

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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April 19, 2017  
Start: 10:19 a.m.  
Recess: 2:17 p.m.

HELD AT: Council Chambers - City Hall

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)

Thomas Fariello, First Deputy Commissioner  
NYC Department of Buildings, DOB

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

Vito Mustaciuolo, Deputy Commissioner  
Enforcement and Neighborhood Services  
Department of Housing Preservation & Development, HPD

Deborah Rand, Assistant Commissioner  
Housing Litigation Division  
Department of Housing Preservation & Development, HPD

Eli Szenes-Strauss  
Appearing for: New York State Senator Brad Hoylman

Nikki Ledger, Member  
Cooper Square Committee

Emily Goldstein  
Association for Neighborhood & Housing Development

Gilbert Saboteur, Rent Stabilized Tenant  
Second Avenue and 86th street

Sean Dahl, Rent Stabilized Tenant  
East Village

Seth Wandersman  
Lower East Side Resident

Wei Chan Appearing for:  
Makan (sp?) Fung Chanak

Donna Chiu, Director, Housing and Community Services  
Asian-Americans for Equality  
Appearing for Mr. & Mrs. Chung

Tung Shu Ling

Raphael Ruttenberg, Staff Attorney  
Brooklyn Legal Services Corporation A

Phil Smoreck, Williamsburg Resident

Shi-Shi Wang, Housing Attorney  
MFY Legal Services

Sam Chiera, Attorney  
Group Representation Unit  
Brooklyn Legal Services Corporation A

Sammy May  
Henry Dombrowski

Rolando Guzman, Deputy Director  
Community Preservation  
Saint Nick's Alliance

Luz Rosario  
United Neighbors Organization

Efren Felipe  
United Neighbors Organization  
Arthur Omar Owens  
Bronx Resident

Isabel Lopez

Chelsea Blockman

Tenant Organizer Los Oros, Williamsburg

Jonathan Furlong, Director

Organizing and Housing Conservation Coordinators

Robert Conklin

Rent Stabilized Tenant

Virginia Crawford

Met Council on Housing

Jane Lee, Housing Staff Attorney

the Community Development Project

Urban Justice Center

Lisa Mathis, Tenant

80 New York Avenue, Crown Heights



2 [sound check, pause]

3 SERGEANT-AT-ARMS: Ladies and gentlemen,  
4 please have your seat at this time. We are about to  
5 start. Thank you.

6 CHAIRPERSON WILLIAMS: Good morning,  
7 everyone. Thank you for your patience. You may see  
8 members coming in and out. There is a plethora of  
9 hearings and meetings going at the exact same time  
10 unless they are racing to this hearing, and you'll  
11 see members going in and out not for lack of  
12 interest. My name is Council Member Jumaane  
13 Williams. I Chair the Housing and Buildings  
14 committee, and I'm joined today by Council Member  
15 Espinal, Council Member Kallos. We're here to hold a  
16 hearing on 14 bills related to tenant harassment and  
17 construction as tenant harassment. The bill we are  
18 discussing today would expand the definition of  
19 harassment to apply to additional acts and types of  
20 tenants, allow tenants who are—have been the victims  
21 of harassment to receive monetary compensation,  
22 created a rebuttable presumption that harassing acts  
23 or omissions were committing—excuse me—created  
24 through a rebuttable presumption that harassing acts  
25 or omissions were committed with the intent of

2 causing tenants to vacate their dwellings, ensure  
3 that tenants are protected from unscrupulous  
4 landlords and contractors engaging in construction as  
5 harassments, and require owners to pay for relocation  
6 expenses incurred—incurred by the Department of  
7 Housing Preservation and Development. I am also  
8 sponsoring a bill in this pack—package, which would  
9 increase the penalties for tenant harassment. I'd  
10 like to thank my staff for the work that they did to  
11 assemble this hearing including Mike Toomey, who just  
12 now went over to another hearing, and I want to  
13 mention him again because this is his first hearing  
14 as a part of my team. He is a new Legislative  
15 Director, Megan Chin and Guillermo Patino, counsels  
16 to the committee; Jose Conde, Policy Analyst to the  
17 Committee and Sarah Gastelum, the Committee's Finance  
18 Analyst. I'd like to remind everyone who would like  
19 to testify today to please fill out a card with the  
20 sergeant. We weren't going to do this, but I think  
21 there's only one member here who has a bill. So I  
22 want to know if you—you want to make an opening.

23 COUNCIL MEMBER KALLOS: [off mic] I—I  
24 don't know if I can pull (sic) up to that.

2 CHAIRPERSON WILLIAMS: Sure, we're going  
3 to allow Council Member Kallos to make an opening,  
4 and Council Member Chin. So I'm going to ask that  
5 you can keep it to one minute because we weren't  
6 going to do it, but because of how small, how many  
7 member is here I think we can get away with it. So  
8 Council Member Kallos will keep the comments to one  
9 minute and Council Member Chin who we've been joined  
10 by.

11 COUNCIL MEMBER KALLOS: Thank you, Chair  
12 Jumaane Williams for your leadership on all housing  
13 issues especially the rent freeze, which we won two  
14 years in a row in addition to the lowest increase  
15 prior to that. I also want to thank the Stand for  
16 Tenant Safety Coalition. If you can hold up those  
17 signs. You don't get to make noise, but you can hold  
18 them up to show all of those pink signs in the room.  
19 Please let the record reflect that this room is  
20 filled with pink STS signs. I also want to thank all  
21 the partners who worked on that, and legislative  
22 solutions that will improve living conditions and  
23 quality of life. I'm Council Member Ben Kallos. You  
24 can Tweet me at Ben Kallos. Jumaane, what's your  
25 Twitter name?

2 CHAIRPERSON WILLIAMS: [off mic] At  
3 Jumaane Williams.

4 COUNCIL MEMBER KALLOS: At Jumaane  
5 Williams. So as you're watching at home or online,  
6 please feel free to Tweet us with questions, with  
7 concerns. Participate in the hearing in that way.  
8 I'm proud to author Introduction 931, which expands  
9 which buildings are subject to tax liens, resulting  
10 from unpaid Environmental Control Board violations.  
11 Those are basically called quality of life  
12 violations. The current law like much else favors  
13 owners of large buildings over owners of single-  
14 family and small walk-ups. When I read this section  
15 of the taxing law, I was surprised to see that only  
16 private dwellings, a wooden framed single room  
17 occupancy multiple dwelling or dwelling with legal  
18 occupancy of three or four, three or few dwelling  
19 units were subject to these liens while buildings  
20 with three units or more were not. So, just to be  
21 clear, if your building is made of wood, and it's  
22 small for just a couple of people, you can get a tax  
23 lien, but if you own a very large building, you are  
24 not. This is unfair both to the owners of small  
25 buildings, but also to renters in those buildings

2 because their landlords know they can get away with  
3 not paying quality of life violations and not face a  
4 tax lien, and tax lien is important because it can  
5 lead to foreclosure, and the loss of a building also  
6 leads to the building being marked as distressed and  
7 being moved into the Third-Party Transfer Program  
8 over at HPD where a responsible landlord can come in.  
9 Quality of Life violations may be achieved for things  
10 like illegal work on a landmarked building, illegal  
11 conversions, violations relating to improper  
12 operation of boilers, electrical heating, or plumbing  
13 systems. The list goes on, and there should be an  
14 impact when somebody makes these violations. For  
15 these violations the summons for this should be  
16 result in a fine if found guilty. However, we know  
17 that \$1.6 billion in ECB debt currently uncollected  
18 by the city, which means that a fine in itself is not  
19 an incentive for some landlords to maintain their  
20 buildings. Let me just to the end. Basically, if  
21 people have quality of life violations or any  
22 violations from the city, there actually has to be  
23 more than debt sitting out there. The city needs to  
24 be able to bring the violations to a lien so that  
25 they do something with the property to benefit the

2 residents. Thank you, Chair Williams for your  
3 indulgence. Sorry for going so long.

4 CHAIRPERSON WILLIAMS: Alright. Thank  
5 you and Council Member Chin. We're trying to see if  
6 we can keep it to a minute if possible.

7 COUNCIL MEMBER CHIN: Thank you, Chair.  
8 I was told there was no opening. So I didn't prepare  
9 a long speech, but I thank you for finally hearing my  
10 bill, and it's great to see so many coalition members  
11 here. Intro 3 is that we want to set up an escrow  
12 account where a landlord will have to pay to  
13 relocated tenants in a—when there's a vacate order.  
14 Recently in one of my buildings in my district on  
15 Stanton Street, there were problems with the building  
16 caused by the landlord, and the tenant had to  
17 relocate, and they had to move out of their  
18 neighborhood, and they have to pay for their own  
19 expense if they don't want to leave the neighborhood.  
20 But this bill will have to get the landlord to set up  
21 an escrow fund where HPD can draw down the money when  
22 there's a vacate so that tenants and their family can  
23 continue to stay in the neighborhood. So I hope to  
24 get this bill passes as soon as possible, and look  
25 forward to the hearing, and I wanted thank especially

2 Deputy Commission Vito, whose worked with us greatly  
3 on really fighting tenant harassment. Thank you.

4 CHAIRPERSON WILLIAMS: We've been joined  
5 by Council Members Levine and Grodenchik. Council  
6 Member Levine, I have allowed members to hopefully  
7 take one minute to make an opening, but if anybody  
8 comes in after, we'll probably have to close with  
9 that. Thank you.

10 COUNCIL MEMBER LEVINE: Less than one  
11 minute, Mr. Chair and thank you for putting together  
12 this hearing on such an important package of bills.  
13 WE see this in our districts. There are unscrupulous  
14 landlords who are using construction work, renovation  
15 work as a weapon to push out long-time residents, and  
16 we need laws that protect tenants in these difficult  
17 situations, and I'm so proud we're putting forth a  
18 package today that will give them a measure of  
19 protection, and I'm please to be the lead sponsor on  
20 two bills, one, which would require landlords doing  
21 renovations to produce a tenant protection plan,  
22 which addresses all manner of safety issues, and—and  
23 secondly a bill on a related issue on the topic of  
24 harassment, which would prohibit landlords from  
25 aggressive repeated off hour visits to tenants'

2 apartments done far too frequently late at night and  
3 early in the morning as a way of intimidating and  
4 harassing tenants. Thank you again, Mr. Chair.

5 CHAIRPERSON WILLIAMS: Thank you, and  
6 just to reiterate how important this package is, we  
7 are now in a time of unprecedented growth. Not  
8 everyone is feeling that growth. There are  
9 particularly communities that I have never seen this  
10 kind of before, and are pushing folks out, and given  
11 the environment we are in, we know important it is  
12 for localities to be the first line of defense, and  
13 we know how harassment is being used to push tenants  
14 out of community they've been their entire life,  
15 communities that no one wanted to go in before, and  
16 communities that they made now, a place that  
17 everybody wants to go. And we need to do everything  
18 we can to protect them and to protect the  
19 communities, and I want to thank the committee for  
20 allowing the indulgence for the opening statements  
21 because I know the thought was there wouldn't be any,  
22 but I want to thank Deputy Commissioner Thomas  
23 Rayello and DOB Deputy Commission Patrick Wehle from  
24 DOD, Deputy Commissioner Vito Mustaciuolo from HPD,  
25 and Deborah Rand also from HPD. If you please your

2 right hand. [pause] Do you affirm to tell the  
3 truth, the whole truth, and nothing but the truth in  
4 your testimony before this committee and to respond  
5 honestly to Council Member questions?

6 PANEL MEMBERS: I do.

7 CHAIRPERSON WILLIAMS: You can begin at  
8 the order of your preference.

9 DEPUTY COMMISSIONER FARIELLO: Okay.  
10 Good morning, Chair Williams, members of the Housing  
11 and Buildings Committee and all the members of the  
12 City Council. I am Thomas Fariello, First Deputy  
13 Commissioner of New York City Building—Department of  
14 Buildings. I am joined by Assistant Commissioner for  
15 External Affairs, Patrick Wehle. We are pleased to  
16 be here offer testimony on six pieces of proposed  
17 legislation, which seek to enhance protections for  
18 tenants residing in buildings under construction.  
19 Performing construction work as a means to harass  
20 tenants is illegal. It puts the safety of tenants at  
21 risk, destabilizes families and communities and  
22 reduces affordable housing. The department works  
23 diligently in consort with number—a number of  
24 agencies to address this concern, is committed to  
25 doing all it can to root out this illegal activity.

