONG: [Speaking Chinese]

20 DONNA CHIN: She prefers that I speak for  
21 her to--to explain her experience.

22 CHAIRPERSON WILLIAMS: Sure in two--in  
23 two minutes.

24 DONNA CHIN: Thank you. So Ms. Jong  
25 lives at 211 Madison Street and in her--what she



2 experienced at 211 Madison Street is an example of  
3 how--how all these bills will benefit the tenants.  
4 Since a new owner bought her building, the owner did  
5 illegal concrete work, and I've worked with Ms. Jong  
6 and other tenants to call 311, but they never come  
7 with the concrete work is happening, and by the-- And  
8 we never know whether they showed up because DOB  
9 never placed permits for the concrete work that--  
10 violations for the concrete work that they don't have  
11 any permits for. And because most of the residents  
12 at 211 Madison Street are elderly and mono-lingual,  
13 they don't know to go to DOB websites to look at the  
14 permits or what's listed in the application. And  
15 when we found out that the owners said that there  
16 were no residents living in the building, I called  
17 311 with Ms. Jong, and, of course, we were routed to  
18 so many places because the 311 operators didn't know  
19 what I was talking about when I said it's a lie.  
20 There are tenants living there. It's a lie and they  
21 said, okay, well, we'll transfer you. And I think  
22 the frustrating part for our tenants is that unless  
23 you're sophisticated, you've been doing this for ten  
24 years or you know the proper language like the DOB  
25 Commissioner said, you don't know what to say when

2 you call 311. The other frustrating thing for Ms.  
3 Jong's building is that more recently about December  
4 they were doing unpermitted electrical work, and DOB  
5 came in after a 311 call, and they--DOB and Con  
6 Edison did shut down the cooking gas. So now they  
7 haven't had cooking gas since December, and again the  
8 burden is placed on the tenants because more recently  
9 we did go to Housing Court, and sued the owner.  
10 They're getting some type of rent credit, but it's  
11 because we're forcing them through the courts. So  
12 now, they're doing something to get their cooking  
13 back--back on. And this is kind of some of the  
14 frustration of what their experiencing, and the  
15 benefits of these legislations. So thank you very  
16 much.

17 CHAIRPERSON WILLIAMS: Thank you and  
18 Trisha (sic). [pause]

19 ANA GRANADOS: My name is Ana Granados,  
20 and I'm here to translate for my client Lahari  
21 Torres. She's another example of how time is of the  
22 essence in these kind of matters because in her  
23 situation it has taken her--Well, she's still not  
24 back to her apartment, but nine months pending of her  
25 getting out of her apartment due to a vacate order,

2 which was prompted from a stop work order. So here  
3 we go.

4 LAHARI TORRES: [Speaking Spanish]

5 TRANSLATION: I'm sorry. Hi, my name is  
6 Lahari (sp?) Torres, and I want to thank you, too,  
7 for having me here in order for me to have a voice in  
8 order to talk to you guys about my situation. I'm  
9 almost out of my home for ten months now.

10 LAHARI TORRES: [Speaking Spanish]

11 TRANSLATION: She's like there are kids  
12 that are out of their homes, and away from their  
13 schools, and she's away from her work, and the  
14 landlord has failed to recognize that. And again,  
15 she's here in order for her to have the opportunity  
16 to probably go back home.

17 LAHARI TORRES: [Speaking Spanish]

18 TRANSLATION: So now that we are going to  
19 court, she has seen some change. She's like thanks  
20 for Brooklyn Legal Services that we--she come up--she  
21 came to us and we took the case as soon as possible  
22 even though it's not really in our area. She is  
23 saying that so now she's been in a shelter for this  
24 whole time with her children. And yes, the court is  
25 kind of recognizing the situation with her. We're

2 getting [laughs] a real pain to me getting a more  
3 impact, but she is ready to go back home. It's ten  
4 months. She has kids. Homeless shelters aren't--  
5 aren't the safest place for them.

6 LAHARI TORRES: [Speaking Spanish]

7 TRANSLATION: She is here because now she  
8 wants an answer. She is fighting for her kids. You  
9 know, it's not only her that's out of her home. It's  
10 her children and the rest of the tenants have also  
11 been suffering and been out of their homes for this  
12 long. And she is here for an answers and, of course,  
13 she is supporting these bills as well.