1 The department participates in the Tenant Harassment  
2 Prevention Task Force, a partnership between multiple  
3 city and state agencies under which cellar to roof  
4 inspections are performance. Investigations identify  
5 bad actors and enforcement is executed. Separately,  
6 the department partners with the Department of  
7 Housing Preservation and Development, HPD, in  
8 performing inspections and determining where to focus  
9 our attention through work with the Mayor's Office of  
10 Data Analytics to review a number of data points to  
11 determine where tenant harassment is likely to occur.  
12 When we encounter non-construction related  
13 harassment, we make referrals to the State Attorney  
14 General's Office for further investigation. Given  
15 that data alone will not identify all instances of  
16 harassment, equally important is our work with  
17 numerous organizations and elected officials who  
18 provide us with locations to inspect. Over the fast-  
19 over the past 15 months the department performed  
20 2,338 inspections with HPD and in conjunction with  
21 the task force, and issued 1,981 violations including  
22 288 stop work orders. The department is working with  
23 our prosecutorial partners including the State  
24 Attorney General and the District Attorney's Office  
25

2 to bring criminal and civil actions against landlords  
3 for endangering and harassing tenants. Resulting  
4 from our—our investigations cases involving several  
5 owners have been referred to the State Attorney  
6 General's Office and are in various stages of  
7 prosecution. Additionally, the department has  
8 disciplined professionals who use construction to  
9 harass tenants. One example is M.D. Asteraf Alli, a  
10 licensed engineer whose filing privileges we have  
11 revoked for routinely providing false statements on  
12 filings submitted to the department including that  
13 work was exempt from having to obtain a certificate  
14 of no harassment. Administratively, the department  
15 has put several reforms in place to help identify bad  
16 actors and ensure construction work does not proceed  
17 without appropriate protections in place for tenants.  
18 When construction documents are filed with the  
19 department, an owner needs to certify whether the  
20 building has any occupied dwelling units, and if so,  
21 if they are subject to rent regulation. If they are  
22 subject rent regulation, the owner is required to  
23 notify New York State Homes and Community Renewal,  
24 HCR, of their filing with the department and they be  
25 intent to comply HCR regulations. Additionally,

2 applicants are required to file a Tenant Protection  
3 Plan, TPP with the department whenever they are  
4 performing an alteration to a multiple dwelling,  
5 which any unit is occupied. The TPP provides the  
6 means and methods by which the health and safety of  
7 tenants will be protected. The department now has a  
8 process in place by which we use data provided to us  
9 by HCR to determine the accuracy of occupancy and  
10 rent regulation status information submitted on  
11 construction documents filed with us. Plans will not  
12 be approved and permits not issued if this  
13 information is not accurate. The department now also  
14 posts TPPs on our website. This provides tenants and  
15 other interested parties with the means to understand  
16 what protections are being put in place to keep  
17 tenants safe. Applications will not be approved and  
18 construction will not proceed without a TPP that  
19 meets the department's satisfaction.

20 I will now comment on the proposed  
21 legislation before this committee. Intro No. 936  
22 seeks to reform the TPP and will require the  
23 department to conduct proactive inspections of  
24 buildings that are required to provide TPPs. The  
25 bill would require the means and methods for

2 protecting tenants to be explained with greater  
3 specific-specificity, and adds to the required items  
4 of TPP compliance with laws related to mold and the  
5 maintenance of essential services such as heat and  
6 hot water. This bill would require the TPP to be  
7 made available on the department's website, require  
8 owners to provide a copy to the tenants upon request,  
9 and requires notification to be posted in the  
10 building stating that a copy of the TPP is available  
11 upon request, the contact information of the  
12 construction safety professional and where to file  
13 complaints. Finally, the bill would require the  
14 owners to notify the department in writing at least  
15 72 hours before commencing work requiring a TPP in  
16 order for the department to perform an inspect-to  
17 perform an inspection within seven days of the  
18 commitments-commitments-commencement of such work.  
19 The department supports much of this bill including  
20 require-requiring greater specificity and the TPP in  
21 making it more comprehensive, and would like to  
22 propose several suggestions. The department has  
23 performed the holistic examination of the entire TPP  
24 process with an eye towards determining which  
25 construction professional is best suited to provide

2 the means and methods for protecting tenants in the  
3 first place. Currently, a licensed architect or  
4 engineer is responsible for preparing the TPP and  
5 including it with the plans they file with the  
6 department. However, the means and methods for  
7 protecting tenants is outside of the design  
8 professional's expertise. This responsibility is far  
9 better suited for contracts, and as such, the  
10 department proposes making a contractor responsible  
11 for preparing and submitting the TPP. Permits would  
12 not be issued to a contractor until the TPP meets the  
13 satisfaction of the development. Furthermore, means  
14 and methods for protecting tenants that are outside  
15 of the department's expertise such as compliance with  
16 laws related to mold should be—should reviewed by the  
17 appropriate agency. As an alternative to requiring  
18 the department to perform compliance inspections, we  
19 also propose requiring TPPs to be subject to what we  
20 call a special inspection meaning a third-party  
21 inspection agency would be responsible for monitoring  
22 the TPP compliance throughout construction. Should  
23 in—should the inspection agency observe any  
24 violations, the Department would stop work until

2 compliance is achieved, and take whatever additional  
3 enforcement actions are appropriate.

4 Intro No. 938 would require the  
5 department to create a watch list of contractors who  
6 have performed work without a permit within the prior  
7 two years. Contractors would remain on the watch  
8 list for two years during which time the department  
9 would be required to perform at least one proactive  
10 inspection of each site they are working on. The  
11 apartment—the department agrees that contractors  
12 who have previously broken the law deserve extra  
13 scrutiny and we have procedures in place to ensure  
14 that happens. Using the wealth of data at our  
15 disposal, the department targets bad actors for  
16 heightened enforcement including contractors. While  
17 the proposed legislation is well intentioned, without  
18 this proposals would successfully capture carbon  
19 (sic) contractors. Most of the work that are permit  
20 violations are issued long after the work is  
21 completed and are typically issued to the building  
22 owner for the simple reason that the contractor has  
23 long since departed the site. Thus, it is likely  
24 that the department would be unable to identify the  
25 contractor in these cases, which would impede our

2 ability to place them on a watch list and perform  
3 proactive inspections.

4 Intro No. 960 would amend the Housing  
5 Maintenance Code to require owners of multiple  
6 dwellings to post notice in multiple locations  
7 throughout the building with information about the  
8 construction work being performed. This posting  
9 would include a description of the work, locations  
10 within the building where the work is occurring,  
11 hours of constructions, projected timeline for  
12 completion, a description of the amenities and  
13 essential services anticipated being unavailable, and  
14 how distribution will be minimized. Contact  
15 information and the TPP: Enforcement this posting  
16 will be performed by the department and HPD, and both  
17 agencies support this proposed legislation.

18 Intro No. 931-A would revise the types of  
19 buildings whose unpaid judgments for certain building  
20 code violations constitute liens. Specifically they  
21 would remove this enforcement mechanism for one to  
22 three-family homes, and would add residential  
23 buildings with 20 or more units in all non-  
24 residential buildings with judgments totaling \$60,000  
25 or more. The bill would also add residential

2 buildings with-between 6 and 19 units with  
3 judgments totaling \$15,000--\$15,000 or more. As a  
4 general matter, the department supports broadening  
5 the types of buildings with unpaid judgments for  
6 building code violations that constitute liens.  
7 However, the city's authority in this area was  
8 granted by state law, and amending the provision by  
9 local law may give rise to a challenge. Further  
10 discussion is necessary to determine the city's  
11 ability to change this enforcement mechanism.

12 Intro No. 926 would establish a  
13 construction in occupied buildings task force. This  
14 13-member task force would be comprised of  
15 commissioners of the department and HPD serving as  
16 co-chairs, Commissioners of the Department of Health  
17 and Mental Hygiene and the Department of  
18 Environmental Protection, five Council Members  
19 appointed by the Speaker and four members appointed  
20 by the Mayor. The proposed task force will be tasked  
21 with consulting with tenants who reside in buildings  
22 under construction to determine the issues they face,  
23 and what can be address them. The task force would  
24 hold monthly hearings during most of the year,  
25 complete an evaluation of current practices within

2 six months of the first hearing, and issue an annual  
3 report for three years making recommendations to  
4 improve interagency coordination and sharing of  
5 information. It is detailed in the—in my testimony  
6 the department participates in two task forces with  
7 our agency partners whose purpose is to target tenant  
8 harassment. As part of this important work, we  
9 regularly interact with tenants, elected officials  
10 and each other referring—receiving referrals of  
11 buildings to inspect and suggestions to enhance our  
12 enforcement. We recognize collaboration through  
13 government and interaction with tenants to discuss  
14 broad policy issues is an important part of this  
15 process, but we have concerns about the frequency of  
16 meetings and reporting provided in the bill.

17 Intro No. 1523 would establish the Office  
18 of the Tenant Advocate within the department. The  
19 proposed duties of this office include approving  
20 TPPs, site safety plans, receiving comments,  
21 questions and complaints concerning these documents,  
22 monitoring buildings with TPPs and communicating with  
23 tenants so that—so that they have notice of  
24 construction work, understand these construction  
25 documents and their rights as tenants. The bill also

2 would require the office to report quarterly on  
3 complaints received, time to respond, the number of  
4 TPPs and site safety plans reviewed. Instances where  
5 these documents were deficient and actions taken, and  
6 a description of efforts to communicate with tenants.  
7 There are a number of ways tenants and the entire  
8 public can interact with the department. They can  
9 contact our customer service or External Affairs  
10 Division, specific borough offices. Complaints can  
11 be filed at 311. They can review the wealth of  
12 information made available on our website and, of  
13 course, elected officials' offices, and community  
14 boards serve as an important intermediary as well.  
15 Creating a new office, as described in the bill, will  
16 not improve service, can create more distance between  
17 the tenants and the information they seek, and  
18 captures work already performed by the Department.  
19 TPP and site safety are already evaluated by plan  
20 examiners in the borough offices and by our  
21 Engineering and Safety Operations Division.  
22 Additionally, a system to receive comments, questions  
23 and complaints already exist. Furthermore, as this  
24 committee is aware, the Administration has committed  
25 significant resources to attending to the pressures

2 tenants face. This includes the creation of a Tenant  
3 Protection Unit within the Mayor's Office that  
4 performs outreach to tenants in neighborhoods facing  
5 re-zonings and addresses issues related to tenant  
6 harassment and the creation of an Office of Civil  
7 Justice within the Human Resources Administration  
8 that administers the Anti-Harassment Tenant  
9 Protection Legal Services Program. Some of what this  
10 proposed legislation requires—requires is more in  
11 keeping with the work of these offices. Thank you  
12 for your attention, and the opportunity to testify  
13 before you today. We welcome any questions you may  
14 have. [pause]

15 DEPUTY COMMISSIONER MUSTACIUOLO: Good  
16 morning, Chair Williams, members of the Housing and  
17 Buildings Committee. My name is Vito Mustaciuolo and  
18 I am the Deputy Commissioner for Enforcement and  
19 Neighborhood Services at the New York City Department  
20 of Housing Preservation and Development. Thank you  
21 for the opportunity to testify at this hearing on a  
22 number of bills pertaining to tenant harassment.  
23 Specifically, thank you for the opportunity to  
24 testify on Intros 3, 347-A, 1530, 1548, 1549, 1550,  
25 1551 and 1556. We would like to commend the Chair

2 and this committee for their continued focus on  
3 tenant harassment issues. HPD takes the safety and  
4 habitability of all New York tenants very seriously.  
5 Each tenant has the absolute right to reside in their  
6 home free from dangerous conditions and harassment.  
7 While most property owners respect the rights of  
8 their tenants and maintain their property in  
9 compliance with code, there are some owners that do  
10 not meet their statutory requirements. They may not  
11 provide essential services, but may even harass  
12 tenants in a variety of different ways. If a tenant  
13 feels harassed, then he or she should initiative a  
14 tenant harassment claim in Housing Court on their own  
15 behalf. This Administration has taken great steps in  
16 combatting harassment. As you all know, the Mayor  
17 recently announced with the Speaker and the Council  
18 that the city is continuing to build on the tenfold  
19 increased investment in tenant legal services created  
20 unprecedented universal access to Council programs  
21 for all tenants facing eviction in Housing Court in  
22 New York City. [coughs] With this step, the city  
23 will become the first city in the country to  
24 implement such a comprehensive program. HPD Housing  
25 Litigation Division also appears on most tenant

2 initiated harassment cases as necessary parties  
3 pursuant to provisions of the New York City Housing  
4 Maintenance Code providing substantiated evidence of  
5 any claims related to the Housing Maintenance Code  
6 violations documented by the department. Although  
7 HPD cannot initiate harassment proceedings in Housing  
8 Court, HPD is a very active—is very active in  
9 combatting harassment. HPD enforces the New York  
10 City Housing Maintenance Code by responding to tenant  
11 complaints, conducting proactive cellar to roof  
12 inspections, issuing violations and when necessary  
13 conducting emergency repairs when the owner has  
14 failed to comply. These are just some of the ways in  
15 which we combat harassment that protect New York City  
16 tenants each day. HPD's Housing Litigation Division  
17 brings cases in Housing Court against owners who do  
18 not comply with outstanding violations, and when  
19 necessary seek findings of contempt and jail against  
20 treatment of landlords. (sic) [coughs] In addition to  
21 our general code enforcement activities and  
22 litigation HPD actively participates in the Tenant  
23 Harassment Prevention Task Force, which is a  
24 collaborative task force between the Office of the  
25 New York City Attorney General, the New York State

2 Department of Housing—Homes and Community Renewal,  
3 and various city agencies. The task force has  
4 already led to two major indictments of landlords,  
5 one in Brooklyn and the other more recently in  
6 Manhattan. [coughs] I'd like to note that the  
7 Manhattan case was initiated by a referral from  
8 Council Member Chin and the local community-based  
9 organization. HPD also participates in the City  
10 agency Task Force on Tenant Harassment. As of  
11 January of this year, the Joint Inspection Team  
12 consisting of HPD, DOB, DOHMH and FDNY attempted to  
13 inspect over 500 buildings comprised of over 7,500  
14 dwelling units citywide. HPD alone has issued more  
15 than 11,000 hazardous or immediately hazardous  
16 violations to these buildings. More than 100 of  
17 these buildings have active cases in Housing Court  
18 initiated either by HPD and/or the tenants. HPD is  
19 participating in the Anti-Harassment Working Group  
20 flowing from Council Member Lander who co-chairs the  
21 committee and includes Council Members, legal  
22 services providers, tenant advocates, landlord trade  
23 groups for and not-for-profit real estate developers  
24 and city and state agencies. The group has been  
25 analyzing housing data to study the effects of

2 expanding the certification of No Harassment Program,  
3 how it can be implemented citywide and exploring  
4 possible alternative approaches to addressing  
5 harassment. As you can see, HPD takes the issue of  
6 tenant harassment very seriously. Again, we applaud  
7 the Council for its attention to this important issue  
8 with this hearing and the proposed bills before us.

9           Turning now to the bills. The City  
10 Council seeks to expand the definition of harassment  
11 under the Housing Maintenance Code and Intro 1530,  
12 1548, 1549, 1550 and 1551. While Intro 347-A seeks  
13 to allow Housing Court the ability to award damages  
14 to tenants in harassment cases. Under the Housing  
15 Maintenance Code the term harassment is currently  
16 defined as any act or omission done by the building  
17 owner or on behalf of the owner that causes or is  
18 intended to cause a tenant to vacate, surrender or  
19 waive his or her legal right to their apartment.  
20 Harassment may include actual physical force,  
21 threats, continuous offers for buyouts, repeated  
22 interruptions and/or the dis-discontinuance of  
23 essential services. HPD supports Intro 1530,  
24 sponsored by Council Speaker Mark-Viverito, which  
25 creates a rebuttal presumption that where an owner

2 commits one or more of a list of harassments acts or  
3 omissions it is harassments. We do, however, have  
4 some issues with the existing language contained in  
5 Intros 347, 1548, 1550, 1551, and 1556 that we think  
6 merits further examination and discussion. For  
7 instance, Intro 347-A raises legal questions of  
8 whether a Housing Court is the appropriate  
9 jurisdiction to award damages in a tenant harassment  
10 case. We believe Intros 1548, 1550, 1551 and 1556  
11 are too broadly drafted as is, which can potentially  
12 have the unintended consequence of diminishing the  
13 effectiveness of the harassment statute. We want to  
14 ensure that any changes to the statute will further  
15 enhance our joint efforts to combat harassment. I  
16 recommend that the Council, the Administration and  
17 the Office of Court Administration meet to discuss to  
18 determine how these changes may impact tenants and  
19 enforceability to-to decide cases.

20 I'd like now to turn to Intro 1549.

21 Current law already allows a tenant to sue for  
22 harassment if they have been the subject of repeated  
23 and baseless court proceedings by the landlord.  
24 Intro 1549 would allow tenants to rely on cases  
25 brought against prior tenants previously living in

2 the same unit. Even if the current tenant didn't  
3 have repeated cases against him or her. HPD opposed  
4 Intro 1549 as we feel an unintended outcome may be  
5 more harassment cases being adjudicated in Housing  
6 Court. We also do not believe that this bill is  
7 feasible from a legal perspective. In order for our  
8 case of case harassment to be defensible, we believe  
9 a tenant needs to establish that repeated and  
10 baseless court proceedings have been brought against  
11 his or herself. However, we do agree that at trial  
12 evidence of prior and frivolous court cases against  
13 those defendants would be relevant in order to  
14 indicate a pattern of harassment by a particular  
15 landlord.

16           Lastly, I would like to discuss Intro 3,  
17 which would allow HPD to recover relocation expenses  
18 from building owners when there is a vacate order.  
19 The owner would be required to deposit into an escrow  
20 account money equal to at least 10% of the buildings  
21 rent roll for the past—for the five years preceding  
22 the vacate order. This escrow account would name HPD  
23 as escrowee. HPD appreciates the Council's focus on  
24 the recovery of relocation expenses. Unfortunately,  
25 HPD does not think this bill is feasible from an

2 operational perspective and would require significant  
3 expansion of the HPD resources. Currently, HPD does  
4 try to recover relocation costs through the mechanic  
5 lien in process, and it's exploring ways to improve  
6 our current process. We do recognize the issues  
7 identified in this legislation, and we are open to  
8 working with the Council to find ways to strengthen  
9 HPD's ability to address these issues. The  
10 department takes the recovery of relocation expenses  
11 just like tenant harassment very seriously. We are  
12 always willing to discuss just practices to ensure  
13 the results for tenants and the agency. Before I  
14 conclude my testimony before this committee, I would  
15 like say how proud we are to have a role in the  
16 ongoing effort to address tenant harassment. I know  
17 that we, the Mayor, the elected and all the agencies  
18 are all committed to identifying the most effective  
19 ways to enable tenants in the city to identify and  
20 combat harassment and when necessary to punish  
21 landlords who engage in improper behavior. We have a  
22 joint commission—commitment to his effort. It was  
23 evident just last week when the Speaker and several  
24 council member joined Commissioner Torres-Springer  
25 and Chandler in East Harlem in support of the

2 Attorney General's announcement regarding his  
3 legislative proposal broadening the definition of  
4 felony offenses of harassment of a rent regulated  
5 tenant and by establishing related misdemeanor  
6 offences in the Penal Code. Again, we fully support  
7 the concept of the bills discussed today. Our only  
8 concern is that harassment is an issue that requires  
9 capital consideration to ensure that we are keeping  
10 it clear and meaningful for all tenants, landlords  
11 and the courts so everyone understands when  
12 harassments has occurred, and how best to address it.  
13 Once again, we thank the New York City Council for  
14 your continued leadership on this issue and for  
15 holding this hearing on tenant harassment. HPD is  
16 committed to fighting harassment alongside members of  
17 this committee. We appreciate the opportunity to  
18 testify. If there are any questions, I am happy to  
19 answer them. [coughing, pause]

20 CHAIRPERSON WILLIAMS: Thank you very  
21 much for your testimony. We were joined by—we are  
22 and we're joined by Council Members Lander,  
23 Rodriguez, Cornegy, Menchaca, Salamanca and Mendez.  
24 I just wanted to quickly ask about my Bill 1556. I  
25 think you included it in the list that was too broad.

2 So can you just give me a little information about  
3 why you think it's too broad? [rustling papers,  
4 pause]

5 DEPUTY COMMISSIONER MUSTACIUOLO: I'm  
6 sorry. Just bear with me for one second.

7 CHAIRPERSON WILLIAMS: Sure. [pause]

8 DEPUTY COMMISSIONER MUSTACIUOLO: So with  
9 respect to 1556, the issue that we have isn't  
10 necessarily that it's too broad. We do feel that  
11 increasing the minimum civil penalties for harassment  
12 may have a-a negative effect on-on the cases that are  
13 brought Housing Court. You know, the concern that  
14 we-that we've had is that-

15 CHAIRPERSON WILLIAMS: Can you bring the  
16 mic a little closer?

17 DEPUTY COMMISSIONER MUSTACIUOLO: Yeah,  
18 I'm sorry. Yeah is that the courts may not  
19 necessarily agree that there was finding of  
20 harassment if the minimal civil penalties are too  
21 high. But what we do agree with, though, is  
22 increasing the minimum civil penalties for repeat  
23 offenders.

24 CHAIRPERSON WILLIAMS: You're saying if  
25 a-if the initial penalty is too high, even though the

2 courts may decide favorably with the landlords  
3 because they think it's--the--

4 DEPUTY COMMISSIONER MUSTACIUOLO:  
5 [interposing] No, that there might not be a finding  
6 of harassment if the civil penalties are too high?

7 CHAIRPERSON WILLIAMS: I got it. Just  
8 because a judgement may be--most effect, nothing to do  
9 with legal, you say the judgement is more sympathetic  
10 because there are--because their fine is too high?  
11 Not because of the facts of the case?

12 DEPUTY COMMISSIONER MUSTACIUOLO: But  
13 again, it--we can--the--the finding of harassment is a  
14 serious finding.

15 CHAIRPERSON WILLIAMS: Yes.

16 DEPUTY COMMISSIONER MUSTACIUOLO: Right,  
17 if the minimum civil penalties are excessive, we do  
18 believe that judges will be less inclined to actually  
19 make a determination of harassment.

20 CHAIRPERSON WILLIAMS: I--I hear you. I  
21 want to understand why. Because they feel it's too  
22 high or because--that sounds like they're not looking  
23 at the facts of the case. They're deciding that it's  
24 not harassment because the punishment is too high. So  
25 I'm trying to just put that out and figure it out.

2 DEPUTY COMMISSIONER MUSTACIUOLO: Well,  
3 so as-as I mentioned in my testimony again a lot the  
4 issues and concerns that we have with respect to  
5 these intros we believe require that there should be  
6 further conversation not only with the agencies, but  
7 with the Office of Court Administration and the  
8 supervising Housing Court Judge. We did have a  
9 conversation with the supervising Housing Court judge  
10 who did raise some concerns, and-and one of the  
11 concerns raised was specific to Intro 1556.

12 CHAIRPERSON WILLIAMS: Okay. Alright,  
13 I'll-I'll so I guess we will continue with that, but-  
14 but it just sounded like they are not concerned about  
15 the facts of the case. It-t sounded like they're  
16 being sympathetic because I think the fine is too  
17 high, and even if they feel it was harassment, the  
18 fine is too high so they won't find harassment. That  
19 doesn't sound proper. Just so-I'm-I'm a little  
20 confused about this.

21 DEPUTY COMMISSIONER MUSTACIUOLO: Well,  
22 again, by setting a higher minimum standard for civil  
23 penalties, is-is what the concern was.

24 CHAIRPERSON WILLIAMS: Now, I under-so I  
25 understand what you're saying your concern is, and I

2 understand you're saying—you're relaying what you—you  
3 may have heard from the civil court part, but what  
4 saying is if we set a law, and even if you said it  
5 was \$100,000, the facts of the case are either that  
6 was harassment or that there wasn't harassment, and  
7 the—the fine is incidental to that. So they would  
8 have to find out whether there was harassment first.  
9 What you're saying is that they may not even decide  
10 whether there was harassment only because the fine is  
11 \$100,000, and I'm not sure that they have the  
12 authority to do that. And I'm—I'm very—I'm concerned  
13 about what they're bringing up and raising as an  
14 issue. And, I want to actually explore that some  
15 more because it sounds just concerning if that's  
16 what—if that's what they're doing. If they're  
17 preemptively deciding they're not going to do this  
18 because the fine is too high as oppose to there was  
19 actually facts in the case that--

20 DEPUTY COMMISSIONER MUSTACIUOLO: I—I  
21 don't think that that's exactly—that's what their  
22 concerns are.

23 CHAIRPERSON WILLIAMS: Okay.

24 DEPUTY COMMISSIONER MUSTACIUOLO: Yeah.

2 CHAIRPERSON WILLIAMS: Okay. So I don't  
3 fully understand it then. So it's somewhere either--  
4 either you can refer me back to them or someone can  
5 help explain it a little bit more.

6 DEPUTY COMMISSIONER MUSTACIUOLO: Yes.

7 CHAIRPERSON WILLIAMS: Sure, let's do  
8 the--

9 DEPUTY COMMISSIONER MUSTACIUOLO:  
10 [interposing] So, I'm sorry. So, just Deborah Rand  
11 from HPD Housing Litigation Division.

12 ASSISTANT COMMISSIONER RAND: Hi.

13 CHAIRPERSON WILLIAMS: Could you pleas  
14 raise your right hand.

15 ASSISTANT COMMISSIONER RAND: What?

16 CHAIRPERSON WILLIAMS: Could you please  
17 raise your right hand?

18 ASSISTANT COMMISSIONER RAND: Yes.

19 CHAIRPERSON WILLIAMS: Do you affirm to  
20 tell the truth, the whole truth, and nothing but the  
21 truth in your testimony before this committee and to  
22 respond honestly to Council Member questions?

23 ASSISTANT COMMISSIONER RAND: I do.

24 CHAIRPERSON WILLIAMS: Thank you.

2 DEPUTY COMMISSIONER MUSTACIUOLO: So  
3 Deborah if you want to just add anything on the 1556.

4 ASSISTANT COMMISSIONER RAND: Yes, I-I-  
5 my-the concern of the agency is not that the judges  
6 don't do their job. I do believe that they judges do  
7 their job, and that they carefully consider the  
8 evidence. Currently, many of the harassment cases  
9 are very close questions, and the number of cases,  
10 which actually go to trial are limited. And so there  
11 is a concern, and it's something that I really urge  
12 the-oh, the agency urges the committee to reach out  
13 to the Office of Court Administration [coughing]  
14 particularly the supervising judge and discuss the  
15 implications of raising the penalties. I understand  
16 exactly what the Council Member is saying. I mean  
17 clearly the judges have to apply the law. There's no  
18 question about that, but there is a concern on the  
19 part of the city that raising the penalties when it's  
20 a closed question may discourage the judges from  
21 finding arrangement. I'm not saying it will. I'm  
22 not a judge. I'm raising the-we are raising that  
23 issues, and urging that there be a discussion with  
24 the court.

25 CHAIRPERSON WILLIAMS: Great.

2 DEPUTY COMMISSIONER MUSTACIUOLO: And-and  
3 again, we do support the increased minimum penalties  
4 for repeat offenders.

5 CHAIRPERSON WILLIAMS: Sure. So, okay—so  
6 we're just we're just concerned that the—the human  
7 element my be affected by this race or which does  
8 kind of go to what I'm saying, but I'll—I'll leave it  
9 there, and I guess we will try to follow up with the  
10 single court partnering to try to figure it out. I'm  
11 going to go to my colleagues and then come back for  
12 my questions—additional questions, and we've been  
13 joined by Council Member Rosenthal. Is Council  
14 Member Kallos here? [background comments] So we have  
15 Council Member Menchaca and Rosenthal. That's all we  
16 have signed up, and we'll give five minutes for  
17 questions.