14 LAHARI TORRES: [Speaking Spanish]

15 TRANSLATION: The last thing she wanted  
16 to say was she has also been a victim of harassment  
17 due to the fact, you know, undocumented and the  
18 landlord has asked for her documents, and has scared  
19 [bell] everyone away. So she's here to share her  
20 story and thank you very much.

21 CHAIRPERSON WILLIAMS: Thank you, gracias  
22 and sorry for the--for what you have been dealing  
23 with. We appreciate you sharing your story, and  
24 we're going to try to help as much as we can, and I

2 know the Council Member still has a question.

3 [coughs]

4 COUNCIL MEMBER ROSENTHAL: Actually, I  
5 was just going to commend the Betsy Eikel who left.  
6 Oh, could--yeah, because I wanted to ask you a  
7 question because you've been an amazing organizer in  
8 our district. But until you get settled down, could  
9 I just ask you when is the landlord saying that the  
10 work will be done? Or, are they required to tell you  
11 that?

12 BETSY EIKEL: At this moment, we've been  
13 going to court, and the opposing counsel has tried  
14 very--has been trying very hard to get an  
15 adjournment. So the answers are very obscure and  
16 unclear. Unfortunately, the judge hasn't really been  
17 about like, you know, helping us out with time. But,  
18 yeah, the landlord hasn't really given us good  
19 treatment. (sic)

20 COUNCIL MEMBER ROSENTHAL: I'm sorry to  
21 be--I'm--I'm not a lawyer. What does it mean to--  
22 they're trying to get it adjourned. What does that  
23 mean.

24 BETSY EIKEL: Oh, they need more--they  
25 keep asking for more time.

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 For more time.

4 BETSY EIKEL: So this is known as a  
5 tactic in Housing Court. Oh, I'm not ready, you  
6 know. I--I don't have, you know, the answer or  
7 anything for you today. So give two more months,  
8 three more months. We're talking about very intense  
9 issues. Some people don't have heat. Some people  
10 don't have a, you know--

11 COUNCIL MEMBER ROSENTHAL: [interposing]

12 Of course.

13 BETSY EIKEL: --walls and windows. So  
14 again, as I said before time is--time is very  
15 important, and then court just isn't very good with  
16 that one.

17 COUNCIL MEMBER ROSENTHAL: Right, and so  
18 I'm trying to narrow the window to what the City  
19 could do--

20 BETSY EIKEL: [interposing] Of course.

21 COUNCIL MEMBER ROSENTHAL: --in this  
22 situation. Since we can't control the judge--

23 BETSY EIKEL: [interposing] Yes.

24

25

2 COUNCIL MEMBER ROSENTHAL: --how would  
3 fining this landlord multiple fines make a  
4 difference?

5 BETSY EIKEL: If--if you keep fining the  
6 landlord, it would take actually more time for them  
7 to pay it off at times. In mine--what we've done--  
8 advocated is, you know, maybe start a rally from  
9 here, push like the Legislature. You know, advocate  
10 a lot for clients. As Antonio Reynoso said before, I  
11 would like my landlord to be, you know--I mean well  
12 her landlord--

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 Yes.

15 BETSY EIKEL: --to be, you know, like in  
16 criminal court for this, you know. It's--it's--this  
17 landlord was--

18 COUNCIL MEMBER ROSENTHAL: [interposing]  
19 Right.

20 BETSY EIKEL: --unscrupulous and--

21 COUNCIL MEMBER ROSENTHAL: [interposing]  
22 I'm--I'm with you on that 1000%--

23 BETSY EIKEL: [interposing] Yes.

24 COUNCIL MEMBER ROSENTHAL: --and then  
25 what?

2 BETSY EIKEL: And--

3 COUNCIL MEMBER ROSENTHAL: [interposing]

4 So he goes to prison--

5 BETSY EIKEL: Uh-huh.

6 COUNCIL MEMBER ROSENTHAL: --and the  
7 building is not fixed. So she doesn't have her home,  
8 and is the answer--

9 BETSY EIKEL: [interposing] It's sad  
10 thing.

11 COUNCIL MEMBER ROSENTHAL: --that the  
12 city takes over the property and--

13 BETSY EIKEL: Yes. We need it--we are  
14 pushing for a 7-A right now. We need a, you know,  
15 responsible administrator to, you know, as---