18 COUNCIL MEMBER MENCHACA: Thank you. I  
19 think—am I next? Is that right? Sorry. I know  
20 there was a little switch there.

21 CHAIRPERSON WILLIAMS: So, just so you  
22 know, Council Member Kallos is not here. So when he  
23 comes back, I'll put him back in. So we have  
24 Menchaca, Rosenthal, and Levine is here.

2 COUNCIL MEMBER MENCHACA: Great. I'll  
3 take—I'll take a few minutes and maybe a second round  
4 come back. I want to thank the Chair, too, for  
5 really compiling a really great list of—of  
6 legislative opportunities for legislative fixes on  
7 some of the things that we are seeing our district  
8 offices, and the one that I want to focus on is one  
9 of the—one of the bills that I'm sponsoring 1549. I  
10 will start with the kind of immediate question. In  
11 your testimony you talk a little bit about the—the  
12 cases—and—and I—I want to kind of dig a little bit  
13 deeper about exactly where you're—what you mean about  
14 the unintended consequences and if you could—if you  
15 could just spell that out a little bit, a little bit  
16 deeper as far as 1549's ability to kind of take a  
17 longer history of harassment for that building.  
18 Because I—it's not clear to me about what that  
19 unintended consequence is.

20 ASSISTANT COMMISSIONER RAND: [off mic]  
21 Again, I'm Deborah Rand [on mic] I'm with the Housing  
22 Litigation Division, and it's—the attorneys of the  
23 Housing Litigation Division that appear in the  
24 housing part in all the Housing Courts the concern  
25 is, and perhaps it's the, you know, our reading of

2 the bill is mistaken, but the way we read the bill  
3 seems to suggest that a prior interruption of  
4 essential services that did not affect this tenant  
5 can still be the basis of an harassment claim without  
6 them having actually had an interruption of essential  
7 services. And legally and practically, I think  
8 that's an enormous issue. One of the issues that if,  
9 in fact, the tenant can't prove that they were  
10 deprived of services it's a real question whether  
11 that constitutes harassment of that tenant. And  
12 unlike a class action, for example, in Supreme Court  
13 where you can have a group of people and they can  
14 allege things about other people, tenant's actions in  
15 Housing Court are either individual or group, and the  
16 individuals or the group are required to show that  
17 they personally were affected. So, for example, if  
18 they bring a repair action, they can only bring an  
19 action about their own apartment or the public areas.  
20 Similarly, here and perhaps again it's to the  
21 wording, and we're certainly willing to sit down with  
22 the Council and discuss that, but the wording  
23 suggests that an individual tenant who was not  
24 deprived of services can come in and assert another  
25 tenant's deprivation of services previously as a

2 basis of harassment. There's no doubt that if the  
3 current tenant is deprived of services, and they go  
4 before the court, they can use a prior interruption  
5 of essential services as evidence of the owner's  
6 course of conduct and that currently can happen.  
7 That's, you know, and evidential issue.

8 DEPUTY COMMISSIONER MUSTACIUOLO: Right,  
9 I think Council Member, again this is another intro  
10 that we believe strongly the conversations with the  
11 Council and the Administration and the supervising  
12 Housing Court Judge would be beneficial.

13 COUNCIL MEMBER MENCHACA: And I don't  
14 think we disagree. So we want—we want to encourage  
15 that, but I think—I think part of and this is what we  
16 do in the public hearings is really try and  
17 understand exactly what—what needs to happen and—and  
18 let's just step back a little bit and talk about this  
19 pattern. Because I thin what we're trying to also  
20 prevent is this idea that once a landlord that is  
21 harassing our tenants succeeds in removing that  
22 tenant, a new tenant comes in. They can restart  
23 their harassment, and—and—and just keep—keep moving  
24 through that pattern. You wan to break that pattern,  
25 but allow that pattern to be a—a kind of legal—

2 legally—create legal ability for—for that pattern to—  
3 to exist, and we thin that the current law doesn't—  
4 doesn't give us that. And so—so I'm—I'm encouraging  
5 another conversation for this, but I—I think that  
6 there might be focus—you might be focusing on just  
7 one piece of a—of a—of a possible condition, and not  
8 really looking at the holistic approach to this piece  
9 of legislation. And so I—I want to—I want to come  
10 back for—I have a couple more minutes, and—and ask  
11 for as far as—as the—the work that HPD is doing, and  
12 maybe even the Department of Buildings, how—how have  
13 you see the—the current law not give you enough power  
14 to be able to kind of create what you say you already  
15 have, a string of—of history for—for a—a dwelling or  
16 an apartment within the dwelling of—of history from—  
17 from that landlord.

18 ASSISTANT COMMISSIONER RAND: There's  
19 distinction between what we can—what can happen in  
20 the Housing Court, and what the Deputy Commissioner  
21 talked about, which is a broader group of actions  
22 that HPD can bring. This bill is directed at tenant  
23 initiated harassment cases. So it's the tenant that  
24 has to allege the facts. Certainly, the Deputy  
25 Commissioner earlier in the testimony describe a

2 whole array of actions that HPD and other agencies  
3 are taking with respect to what the Council Member  
4 raised.

5 COUNCIL MEMBER MENCHACA: Great. I don't  
6 know if you want to add-add to that.

7 DEPUTY COMMISSIONER MUSTACIUOLO: Yeah,  
8 that's why the-the significance of the joint task  
9 force initiatives that we have. Each agency brings  
10 different disciplines to the table, and as mentioned,  
11 recently we did see the indictment on seven felony  
12 counts. It's important to note that none of those of  
13 felony counts, though, had anything to do with the  
14 initial referral from the Council Member, which were  
15 poor conditions of the building. But the Attorney  
16 General's Office was able to bring a criminal case,  
17 charges of almost 70 felony counts for-for other  
18 types of crimes. But-so it's the joint efforts  
19 between the agencies that the city is staying level  
20 [bell] that we believe are very effective in these  
21 cases.

22 COUNCIL MEMBER MENCHACA: Thank you for  
23 that case in point. We'll come back. Thank you.

24 COUNCIL MEMBER LEVINE: Alright, thank  
25 you, Council Member Menchaca. Chair-Chair Williams

2 had to step out to vote in another committee so I'll  
3 fill in for him for a few minutes. I will try not to  
4 let the power go to my head. [laughs] With that,  
5 I'm going to go to pass it off to our colleague  
6 Council Member Rosenthal.

7 COUNCIL MEMBER ROSENTHAL: [coughs] Too  
8 late. So, nice to see you, Council Member Levine. I  
9 couldn't help myself there. Really nice to see you  
10 all. Thank you for your comments. Thank you for  
11 taking these bills as—as seriously and I really  
12 appreciate that. I really want to focus on 1523,  
13 which is the Office of a Tenant Advocate within the  
14 Department of Buildings. This bill and this idea is  
15 a result of years of experience now that we've had in  
16 working with the Department of Buildings. I think  
17 while perhaps our work with the Department of  
18 Buildings has been constructive, what we've noticed  
19 is that there seems to be a conflict with the  
20 Department of Buildings about what your primary role  
21 is, and from my perspective and my constituents'  
22 perspective it appears that the focus at the  
23 Department of Buildings is on making sure that a  
24 building goes up and it's structurally sound. That  
25 should be your mission. I get that, but by the same

2 token, the—those builders when doing a renovation or  
3 different buildings when doing a renovation are—are  
4 in a position when they—we have found them to use the  
5 opportunity of renovation or construction as a form  
6 or harassment, and what we need is an office within  
7 the Department of Buildings that can have a—a  
8 platform to have a voice for the tenants within the  
9 Department of Buildings to counter that—that issue of  
10 is the construction work structurally sound. So I'm  
11 trying to understand what, you know, you mentioned  
12 they Tenant Protection Unit that's in the Mayor's  
13 Office, and you mentioned, you know, that you might  
14 be doing the TPP taking it a little more seriously.  
15 But why not have a voice inside the Department of  
16 Buildings who—someone who's a structural engineer or  
17 a plan examiner who could say, you know, what happens  
18 when a building asks for repeated permits work  
19 permits to do work out of somebody's window? What  
20 happens if you're a rent regulated tenant in a  
21 building that's undergoing a conversion, and the work  
22 was completed the first time, but for some reason  
23 that permit is being approved over and over and again  
24 to do the work again and again? Really what's going  
25 on there just using common sense is not, you know, it

2 needs to be fixed again, it's that we need to have  
3 jackhammering outside this window repeatedly. So  
4 perhaps the tenant will get the idea they should  
5 leave. And what the Office of Tenant Protection  
6 would do, adequately do would be able to have that  
7 voice. So could you better explain for me why it  
8 wouldn't be helpful given this administration's  
9 desire to preserve 120,000 units of affordable  
10 housing to have such an office in the Department of  
11 Buildings?

12 ASSISTANT COMMISSIONER WEHLE: Good  
13 morning Council Member Rosenthal.

14 COUNCIL MEMBER ROSENTHAL: Good morning.

15 ASSISTANT COMMISSIONER WEHLE: [coughs]  
16 I'm Patrick Wehle, Assistant Commissioner for  
17 External Affairs.

18 MALE SPEAKER: Is it red?

19 ASSISTANT COMMISSIONER WEHLE: It is red.  
20 Hello, okay. There we go.

21 COUNCIL MEMBER ROSENTHAL: Thank you.

22 ASSISTANT COMMISSIONER WEHLE: Good  
23 morning. I'm Patrick Wehle, Assistant Commissioner  
24 for External Affairs that the Buildings Department.  
25 So certainly we hear you loud and clear and the

2 concerns you're articulating are concerns that very  
3 much the Buildings Department, HPD, our partner  
4 agencies take to hear. We've very, very hard at this  
5 as evidenced by all the work that we've done through  
6 multiple task forces. The work that we do through  
7 your office, Council Member, the work with other  
8 elected officials' office, tenant associations and  
9 community groups. It's something we take quite  
10 seriously. I think by and large what's envisioned  
11 through this Office of the Tenant Advocate is work  
12 that's already performed today within the Buildings  
13 Department. We respond to complaints, we scrutinize  
14 tenant protection plans and site safety plans. Any  
15 concerns that are brought to our attention as it  
16 relates to tenant harassment we prioritize those  
17 concerns, and work to resolve them as quickly as  
18 possible.

19 COUNCIL MEMBER ROSENTHAL: The point if-  
20 if you're already doing it now which, you know, you  
21 and I have a great relationship so and I appreciate  
22 that so much. [bell] What this office would do is-is  
23 give the Department of Buildings a public platform  
24 with which to counter the building owners that are  
25 doing things that might be structurally sound, but

2 are obviously construction as harassment. And it  
3 gives you—it gives a voice inside the Department of  
4 Buildings to counter the plan examiner who says, but  
5 they're having this work permit to do some important  
6 work, and this way you would have somebody whose job  
7 it is to say, gee, I noticed this is the third time  
8 they've put in this application. So, while it might  
9 be structurally appropriate to give a work permit—

10 COUNCIL MEMBER LEVINE: [interposing] And  
11 Council Member if maybe you can wrap it up--

12 COUNCIL MEMBER ROSENTHAL: [interposing]  
13 Wrap it up.

14 COUNCIL MEMBER LEVINE: --so we can--

15 COUNCIL MEMBER ROSENTHAL: So, why not,  
16 if you're already doing the work, why not have a  
17 platform an--and office that's dedicated to doing  
18 this?

19 ASSISTANT COMMISSIONER WEHLE: So--so with  
20 respect, I would say that that platform does exist,  
21 but not in the manner in which this bill envisions.  
22 So we take a look at tenant protection plans, site  
23 safety plans, and all these construction documents  
24 that affect multiple dwellings and construction and  
25 occupancies in the very light in which you suggest.

2 Again, we take this work very seriously. We've done  
3 a tremendous amount of work with our partner agencies  
4 to sort of focus on this issues, and get after these  
5 problems.

6 COUNCIL MEMBER ROSENTHAL: Thank you very  
7 much. I'd like to come back in the second round.

8 COUNCIL MEMBER LEVINE: Thank you,  
9 Council Member. I'd like to acknowledge that we've  
10 been joined by fellow Buildings Committee Members,  
11 Council Member Torres and Ulrich and by form  
12 Buildings Committee member Antonio Reynoso, and we  
13 miss you and we're glad you've come back. Next up  
14 for questions will be Council Member Levine.  
15 Alright. We're given that prerogative here, but I  
16 was on the list actually. Commissioner Fariello, I  
17 want to thank you for your--your positive words on  
18 Intro 936, which relates to publication of the Tenant  
19 Protection Plan, and I just want to make sure people  
20 understand what's at stake, and perhaps you can  
21 expand on this as well. But right now people,  
22 building owners are required to produce a plan, but  
23 that plan can say almost nothing about the details of  
24 what's going to be done to protect tenants. They  
25 could say we have a plan, which is co-compliant,

2 which really tells me nothing, tells the tenant  
3 nothing. But there are cases where there can be  
4 particulate that's kicked up even asbestos I some  
5 cases. We need to know how the—the building will  
6 deal with that. There can be cases where a means of  
7 egress are blocked, where fire suppression systems  
8 are inactive, where structural elements have to be  
9 replaced, and—and noise also can be a consideration.  
10 And so what we're looking for in this legislation is  
11 the details on what we're going to do to protect  
12 tenants in—in each of those and other relevant  
13 categories. Is—is this your understanding of the  
14 motivation in the bill and something that you  
15 support?

16 DEPUTY COMMISSIONER FARIELLO: Yes, we—we  
17 understanding the concern and we understand, you  
18 know, where you're coming from about the—the  
19 specifics of the—the Tenant Protection Plan itself,  
20 and we have been working with the architects and  
21 engineers that filing with us. And what we're  
22 hearing from them is, you know, I am designing the  
23 project, but I—you know, I don't know how the  
24 contractor is going to actually phase this project or  
25 do the work. I don't know, you know, exactly when

2 they're going to do the work, and so when is this  
3 egress going to be affected at this time in the project?  
4 When it's going to be affected at that, and we're asking  
5 for this plan upfront, you know, as—as if it's, you  
6 know, a one shot deal, right? I mean, you know, some  
7 projects are only working on one apartment at a time,  
8 but others are working on floors at a time while the  
9 building is occupied. So there's various different  
10 things. So we've been working with the industry, the  
11 contractors and the architects and engineers to come  
12 up with a way how we can get a better Tenant  
13 Protection Plan that's more relevant to the work  
14 that's being done. So as we said in our testimony,  
15 you know, the contractor has a big piece to this  
16 because they are the ones that know when they're  
17 going to do the work and—and how they're going to  
18 actually perform the work. And the design  
19 professional who drawing other plans, may not be  
20 necessarily privy on all of that information at the  
21 time that the job is being approved.

22 COUNCIL MEMBER LEVINE: That—that's very  
23 helpful, and we appreciate your collaborative spirit  
24 on that bill. Wanted to briefly ask Commissioner—  
25 Commissioner Mustaciuolo about Intro 1548, which I'm

2 also please to sponsor tries to protect tenants  
3 against a well known form of aggressive tactics use  
4 by unscrupulous landlords often when they're trying  
5 to get a tenant to agree to a buyout, which is  
6 they'll knock on the door at 6:00 a.m., they'll knock  
7 on the door at 11:30 a.m. repeatedly, aggressively  
8 knowing that it's an inconvenient time, and that can  
9 be quite intimidating for residents, and it shouldn't  
10 be tolerated. And that's the intent of our bill. And  
11 in your remarks I believe you said that you found it  
12 overly broad. If you could expand on--on what you  
13 meant by that and why you would object to the bill?

14 DEPUTY COMMISSIONER MUSTACIUOLO:

15 Certainly. So currently, the buyout provision of the  
16 harassment definition already contains language with  
17 respect to repeat visits. But I guess the concern  
18 that we have with the current language of 1548 is  
19 there's no direct correlation between the repeat  
20 visits with the unusual hours to a type of  
21 harassment. I mean there are situations where  
22 perhaps tenants because of their work schedules or  
23 might require an order to be there at an unusual  
24 hour. So we just think that to more narrowly define

2 both--both what the unusual hour is, and a  
3 relationship to harassments is--is critical for 1548.

4 COUNCIL MEMBER LEVINE: So, so I--I hear  
5 you on that, and so if there was a way to tighten the  
6 language in a way that--in cases where there was a  
7 reasonable off hours visit there wouldn't be  
8 consequences then you think you could support the  
9 bill?

10 DEPUTY COMMISSIONER MUSTACIUOLO: Yeah,  
11 again we--we look forward to having conversations with  
12 you about fine tuning the

13 COUNCIL MEMBER LEVINE: Okay, al right.

14 DEPUTY COMMISSIONER MUSTACIUOLO: --the  
15 language of this. Yeah.

16 COUNCIL MEMBER LEVINE: Well, we'll--we'll  
17 work with that. Okay we are going to hear next from  
18 Council Member Chin followed by Council Member  
19 Reynoso, and then we'll go to second--second round  
20 questions.

21 COUNCIL MEMBER CHIN: Thank you. My  
22 question is to Commissioner Vito. [laughs] Intro 3.  
23 I mean the purpose of the legislation it's not just  
24 recovering money that taxpayers put out to relocate  
25 tenants when they are being vacated, but also to have

2 options to place tenants right in the community where  
3 they came from so that they don't have to go far, far  
4 away and—and they're the ones that's facing all these  
5 hardships when a vacate order happens, and usually  
6 when a vacate order happens, it's all of a sudden.

7 You can't prepare for it. So, this way there's

8 resources available just in the past or we ask, you

9 know, can we put a resident in the hotel in the

10 community, and what we get back is no because there's

11 no way of paying for it. But this way if there's an

12 escrow account set up, then there's money available

13 to do that, and also might be an incentive to get the

14 landlords to hurry up and fix the problem instead of

15 dragging their feet. I mean we have cases where

16 there was a accidental fire in the building. Tenants

17 were vacated. It took a couple of years, and by the

18 time the building is fixed, most of the tenants are

19 gone and we lose affordable housing units. So can

20 you really address like why is it not feasible? Why

21 couldn't we do that to really force the landlords to

22 take some responsibility? Because right now, if you

23 can maybe explain the process, right now when a

24 vacate happens, landlords say okay, I got to fix the

25

2 building, but they don't have to do anything to take  
3 care of the tenants.

4 DEPUTY COMMISSIONER MUSTACIUOLO: Great,  
5 and—and Council Member you certainly have been a  
6 strong advocate for tenants not only in your district  
7 but throughout the city that victims of vacate  
8 orders, and we do appreciate that, and we appreciate  
9 that relationship that we have with you. You know,  
10 the creation of escrow accounts is a huge  
11 administrative burden, and would require bringing on  
12 additional resources so that you can see to not only  
13 establish, but to maintain what in essence would be  
14 or considerably be hundreds of—of—of specific escrow  
15 accounts, right. We agree that—that the current  
16 mechanisms that we have in place can be scaped (sic)  
17 and that there should be more responsibility placed  
18 on the owners. We don't believe that establishing an  
19 escrow account is the right mechanism for that, but  
20 we definitely would like to sit down with the Council  
21 Member and with the Division of Relocation Services  
22 to have conversations about how we can improve on  
23 that service, and—and how we can hold owners more  
24 accountable.

2 COUNCIL MEMBER CHIN: I mean right now do  
3 you have statistics as to how many vacate orders have  
4 been issued?

5 DEPUTY COMMISSIONER MUSTACIUOLO: So, I  
6 within my Code Enforcement Division I issue on  
7 average about 550 vacate order each year. Not all of  
8 those vacate orders are a result of tenants coming  
9 into our system, and not all of those result in a  
10 mechanic's lien being placed against the property.  
11 We only place mechanic's liens against the property  
12 where there is a finding of fault on the part of the  
13 owner. So for instance if there was a fire that was  
14 accidental, we don't charge the owner for our  
15 relocation expenses. Right, our relocation program  
16 is by statute and it--

17 COUNCIL MEMBER CHIN: [interposing] But  
18 also are you--is HPD are you able to collect that?

19 DEPUTY COMMISSIONER MUSTACIUOLO: So we  
20 do collect--

21 COUNCIL MEMBER CHIN: [interposing] The  
22 expenses? Right, you put a lien on the building, but  
23 if the landlord doesn't pay, I'm sure HPD doesn't  
24 collect everything back, right? How much--what's the  
25 percentage that you actually collect back?

2 DEPUTY COMMISSIONER MUSTACIUOLO: Sure so  
3 you're right. We don't collect everything back. So  
4 there's no direct correlation. So last year I issued  
5 550 vacate orders, and again only a subset of those  
6 actually would be situations where we would actually  
7 place a mechanic's lien against the property for the  
8 charges incurred. The last fiscal year about \$6.5  
9 million worth of mechanic's liens were filed with the  
10 County Clerk's Office, and--and last year, we  
11 collected about \$2.5 million on previously issued  
12 mechanic's liens.

13 COUNCIL MEMBER CHIN: I think one of the  
14 things that I--I wanted to really push for is that  
15 when a vacate happens that we have to do everything  
16 we can to really help tenants stay in the  
17 neighborhood because right now we're putting homeless  
18 families in hotels. There are hotels in my district  
19 right now that are accepting homeless families, but  
20 they're not accepting tenants who are vacated because  
21 we don't have that mechanism set up, and it's not  
22 fair--

23 DEPUTY COMMISSIONER MUSTACIUOLO:  
24 [interposing] No, and it's again, Council Member--

2 COUNCIL MEMBER CHIN: [--that a-a family  
3 has to be dislocated and the kids, you know, who go  
4 to the elementary school in my district have to  
5 travel a long distance [bell] just to go to school,  
6 and so we got to find a way.

7 DEPUTY COMMISSIONER MUSTACIUOLO: No, no  
8 we agree with you. We just don't believe that the  
9 establishment of an escrow account is the right way  
10 of getting there, but we certainly want to sit down  
11 with--with you and--and have further discussion.

12 COUNCIL MEMBER CHIN: I look forward to  
13 that because we have to find a mechanism where  
14 landlords is, you know, held accountable and we make  
15 sure that we take care of the tenants so that they're  
16 not--they're the ones that's facing all the hardship  
17 when a vacate order is issued. Thank you.

18 DEPUTY COMMISSIONER MUSTACIUOLO: Thank  
19 you.

20 COUNCIL MEMBER ROSENTHAL: Okay, now it's  
21 going to go to my head. [applause] Thank you,  
22 Council Member Chin. Sorry. Council Member Levine  
23 has passed--passed the buck to me. I-I want to take  
24 this opportunity to thank everyone from Stan For  
25 Tenant Safety for coming here today, and holding up

2 your signs and doing this, [applause] but you can't  
3 clap. So, now we're going to go onto Council Member  
4 Reynoso.

5 COUNCIL MEMBER REYNOSO: Thank you.  
6 Thank you to the Department of Buildings for being  
7 here. So it's a—I'm not in the Buildings Committee  
8 any more, but I'm here obviously because I care  
9 deeply about this issue. The Department of Buildings  
10 probably has me flagged for the amount of calls that  
11 I give regarding issues that we're having in our  
12 district, but I appreciate you guys always calling me  
13 back and-and as many of those as I possibly can. I  
14 want to thank everybody from the community that I  
15 represent in Williamsburg, Bushwick and Ridgewood for  
16 being here as well, which are a lot of the—

17 SERGEANT-AT-ARMS: [interposing] Quiet  
18 down please, quiet down please.

19 COUNCIL MEMBER REYNOSO: --pink-pink sign  
20 people. Let's not get—we don't want you to get  
21 displaced folks so—so let's not put the signs up any  
22 more, but we have a—a task force in Williamsburg that  
23 was tied into Williamsburg, and it's been working  
24 amazingly and the Department of Buildings is a  
25 proactive participant in that task force, and we've

2 seen a lot of progress in many buildings that we look  
3 to put to the top of the list. The reason we did—we  
4 felt the need to have that task force is because of  
5 this type of construction as harassment that we see.  
6 We have one case on Franklin Street that I want to  
7 bring up where a landlord was allowed to vote on a—on  
8 an exterior structure that destroyed a second mode of  
9 egress in a—in a lot. After they built that  
10 structure, which I believe was going to be a  
11 synagogue in the back yard, everyone in the building  
12 had to be vacated or removed. We have people living  
13 in—in shelters and living other locates for almost  
14 two years because of this adding to the growing  
15 problem that the city has regarding shelters, and  
16 we've yet to figure out a way to resolve this issue.  
17 The people who have--the vacate order does not allow  
18 them to come back in. The landlord has yet to remove  
19 the exterior structure, and there's no resolution in  
20 sight. So this family is going to continue to live  
21 in shelter systems or tripled up in other families'  
22 homes uncomfortable so long as we never find the  
23 solution. I'm—I'm about six months away from going  
24 in there with a sledge hammer and breaking down the  
25 exterior structures so that they can come back. So

2 you guys might have to arrest me for that. So I just  
3 want to talk about that. So now we have Intro No.  
4 938. Intro No. 938 makes it so that if you have a  
5 contractor that does work without a permit, this—  
6 which—which this act obviously was that you guys are  
7 going to give one inspection, one inspection on any  
8 work they do moving forward for two years. These  
9 contractors would get one extra inspection from the  
10 Department of Buildings for doing terrible work or  
11 work without a permit in the past, and you guys don't  
12 agree that this is something that you need. It's too  
13 much I guess for you, or the amount of people you  
14 catch that do work without a permit is  
15 inconsequential or so minimal that this wouldn't have  
16 any effect. So I guess I want to ask how many work  
17 without a permits do you—exist while the construction  
18 is still happening under DOB.

19 DEPUTY COMMISSIONER FARIELLO: Let—let me  
20 clarify our testimony. I mean we support the bill,  
21 right? We're just noting that, you know, the number  
22 of work without permit violations that the department  
23 issues the majority of them are not to a contractor  
24 just because of the reason that they're not there  
25 when we are. The work is already done when we show

2 up. We see the new work. We don't see a permit. We  
3 issue a violation to the owner because we don't have  
4 the contract in front of us. Certainly when there's  
5 a contractor there, and we see the work that's done  
6 and it's beyond the permit or it's without a permit,  
7 we're issuing the violation directly to the  
8 contractor, and—and we support the bill for that  
9 portion. We're just trying to note that it may not  
10 be as effective. All of the work without permit  
11 violations that we issue the majority of them are not  
12 going to the contractor, but we will—we do support  
13 going to the inspection for the ones that do have a  
14 contractor in place.