16 COUNCIL MEMBER ROSENTHAL: [interposing]  
17 Is that what a 7-A is?

18 BETSY EIKEL: Yes, yes, you're great with  
19 the number. [laughs]

20 COUNCIL MEMBER ROSENTHAL: [interposing]  
21 You're not alone.

22 BETSY EIKEL: I haven't got one either.  
23 I'm just a legal advocate, but you give an  
24 administrator the responsibility to, you know, they  
25 receive a rent, and again this would be something



2 that should be happening already and, you know,  
3 invest in the building and in their tenants'  
4 wellbeing, which was the like philosophy of actually  
5 being a landlord and taking care of your property,  
6 which is quite different now.

7 COUNCIL MEMBER ROSENTHAL: And who--who  
8 are the administrators?

9 BETSY EIKEL: Um, it's--

10 COUNCIL MEMBER ROSENTHAL: [interposing]  
11 Is that somebody paid for by the court?

12 BETSY EIKEL: I think yeah, DOB gives--  
13 I'm sorry if I've got my--Yeah, he's the lawyer on  
14 the case.

15 MALE SPEAKER: [off mic] So interpreting  
16 this, some of the--

17 CHAIRPERSON WILLIAMS: [interposing]  
18 You're going to have to come up.

19 MALE SPEAKER: Okay. May I.

20 CHAIRPERSON WILLIAMS: Yes.

21 MALE SPEAKER: Okay.

22 BETSY EIKEL: [laughs] We all need to  
23 talk to you. [ringing phone]

24 MALE SPEAKER: There's a lit of 7-A  
25 Administrators--

2 COUNCIL MEMBER ROSENTHAL: [interposing]  
3 Okay, excellent.

4 MALE SPEAKER: --by HPD. The--there's  
5 the financing for what happens can come from the  
6 different places. First, it comes from the rent and  
7 that's something that you need to show approval for  
8 the court that the incoming rent is enough to pay for  
9 the repairs to the buildings. HPD can also decide to  
10 invest money in the property if that rent would be  
11 insufficient.

12 COUNCIL MEMBER ROSENTHAL: Okay, thank  
13 you. I'll learn on my own time, and then Betsy, can  
14 I just ask you the last question, the last question.  
15 Can I just ask don't you think--it's starting to  
16 strike me that the word Tenant Protection Plan is  
17 just misnomer.

18 BETSY EIKEL: Uh-huh.

19 COUNCIL MEMBER ROSENTHAL: It's not  
20 intended to be a tenant protection plan. It's more of  
21 a site safety plan that if we were to have a tenant  
22 protection plan it might embody other things to--

23 BETSY EIKEL: [interposing] Uh-huh.

24 COUNCIL MEMBER ROSENTHAL: --protect the  
25 tenants.

2           BETSY EIKEL: Yeah, yeah and I mean I  
3 think in the building that I worked with it was--it  
4 was issued so long after the fact that it was very  
5 much just sort of a legal like covering themselves  
6 document.

7           COUNCIL MEMBER ROSENTHAL: Right.

8           BETSY EIKEL: And I mean that being said,  
9 I'm--the conditions are likely not that safe to the  
10 workers either.

11          COUNCIL MEMBER ROSENTHAL: Right, right,  
12 right.

13          BETSY EIKEL: So it's not focused on  
14 tenants' or workers' rights really.

15          COUNCIL MEMBER ROSENTHAL: So, it's just  
16 very small letters that no one can read?

17          BETSY EIKEL: Yes, yes.

18          COUNCIL MEMBER ROSENTHAL: Okay. Thank  
19 you very much. Thank you, Chair.

20          CHAIRPERSON WILLIAMS: Thank you. Just  
21 before the next panel, Patrick Wehle, I'm going to  
22 ask if you can come back up for a second. Thank you  
23 so much. Thank you for your testimony. I appreciate  
24 it.

25          BETSY EIKEL: [off mic] Thank you.

2 [background comments, noise, pause]

3 CHAIRPERSON WILLIAMS: Thank you so much  
4 for staying and for coming back in an unusual move  
5 having you come back--

6 ASSISTANT COMMISSIONER WEHLE:

7 [interposing] You're welcome.

8 CHAIRPERSON WILLIAMS: --to do--give  
9 these. You may not--I may not--I may not have the  
10 answer, but I was just curious. I was trying to  
11 figure out can you walk me through just the complaint  
12 process of how some--how a tenant complains about  
13 construction, and how they then complain about  
14 harassment due to construction?

15 ASSISTANT COMMISSIONER WEHLE: So as with  
16 any complaint, it gets filed through 311, and based  
17 on the nature of the complaint, it gets routed to the  
18 appropriate agency. If it's a construction related  
19 issue, it gets sent obviously to the Buildings  
20 Department. As part of that complaint if, you know,  
21 buzz words, if you will, are used such as tenant  
22 harassment or things like that, then when we receive  
23 that complaint it gets referred over to our Building  
24 Marshal's Office, and they prioritize that complaint.

2 And then we get out there as soon as we can,  
3 generally with 48 hours.

4 CHAIRPERSON WILLIAMS: But they--but a  
5 tenant would have to know to say it's an harassment.  
6 They're not prompted.

7 ASSISTANT COMMISSIONER WEHLE: That's  
8 correct. The 311 operator they have a list of  
9 terminology and words, and based upon what the 311  
10 operator is hearing, and learning, that's how they  
11 decide to route the calls to the appropriate agency.  
12 Can an operator--I mean at least you have a series of  
13 words. Do they have a way that even if the tenant  
14 had not said tenant harassment to assess that it is  
15 tenant harassment?

16 ASSISTANT COMMISSIONER WEHLE: Within  
17 reason, yeah, but they're 311 operators. They don't  
18 work for the Buildings Department, but they are  
19 provided with instruction on how to best understand  
20 what they're hearing from the complainant. So based  
21 on what they're hearing they may--they'll decide  
22 where to send it, and the nature of the call.

23 CHAIRPERSON WILLIAMS: Have you found  
24 tenants complaining about the time it takes you to  
25

2 come, you usually miss the thing that they were  
3 complaining about?

4 ASSISTANT COMMISSIONER WEHLE: Yes and  
5 no. I think it--you know, it varies. Again, if it's  
6 something that we know is tenant harassment related,  
7 we certainly get out there sooner than if it was just  
8 random work without a permit complaint, if you will.  
9 So it really depends on the nature of the complaint  
10 and what we're hearing.

11 CHAIRPERSON WILLIAMS: Is there some way  
12 for tenants to upload the 311 or DOB video or  
13 pictures of the complaint so that you can see it in  
14 real time?

15 ASSISTANT COMMISSIONER WEHLE: I believe  
16 there's a way in which you can provide photographs  
17 through 311, not video. And I'm not sure how soon it  
18 takes for the Buildings Department to receive that  
19 information.

20 CHAIRPERSON WILLIAMS: Is there a--is  
21 there a capability to do? Does the technology exist  
22 within DOB to upload videos?

23 ASSISTANT COMMISSIONER WEHLE: Correct.  
24 Yes.

25 CHAIRPERSON WILLIAMS: It does exist?

2 ASSISTANT COMMISSIONER WEHLE: Well, we  
3 receive--when complainants upload pictures to 311, we  
4 do--the Building Department does receive those  
5 pictures.

6 CHAIRPERSON WILLIAMS: So I would like to  
7 look for all how we can make it so that you can  
8 receive a video of those pictures--of those--of those  
9 complaints so that you can see it even if the  
10 inspector hasn't seen it, or has come after. So I'd  
11 like to talk about how--how we can do that, and see  
12 if your system is equipped to do that and help 311  
13 allow tenants to understand that they can also upload  
14 a video and pictures. My guess is that 311 is  
15 probably not even telling them that they can upload  
16 pictures as well.

17 ASSISTANT COMMISSIONER WEHLE: Well, how  
18 can I talk to you more about that, Chair?

19 COUNCIL MEMBER ROSENTHAL: [off mic] A  
20 quick question.

21 CHAIRPERSON WILLIAMS: I have a question  
22 from Council Member Rosenthal.

23 COUNCIL MEMBER ROSENTHAL: Sorry. Can I  
24 just ask you I think something that's changed that I  
25 would like to look in with you is--into with you is

2 the 311 complaint number, I--I don't think it shows  
3 up any more on the DOB website. It used to, but I  
4 think in the last few months it's dropped off, and I  
5 was wondering if you could look into that with us  
6 because people cannot any longer track their  
7 complaints by the complaint number on the DOB  
8 website.