15 COUNCIL MEMBER REYNOSO: So go ahead.

16 ASSISTANT COMMISSIONER WEHLE: Good  
17 morning, Council Member. I'd also add as part of our  
18 existing enforcement process where we perform  
19 enhanced discipline and enforcement on bad actors, we  
20 today are getting after some universe of the very  
21 contractors that this bill seeks to get at. To the  
22 extent that we could identify them, and if they are  
23 engaging in work without a permit and in such an  
24 egregious manner is what you're articulating on  
25 Franklin Street, we—we do have a process in place

2 where they—obviously they'll receiver monitoring.  
3 They'll—they'll obviously receive violations. There  
4 could be monitoring. You know, there's a whole host  
5 of things we can do to the extent of their license.  
6 We can pursue suspension or revocation of their  
7 license. Design professionals they can face  
8 suspension or revocation of filing with us. There's  
9 a whole host of tools [bell] that we have today that  
10 helps get after the problem articulated in your bill  
11 as well.

12 COUNCIL MEMBER REYNOSO: So, so the big  
13 issue here is that a lot of the work that you guys  
14 are doing we want to make sure that we can codify it  
15 into law and not maintain it as policy is—is the  
16 first thing, and Williamsburg is just not slowing  
17 down. I just want to be perfectly clear. The—the  
18 work, the construction as a means to evict people is  
19 standard process now, and we need to figure something  
20 out, and we don't think unfortunately that the tools  
21 are in place for the Department of Buildings to  
22 really make something happen. So we want to maybe  
23 set a deterrent in having this list that would make  
24 it so that people—contractors don't want to be on it.  
25 And maybe we won't see the hundreds or thousands of—

2 of folks on that list, but the fear to get on it  
3 might be just enough that they stop doing this work,  
4 and that—that means something to us. So, thank you so  
5 much for your time, and the continued—the amazing  
6 work that you're doing in my district. I really  
7 appreciate it, and this is only hopefully going to  
8 make your job easier, and to be honest, the jobs of  
9 many of these local organizations and lawyers that  
10 have to be out there every other day representing  
11 people that are being evicted through construction as  
12 harassment. So thank you very much for your time.

13 ASSISTANT COMMISSIONER WEHLE: Thank you.

14 DEPUTY COMMISSIONER FARIELLO: Thank you,  
15 Council Member.

16 CHAIRPERSON WILLIAMS: Council Member  
17 Mendez.

18 COUNCIL MEMBER MENDEZ: Thank you, Mr.  
19 Chair. Before I ask my question, since I only have  
20 8-1/2 months left in office, I usually don't like to  
21 give a prologue, but I'm going to have very few  
22 opportunities to do this. So, one is I want to thank  
23 the B. Rand from HPD. She was an attorney at  
24 Brooklyn Legal Services. I was an organizer, worked  
25 under her and then worked at Brooklyn A, our alma

2 mater. I'm a much better Council person. I was a  
3 better lawyer and a better organizer because of you.  
4 So thank you. Also, I see in the audience Barbara  
5 Schliff (sp?) who didn't hire me as a tenant  
6 organizer. Yes, 20 years later I'm stilling bringing  
7 it up. I was 1987. You didn't hire me. [laughter]  
8 So having said that now I can move onto my questions.  
9 Thank you for humoring me everybody, but you need to  
10 acknowledge the people along the way who have made  
11 you a better person, and Barbara you did also. I  
12 know you regret not hiring me because I keep bringing  
13 it up for 20 years. I want to thank the  
14 Administration for being supportive of my bill. It's  
15 either 960 or 690 whatever it is. 960. Thank you  
16 very much for clarifying, but I have a question. In  
17 the DOB testimony page 3 you say applicants are  
18 required to file a Tenant Protection Plan with the  
19 department whenever they are performing an alteration  
20 to a multiple dwelling in which any unit is occupied,  
21 and the TPP provides the means and methods by which  
22 health and safety attendants will be protected. I  
23 want to know under DOB rules when they have to file  
24 this, which is the rule that cites this? I will tell  
25 you that every time we've had like lead abatements, I

2 will call HPD. I will call DOB. There is not tenant  
3 protection plan in place, and when there is, it's  
4 only like after the work has been done or to the very  
5 tail end of the work where people have already been  
6 exposed to the dust that's airborne that is toxic.  
7 So that's one issue. That's the issue. Let's—I  
8 could give many examples where there is no Tenant  
9 Protection Plan in place. I want to know what the  
10 DOB rules are on it, and I need to know whether we  
11 need to make these rules stronger, have an  
12 enforcement component, have a real hefty fine  
13 associated with this if they do not file prior to  
14 starting the work of the Tenant Protection Plan.

15 DEPUTY COMMISSIONER FARIELLO: The  
16 Tenant Protection Plan is outlined in our code,  
17 28010-104.8.4. I don't have that in front of me—

18 COUNCIL MEMBER MENDEZ: Excuse me. Can  
19 you repeat that again?

20 DEPUTY COMMISSIONER FARIELLO: Sure 28-  
21 104.8.4. It's in the Administrative--

22 COUNCIL MEMBER MENDEZ: .8.4?

23 DEPUTY COMMISSIONER FARIELLO: Yes.

24 COUNCIL MEMBER MENDEZ: Thank you.

2 DEPUTY COMMISSIONER FARIELLO: And—and  
3 the Tenant Protection Plan is required prior to  
4 approval, and then after the approval is when they  
5 get their permits. So it's required prior to any  
6 work commencing on the budget.

7 COUNCIL MEMBER MENDEZ: Okay. So I'm  
8 going to tell you this. What has happened I have and  
9 Margaret if she's still here, we have had several  
10 developer landlords who are doing lead abatements  
11 inform you that the building is empty when the  
12 building is not empty so they don't need to file a  
13 TPP, and somehow no one has checked in to see that  
14 there are actual tenants in this building. So how do  
15 we take care of that problem?

16 DEPUTY COMMISSIONER FARIELLO: Right, as  
17 I testified earlier I mean we're tightening up this  
18 process. We now have data from HCR that tells us  
19 when there's not regulated tenants in there, and so  
20 we are not allowing if—we're not allowing someone to  
21 put their full statement on there. If we—our data  
22 from HCR says something different. So we won't  
23 approve that job until they correct the—the form that  
24 says they are occupied or they'll have to go, you

2 know, come in and really explain how the building is  
3 not occupied contrary to the HCR data.

4 COUNCIL MEMBER MENDEZ: Let me ask a  
5 question and maybe this is something we as a Council  
6 should be looking into. Is there any provision that  
7 if someone lies on these forms, and you find out  
8 about it after the fact that you can go after them  
9 and try to place them in jail? I mean they're lying,  
10 they're putting people's lives at risk. So is there  
11 anything in the code that covers that?

12 DEPUTY COMMISSIONER FARIELLO: Sure we  
13 have as—as Patrick had mentioned earlier a host of  
14 enforcement actions that we can. We—we don't have  
15 the ability to put them in jail. We have the ability  
16 to take their privileges away from filing with us,  
17 and if it's an architect or engineer licensed by the  
18 state, we can prevent them from filing any of those  
19 applications in the five boroughs, essentially  
20 putting them out—out of business in the city itself.

21 [bell]

22 COUNCIL MEMBER MENDEZ: I—I just have a  
23 follow up to that if you can just allow me, Mr.  
24 Chair?

25 CHAIRPERSON WILLIAMS: Sure.

2 COUNCIL MEMBER MENDEZ: So, HPD I worked  
3 with Debbie when we were—she was a lawyer, I was an  
4 organizer where the Dracula landlord went to jail all  
5 those years back. How—how can we get someone who's  
6 actually lying to go to jail? Because fines are not  
7 enough. They will—if they're not allowed to file  
8 with the agency, they will figure out a way to do an  
9 LLC an LLP where they are still a part owner,  
10 principal and then they can still get something filed  
11 with the agency. There needs to be real  
12 repercussions when they're putting tenants' lives and  
13 pedestrian lives, anybody who may be walking at the  
14 building--around the building at risk and that means  
15 going to jail.

16 DEPUTY COMMISSIONER FARIELLO: Right. So  
17 as part of our—the Tenant Harassment Task Force, you  
18 know, the one where the state agency, you know, the  
19 AG's office is involved with that. We are making  
20 referrals to them and then they can take the action  
21 to put them in jail, but the agency itself cannot do  
22 that at this time.

23 COUNCIL MEMBER MENDEZ: Okay. Thank you  
24 very much, and we'll be looking into that matter.  
25 Thank you.

2 DENNIS WALCOTT: Thank you very much. We  
3 have nobody else signed up for first round. I'm  
4 going to have some questions and then I'm going to  
5 have a second round. It will be Council Members  
6 Rosenthal and Menchaca. Thank you very much for your  
7 testimony, and pardon me while I had to go vote. I  
8 want to thank Council Member Levine and Rosenthal for  
9 continuing to Chair while I went to vote across the  
10 street. So I'm going to just go through each of  
11 these and ask some additional questions. With Intro  
12 No. 3, Council Member Chin she may have asked the  
13 question, but I wanted to know—you mentioned that  
14 it's not feasible and it sounded like there was a  
15 fiduciary connection to how it's feasible or not.  
16 So, is there—is it—is it an issue of there's not  
17 enough funds to do this intro.

18 DEPUTY COMMISSIONER MUSTACIUOLO: And  
19 look [coughs] again, we don't believe that  
20 establishing an escrow account is the best way of  
21 achieving what the Council Member—what her intent is.  
22 You know, mystery escrow accounts are difficult.  
23 They're very labor intensive. Other cities that we  
24 have spoken with, in fact, in-in one city the law  
25 requires that an owner establish and escrow account

2 in the tenant's name, and if they don't, the tenant's  
3 recourse is to bring the owner to court. We don't  
4 believe that that's an effective way of doing it.  
5 Again, we have a legal obligation to provide  
6 relocation services, but we do have money that's made  
7 available to us from a variety of different funding  
8 sources to provide for relocation, right. Again, I--  
9 we really want the opportunity to sit down with the  
10 Council Member and discuss further as how we can  
11 improve on the process--

12 CHAIRPERSON WILLIAMS: [interposing]

13 Right.

14 DEPUTY COMMISSIONER MUSTACIUOLO: --and--  
15 and to keep people in their communities.

16 CHAIRPERSON WILLIAMS: So it's a--I thin I  
17 mentioned I mentioned it here. So--but it's less  
18 about cost and more about you feel it cannot--it's not  
19 getting at what the Council Member intended.

20 DEPUTY COMMISSIONER MUSTACIUOLO: Well, I  
21 think there's a combination. There will certainly--  
22 there would be an expended burden on resources to  
23 maintain what potentially could be hundreds of escrow  
24 accounts. Because you would have to have individual  
25 escrow accounts for each building where vacated when

2 it was issued, and it's an administrative burden on  
3 the agency.

4 CHAIRPERSON WILLIAMS: Right, it's an  
5 administrative burden and it may not be worth it and-  
6 -

7 DEPUTY COMMISSIONER MUSTACIUOLO: Well,  
8 again we don't believe that it's—what recourse would  
9 there be if an owner didn't put money into the escrow  
10 account?

11 CHAIRPERSON WILLIAMS: Okay.

12 DEPUTY COMMISSIONER MUSTACIUOLO: So here  
13 now we provide for relocation expenses, and where  
14 appropriate we place an accounting so we get some  
15 property to recover our expenses.

16 CHAIRPERSON WILLIAMS: What was the total  
17 amount of relocation expenses incurred by HPD in  
18 2014, '15 and '16?

19 DEPUTY COMMISSIONER MUSTACIUOLO: So, I  
20 don't have the last three years. I could tell you  
21 last year in 2016. The agency spent slightly over  
22 \$20 million.

23 CHAIRPERSON WILLIAMS: What?

24 DEPUTY COMMISSIONER MUSTACIUOLO:  
25 Slightly over \$20 million providing relocation

2 benefits and services to tenants. Not all of those—  
3 again, not in every one of those situations did we  
4 seek to recover the expenses from the landlord.  
5 Again, I will use the example if there was an  
6 accidental fire that resulted in the vacate of a  
7 building, we do not charge the landlord for the  
8 relocation expenses. We only seek to recover our  
9 expenses when—when there was fault on the part of the  
10 owner that led to the vacate order. And so that \$20  
11 million only represents what we have spent in  
12 providing for relocation services. In the same  
13 fiscal year, and again not any correlation to what  
14 was spent, but we filed over \$6.5 million of  
15 relocation liens to try to recoup expenses incurred,  
16 and we actually collected within that same fiscal  
17 year a little over \$2.5 million from prior relocation  
18 liens posts.

19 CHAIRPERSON WILLIAMS: Current law allows  
20 HPD to recover relocation of some landlords. How  
21 often does HPD bring action against them? That's  
22 what you're speaking to, but how often do you  
23 actually bring an action against landlords?

24 DEPUTY COMMISSIONER MUSTACIUOLO: So  
25 again, if—if there is a finding of fault between the

2 relocation and liens that we place against the  
3 property--[background comments, pause].

4 CHAIRPERSON WILLIAMS: Okay

5 DEPUTY COMMISSIONER MUSTACIUOLO: Thank  
6 you, which is our way of recovering expenses, but we  
7 also actively bring litigation against the owners for  
8 failure to comply with a vacate order where  
9 appropriate. So, I don't have the exact number of  
10 cases that we've brought, but it's a significant  
11 number of cases where if a landlord fails to comply,  
12 our vacate order is first and foremost an order to  
13 repair, and so we do hold the owners responsible for  
14 the repair component of that order. If they fail to  
15 repair within a timely manner, we will bring  
16 litigation against the owners. We can get to the  
17 number or cases that we condition (sic) in, but we've  
18 had a lot of success in the Housing Court with those  
19 cases.