9 ASSISTANT COMMISSIONER WEHLE: I'm happy  
10 to look at that further. I do think when you go onto  
11 our BID system, you can pull up complaints and  
12 violations based on the 311 complaint number.

13 COUNCIL MEMBER ROSENTHAL: It switched.

14 ASSISTANT COMMISSIONER WEHLE: It  
15 switched. Okay.

16 COUNCIL MEMBER ROSENTHAL: You have a new  
17 complaint number now, and it's different than what  
18 the 311 complaint number is. You used to be able to  
19 do that three months ago. Something changed.

20 ASSISTANT COMMISSIONER WEHLE: Happy to  
21 look into that for you.

22 COUNCIL MEMBER ROSENTHAL: Thank you so  
23 much.

24 ASSISTANT COMMISSIONER WEHLE: You're  
25 welcome.



2 CHAIRPERSON WILLIAMS: Thank you so much.  
3 Thank you so much for coming back.

4 ASSISTANT COMMISSIONER WEHLE: You're  
5 welcome.

6 CHAIRPERSON WILLIAMS: Now, we have our  
7 last panel. Emily Goldstein, Chelsea Blocklin David  
8 Chang, Nikki Ledger. [background comments, pause]  
9 Emily Goldstein? Emily Goldstein is not here any  
10 more? [background comments] Chelsea Blocklin, David  
11 Change, Nikki Ledger. Okay. Can you please each  
12 raise your right hand. Do you affirm to tell the  
13 truth, the whole truth and nothing but the truth in  
14 your testimony before this committee, and to respond  
15 honestly to council member questions?

16 NIKKI LEDGER: [off mic] Yes.

17 CHAIRPERSON WILLIAMS: You each have two  
18 minutes and you can begin in the order of your  
19 preference.

20 NIKKI LEDGER I can email you a copy of  
21 this. I only have one here. My name is Ms. Ledger.  
22 I was born at that hospital on 168th Street and I  
23 have lived for the past decade within a few miles.  
24 Rules and laws with emerging concept and a strong  
25 statement invoked in governance by the arbitrary

2 decisions of officials, which we have seen in the  
3 case of the DOB is indicative of the weakening of the  
4 rule of law. The 12 bills before us especially 918  
5 and 934 would put a halt to the rampant legal, in  
6 quotes "lawlessness" permitted by government  
7 officials, which we have been witnessing in our  
8 buildings and neighborhoods. Here are a few  
9 instances in my own life as a rent regulated tenant.  
10 Jack hammering in the lobby begins unannounced-- [off  
11 mic] Excuse me. New mail boxes, particulate matter  
12 disbursed to--up to the third floor. No mail  
13 delivery for a whole month and cracks appear in my  
14 apartment from the jack hammering. Contracting the  
15 city about the particulate matter results in  
16 nothings. The inspection occurs after the dust has  
17 settled. Another. Hurricane Sandy leaks into my  
18 bedroom in two places. The roof repair misses the  
19 parapet. DOB does not appear. I call a second time.  
20 This time after the arrest of 50 inspectors in  
21 Schneiderman sting operation, DOB appears and finds  
22 that my assessment is correct. The private equity  
23 from Wayland (sp?) repairs the parapet and facade.  
24 With this last instance I waited for over a year  
25 enforcement. Regarding construction permits not

2 being issued when required, such as when the  
3 footprint of an apartment is altered. This occurred  
4 in the apartment adjoining mine. Upon the sudden  
5 shaking of my living room wall, I removed the  
6 pictures then fled to Queens for two weeks. After my  
7 return, I contracted bronchitis from the haze, the  
8 particulate matter suspended in the air. A hole had  
9 been in that wall through which I could see into the  
10 adjoining apartment. Several of the bills would  
11 address and deter such egregious--egregiousness.  
12 It's self-evident that I have the subject of  
13 harassment. This sort of destructive landlord ought  
14 to be under stringent control since the law plays  
15 universally. All landlords ought to be under  
16 stringent control. The enforcement collection of  
17 fines, the much larger fines [bell] have developed  
18 into building permits that are issued upon the  
19 completion of strenuous inspections, and real time  
20 enforcement. These will all be excellent remedies to  
21 stem the destruction of our affordable housing stock  
22 and work to restore the rule of law of New York.

23 [background comments, pause]

24 DAVID CHANG: Good afternoon and thank  
25 you for letting me be here. My name s David Chang

2 and I'm the Environmental Health Coordinator at We  
3 Act for Environmental Justice. I'm here to testify  
4 in support of the Stand for Tenant Safety Coalition,  
5 and more specifically Intro 934. In light of recent  
6 gas shutoff, an intern that I work with has been  
7 without gas and has been using a hot plate for  
8 roughly a month. He received an email from those in  
9 charge of his building that reads: "Despite our best  
10 efforts to quickly correct all outstanding issues  
11 within 7 to 10 days following the March 22nd gas  
12 shutoff we are unable to control when Con Edison and  
13 the Department of Buildings will rectify the  
14 buildings and restore gas service." Like my intern  
15 who lives in Washington Heights, others across New  
16 York City have experienced situations where little  
17 reassurance has been given to those when services  
18 essential to both health and wellbeing will be  
19 restored. My intern is lucky to have gotten any  
20 notice at all. Take for example another member that  
21 I work with who previously lived downtown in  
22 Manhattan. Her building was being renovated, and she  
23 constantly experienced disruptions in gas and  
24 electricity services. She would get a notice saying  
25 that the shut-offs would last five hours at most,

2 although they would often last a day, two days or  
3 even more. At times there wasn't any notice. We Act  
4 supports Intro 934, which aims at establishing a real  
5 time enforcement unit within DOB to respond to tenant  
6 complaints in a timely manner. I urge to advance  
7 Intro 934 as well as the package of related bills  
8 proposed by the Stand for Tenant Safety Coalition so  
9 that inspections following complaints are mandated  
10 and tenants are kept in the know. Thanks for your  
11 time.

12 [pause]

13 CHELSEA BLOCKLIN: Is this on. Okay.  
14 Good afternoon. My name is Chelsea Blocklin. I'm a  
15 tenant organizer in the south side of Williamsburg  
16 working with rent regulated tenants. I'm speaking  
17 today in support of the four proposed bills as well  
18 as the--the 12-bill package. What we are seeing now  
19 in alarming rates in our area are buildings that used  
20 to be completely rent stabilized. They're not half  
21 market rate, and tactics to kick out these rent  
22 stabilized tenants are, you know, through the roof.  
23 Whether it's frivolous lawsuits, disrupting services,  
24 such as heat and hot water, buy out offers, and of  
25 course construction as harassment. On one such

2 building I'm working at 292 Bedford Avenue, the  
3 landlord did construction to create market rate  
4 units, and tamped with or changed the boiler pipes,  
5 for example.

6           The market rate tenants have individual  
7 heating systems where the rent stabilized tenants  
8 utilized the older boiler system. The boiler system  
9 used to work fine before construction. Since then,  
10 for example, throughout the winter, some tenants  
11 would be saying there's little or no heat. Other  
12 tenants were complaining that they're burning. An  
13 example on April 5th, I think the low for the day was  
14 26 degrees. One tenant had temperatures in the 80s  
15 and the others saying they were frozen. Since  
16 October, they made 26 311 complaints, about no heat.  
17 This does not include folks who have called for too  
18 much heat, since that's not a violation. On April  
19 14th, DOB finally came to inspect the boiler system  
20 and found it was installed with an expired permit and  
21 there was no sign-off. There was also 11 other  
22 violations placed just for the boiler. The cure  
23 dates on the self-certified is the 25th of April.  
24 I'm very doubtful that any work has or will be done,  
25 and actually while they're sending their--a tenant

1 I'm just send or a sending a--a picture of a  
2 thermometer saying 90 degrees, and this tenant  
3 actually has an infant and hates that she has to  
4 leave her windows open all the time. For another  
5 tenant of apartment 4, Tyler in 292 Bedford,  
6 construction occurred in the market rate units above  
7 him, and his bathroom ceiling collapsed. [bell] It  
8 took four months for them to fix that, and actually  
9 his ceiling has collapsed a total of five times. I'm  
10 just going to jump ahead. I'm--I'm skipping another  
11 building I didn't talk about. But situations like  
12 these are becoming the norm, and creating new  
13 affordable housing cannot be the only priority for  
14 this city. Rent stabilized units are slipping  
15 through the cracks on a daily basis because landlords  
16 are a way to--are able to get away with too much.  
17 Civil penalties are treated as a piece of doing  
18 business. There has be stronger legislation to give  
19 DOB tools to protect the city's stabilized tenants.  
20 Insidious and pervasive predatory practice of New  
21 York City landlords to harass law abiding people with  
22 impunity, and we cannot let get the best of this  
23 city. Thank you very much.