20 CHAIRPERSON WILLIAMS: We've been joined  
21 by Council Member Wills and Council Member Levin.  
22 [background comments, pause] With-with Intro No.  
23 926 that was attached to this bill, it sounded like  
24 it just seemed that-to put it in synopsis that there  
25 may be too many taskforces and-and too many meetings.

2 So, if you can just expound on that a little bit, and  
3 do you think that the task force that Council Member  
4 Garodnick is pushing for is covered in the—the work  
5 that he's trying to get done is already covered in  
6 the meeting that you're having. [pause]

7 ASSISTANT COMMISSIONER WEHLE: So yes,  
8 there are several task forces that we currently  
9 participate in. That said, certainly collaboration  
10 across all agencies, and elected officials.  
11 Collaboration with tenants is certainly very  
12 important, and through a whole host of ways that  
13 collaboration exists right now.

14 CHAIRPERSON WILLIAMS: Are any of the  
15 task force—oh, you think—what he's trying to get  
16 covered on the task force and construction work, and  
17 that could be multiple dwellings, is that being  
18 covered in the task force that already exists?

19 ASSISTANT COMMISSIONER WEHLE: So as part  
20 of our task forces, we do, you know, receive  
21 complaints, share with our fellow agencies, perform  
22 inspections. We also regularly meet with obviously  
23 elected officials and a whole host of organizations  
24 including tenant associations to discuss, you know,  
25 the issues that they have, board policy concerns.

2 So, you know, a lot—a lot of this interaction does  
3 certainly occur.

4 CHAIRPERSON WILLIAMS: Alright, well  
5 Council Member Garodnick is not here, but—but I'm not  
6 sure your response is saying that what he's trying to  
7 get done on the task force is being done, and so I'm  
8 going to leave it up to him to—to push it a little  
9 further, but it doesn't sound like it is. So that's  
10 just from me hearing what you're saying. So, it may  
11 be something that we have to push at any rate unless  
12 you can prove that those conversations are happening  
13 in the way that he's intending to have done with the  
14 task force. How many inspectors does DOB employ who  
15 inspects alterations in multiple dwellings?

16 DEPUTY COMMISSIONER FARIELLO: We'd—we'd  
17 have to get back to you on those specific numbers. I—  
18 I mean so we have enforcement inspectors, and we have  
19 development inspectors. So when you come and, you  
20 know, apply for a permit and you at the end of the  
21 job, you want to get it signed off or in the plumbing  
22 case in the middle of it, but, you know, we have  
23 those inspectors that handle those types of work, and  
24 then we have the ones that respond to complaints, you  
25 know, incidents and accidents and, you know, larger

2 excavation jobs in-in those types in the middle of  
3 the construction kind of stuff. So, you know, the  
4 Best Squad and the excavation unit and the concrete  
5 unit. Those are a different kind of unit, they're a  
6 little proactive and and-and reactive at the same  
7 time. So, it's different than the development  
8 inspector when someone is asking for the inspection  
9 and, you know, it's--someone is requesting an  
10 inspection. So, we can get you those numbers.

11 [pause]

12 ASSISTANT COMMISSIONER WEHLE: I'll also  
13 add, Council Member, with the support of the Mayor  
14 and the City Council, as you well know, there's been  
15 a tremendous amount of assistance to the Buildings  
16 Department through resources, and we have  
17 dramatically increased the number of inspectors that  
18 we've hired, and those inspectors obviously call-  
19 focus on all the work that we do including the  
20 building types that-that you mentioned and work you  
21 mentioned.

22 CHAIRPERSON WILLIAMS: Is there Best  
23 Squad--

24 ASSISTANT COMMISSIONER WEHLE: Yes.

2 CHAIRPERSON WILLIAMS: --for this type of  
3 inspection?

4 DEPUTY COMMISSIONER FARIELLO: The Best  
5 Squad handles the large projects, and now they're--  
6 they're putting a focus on--on the smaller projects.  
7 It's--it's--it's a little more on the construction  
8 safety side than it would be on--on this topic. So  
9 that's really their focus.

10 CHAIRPERSON WILLIAMS: Does an inspector  
11 look for the TPP, the Tenant Protection Plan when it  
12 visits an occupied building undergoing construction?

13 DEPUTY COMMISSIONER FARIELLO: Again, it  
14 depends on the inspection so if--if we're coming in at  
15 the end of the job when we're trying to sign if off,  
16 those protection measures are already gone it is  
17 completed, and that--that had happened before. When  
18 we're responding to a complaint, we're absolutely  
19 looking at a Tenant Protection Plan, and making sure  
20 those items are in place and in compliance.

21 CHAIRPERSON WILLIAMS: The DOB conducts  
22 random inspections of building where alterations are  
23 taking place, and which have a TPP? [sirens in  
24 background]

2 DEPUTY COMMISSIONER FARIELLO: So some  
3 units do. So the Best Squad, as I mentioned, the  
4 concrete unit, excavations, they—they come out and do  
5 random proactive inspections. Other groups do  
6 complaint based inspections and other do the requests  
7 from the contractors to sign the work off.

8 CHAIRPERSON WILLIAMS: So it sounds like  
9 you're describing what's done for construction  
10 safety, and we're asking specifically about  
11 construction as harassment.

12 DEPUTY COMMISSIONER FARIELLO: So the  
13 short answer is no. We do that on a complaint basis  
14 for those—that type of inspection.

15 CHAIRPERSON WILLIAMS: So, how do we—how  
16 do we know if the TPP is being followed or being  
17 posted? How do we effectively know if that's  
18 happening?

19 DEPUTY COMMISSIONER FARIELLO: On further  
20 complaints from the tenants, the elected officials,  
21 community boards and the like.

22 ASSISTANT COMMISSIONER WEHLE: So it's  
23 large complaint based. In the event in responding to  
24 a complaint we realize that there are deficiencies  
25 with the Tenant Protection Plan or perhaps the Tenant

2 Protection Plan doesn't exist all [coughing]  
3 obviously, you know, enforcement action will be  
4 taken, and depending on the scope of the violations  
5 how serious it is, you know, that owner of that  
6 building would be targeted for heightened  
7 enforcement, which could result in more additional  
8 inspections and monitoring of the building.

9 CHAIRPERSON WILLIAMS: But, you know, it  
10 doesn't sound like there's much proactive enforcement  
11 from—from what you're saying. So complaint driven.

12 DEPUTY COMMISSIONER FARIELLO: Well, in--  
13 in relation so if the complaint is definitely about  
14 tenant harassment we're going to be there, and be  
15 looking for these things, but if it's an indirect  
16 complaint, this—the inspector still is going to see  
17 all --

18 CHAIRPERSON WILLIAMS: [interposing] If  
19 it's a what?

20 DEPUTY COMMISSIONER FARIELLO: If it's—if  
21 it's a complaint not regarding tenant harassment,  
22 it's some other part of the building, and the  
23 inspector is there, he's going to know all of those.  
24 She's going to know all of the permits that are in  
25 place, and is going to go through, and start to do

2 those inspections, and if one of them requires the  
3 Tenant Protection Plan and they don't see it in  
4 place, then they're going to rate that up. So it may  
5 have shown up because it was unrelated to the tenant  
6 protection, and it may end up being that that was a  
7 violating condition, and that's what they—they have  
8 the spreadsheet for. (sic)

9 CHAIRPERSON WILLIAMS: [interposing] But  
10 I am concerned—I am concerned that there doesn't seem  
11 to be much of a proactive plan because if a lot of  
12 folks that may not even understand or know how to  
13 make the complaint that would trigger the response  
14 unless they're lucky enough to be part of—stand for  
15 tenant safety or have one of these groups organizing  
16 or someone just happens to know, they may not  
17 [background comments] they may not know what to  
18 follow through. So I'm concerned about not  
19 proactively—

20 ASSISTANT COMMISSIONER WEHLE: We—we hear  
21 your concern, Council Member, and as mentioned in our  
22 testimony and what the First Deputy mentioned  
23 earlier, one of the things that we're proposing is to  
24 rather than have a design professional file the  
25 Tenant Protection Plan, it makes more sense to have

2 the contractor do so, and in addition to that, as  
3 part of that process, the department would require  
4 special inspections of that Tenant Protection Plan.  
5 So there would be a third party, an inspection agency  
6 would be responsible for monitoring that special—that  
7 Tenant Protection Plan, and ensuring compliance  
8 throughout the construction process. I think that  
9 would help get out the concern that you're raising.

10 CHAIRPERSON WILLIAMS: You—we do have a  
11 list somewhere of buildings that have to TPP.

12 DEPUTY COMMISSIONER FARIELLO: Yes, sure.

13 CHAIRPERSON WILLIAMS: So, will—would  
14 there be any reason to just randomly checking?

15 DEPUTY COMMISSIONER FARIELLO: I—it's—I  
16 think if this special inspection were out that we're—  
17 that we're proposing would be 100% inspection. So it  
18 would be better than us randomly showing up, and the  
19 special inspector if they don't see compliance,  
20 they're tasked to call us and then we will go out  
21 there and respond.

22 CHAIRPERSON WILLIAMS: Okay. After the  
23 commencement of work in a building, how long does it  
24 take DOB to inspect the building?

2 DEPUTY COMMISSIONER FARIELLO: That—that  
3 varies on the type of inspection. Again, if it's a  
4 request for the inspection, it's usually after  
5 completion of the job. S o the contractor is call us  
6 to go out there. If it's a complaint, we've graded  
7 the complaints A, B, C, D and we have targets that we  
8 meet to respond to those complaints.

9 CHAIRPERSON WILLIAMS: [pause] I just  
10 wanted to get to 938 in terms of what your objections  
11 are. It's Council Member Reynoso's. So first, how  
12 many contractors performed work with a required  
13 permit in the past two years? I'm sorry without.

14 ASSISTANT COMMISSIONER WEHLE: So in  
15 2016, the number was just over 8,000?

16 DEPUTY COMMISSIONER FARIELLO: Yeah.

17 ASSISTANT COMMISSIONER WEHLE: 8,006 work  
18 without a permit violations were issued in 2016, and  
19 in 2015 that number was 6,379, work without a permit  
20 violations issued.

21 CHAIRPERSON WILLIAMS: Explain to me why—  
22 why—explain to me the trouble with identifying the  
23 contractor? The objection to the bill seems that you  
24 would be unable to identify contractors?

2 DEPUTY COMMISSIONER FARIELLO: No, the--  
3 I'm--there's not objection. The objection is--I guess  
4 what we're saying is that it may not be the intended.  
5 You know, we're not going to get--of all the  
6 violations that we issue, right, a lot of them, the  
7 majority of them the contractor is long gone. We--we  
8 were not there when they did perform the work. We're  
9 seeing the work that is completed. We're also seeing  
10 that there's no permit that's been filed for, and so,  
11 therefore, a violation is being issued, right. And  
12 so since there's no contractor there, we're only left  
13 to issue the violation to the owner, but when there  
14 is a contractor there, we will issue the violation to  
15 the contractor. So the list we're happy to, you  
16 know, provide the list. We're happy to do the  
17 inspection, but it may not get at the entire issue--

18 CHAIRPERSON WILLIAMS: [interposing] But  
19 you--are you saying--?

20 DEPUTY COMMISSIONER FARIELLO: --that the  
21 Councilman is after.

22 CHAIRPERSON WILLIAMS: Unless you've  
23 caught them doing it, you cannot issue the--the  
24 violation to them?  
25

2 DEPUTY COMMISSIONER FARIELLO: Yeah,  
3 because they're—we don't know who that is and they're  
4 not there for us to find out so--

5 CHAIRPERSON WILLIAMS: But you could do a  
6 list of folks that you've given violations to, and  
7 who the contractor was?

8 DEPUTY COMMISSIONER FARIELLO:  
9 Absolutely.

10 CHAIRPERSON WILLIAMS: Okay. [pause] In  
11 regards to 1523, how does DOB handle complaints or  
12 questions from the public regarding TPP and site  
13 safety plans? [background comments]

14 ASSISTANT COMMISSIONER WEHLE: So  
15 ordinarily, those complaints and all complaints are  
16 received through 311. In addition, there are a  
17 multitude of other ways in which the public could  
18 contact the department about these issues that that  
19 could be our Customer Service Office, our External  
20 Affairs Office, specific borough offices. There are  
21 any number of ways in which we can be contacted with  
22 these concerns.

23 CHAIRPERSON WILLIAMS: How does DOB  
24 communicate with tenants who are affected by work in  
25 occupied multiple dwellings?

2 ASSISTANT COMMISSIONER WEHLE: So, as  
3 previously mentioned, you know, we routinely meet  
4 with elected officials and tenants and tenant  
5 associations to hear their concerns, understand their  
6 problems and, you know, perform inspections and—and  
7 execute enforcement where appropriate.

8 CHAIRPERSON WILLIAMS: [pause] I know  
9 probably Council Member Rosenthal went in all on  
10 this. I wasn't here. So I might duplicate  
11 questions, but if I remember correctly, your  
12 testimony was that this was not necessary. Again, it  
13 seemed like you're saying what the office would do is  
14 already being done. Is that correct?

15 ASSISTANT COMMISSIONER WEHLE: By and  
16 large that's correct, yes.

17 CHAIRPERSON WILLIAMS: Where or how?  
18 What's the mechanism?

19 ASSISTANT COMMISSIONER WEHLE: So for  
20 example, part of the bill requires review of site  
21 safety plans and Tenant Protection Plans. That work  
22 is currently handled obviously within the department  
23 today within our—our borough offices and in other—  
24 another office as well. In terms of again receiving  
25 complaints, responding that work is handled

2 internally either through the appropriate enforcement  
3 division. It's handle with our External Affairs  
4 Office. Again, by and large the work is being  
5 accommodated within the department already.