2 CHAIRPERSON WILLIAMS: Thank you very  
3 much. Thank you all for waiting so long to get your  
4 testimony heard, and we appreciate it, and we will  
5 continue to fight for these bills. Thank you very  
6 much for the coalition for the work that you're  
7 doing. Oh, yes, Emily Goldstein from MSD. I'll ask  
8 you to come up. [pause] Please raise your right  
9 hand. Do you affirm to tell the truth, the whole  
10 truth and nothing but the truth in your testimony  
11 before this committee today, and to respond honestly  
12 to council member questions?

13 EMILY GOLDSTEIN: I do.

14 CHAIRPERSON WILLIAMS: You can begin, and  
15 you have two minutes.

16 EMILY GOLDSTEIN: Great. Thank you and  
17 sorry I missed it when you actually called me. My  
18 name is Emily Goldstein and I work ANHD, the  
19 Association for Neighborhood and Housing Development.  
20 We're a membership organization of New York City  
21 based housing and economic development groups  
22 including CDC's Affordable Housing Developers,  
23 supportive housing developers, community organizers  
24 and economic development service providers. I'm here  
25 to testify in support of the four bills before the



2 committee today. ANHD is a member of the Stand for  
3 Tenant Safety Coalition working to end the aggressive  
4 use--the use of aggressive residential construction  
5 as a form of tenant harassment. The affordable  
6 housing crisis in New York City has reached its most  
7 severe level in decades as housing in New York City  
8 has grown increasingly unaffordable to many residents  
9 and families. Tenants in many neighborhoods are  
10 coming under increasing pressure from landlords to  
11 take advantage of skyrocketing rents while many  
12 building owners obey the law, too many bad actors put  
13 the health and safety of tenants in danger in search  
14 of higher profits.

15           Two of the pieces of legislation before  
16 the committee today would close loopholes in the  
17 construction permitting process by preventing  
18 landlord self-certification for the DOB permit  
19 process specifically in those buildings where tenants  
20 are most likely to face construction as harassment  
21 and where improper construction is most likely to put  
22 tenants in harm's way. And under Intro 944, by  
23 creating important transparency and notification  
24 processes, so that tenants and elected officials will  
25 be aware of construction plans and permits and can

2 verity that any construction work occurring is, in  
3 fact, permitted. Intro 934 would create a new real  
4 time enforcement unit to ensure that DOB will better-  
5 -be better equipped to partner with tenants in  
6 addressing problems related to construction and  
7 respond to tenant complains in a timely and efficient  
8 manner. Tenants are the best eyes and ears the city  
9 has to monitor construction and catch possible  
10 problems or violations early because they are  
11 actually on site every day living their lives in the  
12 buildings where construction is happening. Tenants  
13 in buildings where unpermitted or unsafe [bell]  
14 construction work is occurring need prompt responses  
15 from DOB to protect their health and their homes.  
16 Finally, Intro 924 would ensure that vacate orders  
17 did not become a mechanism by which landlords  
18 effectively evict tenants who would otherwise have  
19 the right to remain in their homes. We urge the  
20 committee to pass all four pieces of legislation.  
21 Thank you.

22 CHAIRPERSON WILLIAMS: Thank you so much,  
23 Emily Goldstein, who I have been calling Goldsteen  
24 for many years. My apologies. Thank you so much for  
25 that work that you continue doing. With that, this

2 hearing is now closed. oh, no, no, for the record,  
3 we have--I will say REBNY and NYSAF testimony. Okay,  
4 now with that testimony, the hearing is now closed.

5 [gavel]

6

7

8

9

10

11

12

13

14

15

16

17

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 10, 2016