6 CHAIRPERSON WILLIAMS: So-so just  
7 administratively, to-to provide a focus of  
8 importance, why-why can't we put the work that's  
9 being done in an office?

10 ASSISTANT COMMISSIONER WEHLE: Because  
11 some of these tasks are appropriately handled in  
12 specific units. So, for example, the examination of  
13 a Tenant Protection Plan a Site Safety Plan, requires  
14 the expertise of a plan examiner with the right  
15 technical experience that should be housed within a  
16 borough office, or within an-an individual one of our  
17 engineering type units. Additionally, there's always  
18 the chance that you run the risk of by creating  
19 another sort of layer within an existing process  
20 you're actually creating more space between the  
21 tenants and the actual services in which the require.

22 CHAIRPERSON WILLIAMS: For 5056, how many  
23 tenant harassment cases have occurred, and how is it  
24 important in 2014, '15 and '16? [pause]

2 DEPUTY COMMISSIONER FARIELLO: Would you  
3 like just the numbers for the last fiscal year?

4 CHAIRPERSON WILLIAMS: Sorry.

5 DEPUTY COMMISSIONER FARIELLO: Just for  
6 last fiscal year?

7 CHAIRPERSON WILLIAMS: You don't have the  
8 other ones with you?

9 ASSISTANT COMMISSIONER RAND: We do have  
10 them.

11 DEPUTY COMMISSIONER FARIELLO: Yeah, we  
12 do so--

13 CHAIRPERSON WILLIAMS: '14, '15 and '16?

14 DEPUTY COMMISSIONER FARIELLO: I have  
15 from--right I have from Fiscal Year '14 through '16.

16 CHAIRPERSON WILLIAMS: Yeah.

17 DEPUTY COMMISSIONER FARIELLO: So in  
18 Fiscal Year 14 there were 813 cases initiated in  
19 Housing Court. Again, these are initiated by  
20 tenants. I Fiscal Year 786, and in Fiscal Year 16  
21 977.

22 CHAIRPERSON WILLIAMS: Of those Housing  
23 Court cases how many of them resulted in a guilty  
24 finding?

2 DEPUTY COMMISSIONER FARIELLO: So in  
3 Fiscal Year 14, there were 19 findings of harassment,  
4 right. That's out of the 813. In Fiscal Year 15  
5 there were 14 findings of harassment. That would be  
6 out of the 786, and in Fiscal Year 16 there were 15  
7 findings of harassment, and that's out of the 977.

8 CHAIRPERSON WILLIAMS: What-what  
9 percentage is that? What-do you have the percentage  
10 breakdown?

11 DEPUTY COMMISSIONER FARIELLO: Percentage?  
12 No, but it's very small.

13 CHAIRPERSON WILLIAMS: Let's do a math.

14 DEPUTY COMMISSIONER FARIELLO: I don't  
15 have that now. Sorry. [coughing] [[background  
16 comments, pause]

17 CHAIRPERSON WILLIAMS: For 14, it's  
18 roughly 2%, 2% in '15, roughly 1.7% in '16 and  
19 roughly 1.5%. So we can go through I guess if we  
20 believe that it's accurate now, that does lead me to  
21 believe to go back to the first criticism of the  
22 bill, these are not too high, and so they're not  
23 finding a lot of guilty findings to begin with. And  
24 so you're finding if we raise the harassment, their  
25 findings are less than 1.7% of harassment cases.

2 That sounds incredulous. It just—it just it doesn't—  
3 it doesn't—it doesn't—the argument doesn't really fit  
4 in. Like if this was a higher number or something.  
5 It doesn't sound like there's much going on in terms  
6 of finding the landlord is guilty of harassment, and  
7 I don't know the findings of the case. I know there  
8 is a lot of harassment going on in the city of New  
9 York, and I don't believe that all of them are  
10 actually even getting to court, and to only find 1%  
11 or maybe 2 at the highest, just seems relatively low.  
12 Do you know it stacks up against other types of cases  
13 that come up to court?

14 ASSISTANT COMMISSIONER RAND: First of  
15 all [off mic] a—the actual determinations of  
16 harassment only at half in the cases that go to  
17 trial. Okay. So most of the cases are resolved  
18 before trial and, you know—

19 CHAIRPERSON WILLIAMS: How many—how many  
20 of these went to trial?

21 ASSISTANT COMMISSIONER RAND: That number  
22 basically. There were a few—

23 CHAIRPERSON WILLIAMS: That's 8—13 went  
24 to trial?

2 ASSISTANT COMMISSIONER RAND: You know,  
3 maybe a few more, but that's basically the number. I  
4 mean I don't—we don't have the statistics of the  
5 number.

6 DEPUTY COMMISSIONER MUSTACIUOLO: You  
7 would have to get that information from the Office of  
8 Court Administration.

9 ASSISTANT COMMISSIONER RAND: We have  
10 that, you know, we have statistics as to the number  
11 settled. We have statistics as to the number  
12 dismissed, and those are withdrawn by tenants. Those  
13 generally are because of, you know, improper service,  
14 the tenant doesn't appear in court, or the tenant has  
15 resolved their problems with the landlord. Some of  
16 them may be dismissed at trial, but a relatively  
17 small number. Most tenants resolve their problems  
18 with the landlord prior to a hear, and what happens  
19 in those cases is an order is entered on consent  
20 where the landlord agrees to not harass the tenants  
21 in the future, and to make, if there are repairs  
22 involved, to make repairs. And at least in my  
23 staff's experience, very few of those come back fro  
24 non-compliance on the harassment part. They come

2 back for non-compliance on the repair part, you know,  
3 more frequently.

4 CHAIRPERSON WILLIAMS: So I-I just was-I  
5 did have concerns about the Speaker's bill and the  
6 Rebuttal presumption, and I wanted to get some more  
7 information, but I don't have any more because it  
8 seems terribly difficult for a tenant to prove  
9 harassment.

10 ASSISTANT COMMISSIONER RAND: We agree  
11 with the Rebuttable Presumption bill. WE think  
12 that's appropriate and, in fact, a similar provision  
13 is in the Certification of No Harassment Bill. So  
14 the agency has no problem with that bill.

15 CHAIRPERSON WILLIAMS: So there's a-  
16 another-I don't know which bill it was, but there's  
17 another one that talked about repeated harassments  
18 that I think you-you didn't-you didn't disagree with  
19 that's allowing for repeat harass-owners-[pause]-the  
20 repeated acts for flight (sic) interruption of  
21 harassment. If I remember correctly, I don't you-you  
22 agree with that. Is that correct? That's 1549.

23 ASSISTANT COMMISSIONER RAND: What? It's-  
24 it's 15, what? I'm sorry.

25 CHAIRPERSON WILLIAMS: It's 1549.

2 DEPUTY COMMISSIONER MUSTACIUOLO: Right,  
3 that's right.

4 ASSISTANT COMMISSIONER RAND: 49? I-I-  
5 what I didn't agree with was or what the agency-I  
6 keep saying I. [laughs] I've been reprimanded for  
7 that. What the agency doesn't agree with is that a  
8 tenant could go into court only based upon prior  
9 harassment. The-the-

10 DEPUTY COMMISSIONER MUSTACIUOLO: I'm  
11 sorry, prior harassment of-of a different tenant.

12 ASSISTANT COMMISSIONER RAND:  
13 [interposing] Of a different tenant. You know that  
14 they could go in based on a prior tenant's  
15 harassment. The current situation is they can go in  
16 on their own harassment and they certainly can use  
17 the prior tenant's history as evidence that the owner  
18 is engaged in a course of harassment. That's  
19 currently what happens.

20 CHAIRPERSON WILLIAMS: It seems like it's  
21 a language issue because I think--

22 ASSISTANT COMMISSIONER RAND:  
23 [interposing] It may be. I mean it may be that  
24 somehow the language and that's why we would like to  
25 sit down with the--

2 CHAIRPERSON WILLIAMS: [interposing]

3 Okay.

4 ASSISTANT COMMISSIONER RAND: --the  
5 Council and the Court Administration.

6 CHAIRPERSON WILLIAMS: I don't know if  
7 there's media here, I just hope that they see how  
8 opposed members are for tenants trying to--to prove  
9 harassment, and I would like to--hopefully a media  
10 person will do some research. I want to see how that  
11 stacks up against other types of cases that are in  
12 Housing Court. I can't believe that tenants only win  
13 1% of the time.

14 ASSISTANT COMMISSIONER RAND: It says in--  
15 I'm sorry. In cases that HPD brings and indeed the  
16 tenants bring with respect to repairs, the vast  
17 majority are settled with order to correct and civil  
18 penalties in the cases we bring, and when they go to  
19 trial, the vast majority end up with findings that  
20 the owner has not corrected violations, and is  
21 required to do it. There's no question there's a  
22 difference.

23 CHAIRPERSON WILLIAMS: Yeah, so it's--it's  
24 absurd. So this just shows how important these bills  
25 are, and I appreciate you actually have a supportive

2 or a semi-supportive on almost all of them. So I'm  
3 hoping to continue the conversation. I--I just  
4 didn't expect those numbers to--to come back the way  
5 it is. So, it's shocking. Just a few--a couple of  
6 questions on that--on that bill. Do you have a  
7 breakdown of the fines that were issued for that 1%?

8 ASSISTANT COMMISSIONER RAND: The 1%  
9 have--have largely been upon the default of the owner.  
10 Very few are full trials where the owner appears, and  
11 they protest. So--

12 CHAIRPERSON WILLIAMS: [interposing] So  
13 it's even worse if the owner actually shows up?

14 ASSISTANT COMMISSIONER RAND: They don't  
15 show up, and they--they are found liable.

16 CHAIRPERSON WILLIAMS: That's what I'm  
17 saying, the numbers or the 1% or 2% are--that's even  
18 worse. There's a worse percentage if they show up?

19 ASSISTANT COMMISSIONER RAND: Correct.

20 CHAIRPERSON WILLIAMS: [laughs]

21 ASSISTANT COMMISSIONER RAND: Okay, but  
22 those are generally settled. I have to say when they  
23 show up, there's generally a resolution between the--

24 CHAIRPERSON WILLIAMS: [interposing]

25 Well, you said these 813 went to trial.

2 ASSISTANT COMMISSIONER RAND: They went  
3 to--they went to trial. If--if an owner doesn't show  
4 up, you have to put on the case. The tenant still  
5 has to put on their case. So it's a--it's called the  
6 default trial or an inquest.

7 CHAIRPERSON WILLIAMS: Okay.

8 ASSISTANT COMMISSIONER RAND: In terms of  
9 the penalties, they've largely been the \$1,000. Some  
10 of them higher. There have been no cases in which  
11 tenants have gotten a finding that an owner has  
12 repeatedly harassed, and very few of them are broad-  
13 based on that.

14 CHAIRPERSON WILLIAMS: Does the--are we  
15 saying they haven't repeatedly harassed that tenant,  
16 or they haven't repeatedly harassed anyone?

17 ASSISTANT COMMISSIONER RAND: No, I think  
18 the current bill is crafted that if a tenant--I--I have  
19 to look at it, but I believe it's drafted that if a  
20 tenant sues for harassment, and there's been a prior  
21 finding against that owner within I believe it's five  
22 years on that building--

23 CHAIRPERSON WILLIAMS: [interposing]

24 Yeah.

2 ASSISTANT COMMISSIONER RAND: --the  
3 tenant can get a higher penalty, but--

4 CHAIRPERSON WILLIAMS: Yeah.

5 ASSISTANT COMMISSIONER RAND: --there  
6 have been a--I don't even know of a case where there's  
7 been a finding of such circumstance.

8 CHAIRPERSON WILLIAMS: Okay, well--

9 ASSISTANT COMMISSIONER RAND:  
10 [interposing] There actually is a case. I take it  
11 back. It was in Queens. It was quite a while ago,  
12 and there was successive findings. So there were  
13 higher penalties.

14 CHAIRPERSON WILLIAMS: Well, according to  
15 this, we've not been having success in getting them  
16 filed and get through the first time. So hopefully  
17 we can correct that. Since the establishment of the  
18 Tenant Harassment Law, do you have a breakdown of how  
19 many buildings filed a tenant harassment case in  
20 Housing Court, and do you have a breakdown by borough  
21 and Council District?

22 DEPUTY COMMISSIONER FARIELLO: So a  
23 breakdown by borough.

24 CHAIRPERSON WILLIAMS: Borough and  
25 Council District.

2 DEPUTY COMMISSIONER FARIELLO: No, I have  
3 the breakdown by borough, but I can—I can provide it  
4 to you.

5 CHAIRPERSON WILLIAMS: Okay. Okay, do—  
6 can you tell us this breakdown of how many buildings  
7 filed a tenant harassment case? Do you have that  
8 number?

9 DEPUTY COMMISSIONER FARIELLO: I'm sorry  
10 when you said--

11 CHAIRPERSON WILLIAMS: Okay. No, since  
12 the law—since the original Tenant Harassment Law do  
13 you have a breakdown on how many buildings filed a  
14 tenant harassment in Housing Court?

15 DEPUTY COMMISSIONER FARIELLO:  
16 [background comments] Yeah, we'll—we'll definitely  
17 get back to you with those numbers.

18 CHAIRPERSON WILLIAMS: Okay. Thank you.  
19 I'm going to go back to my colleagues. Council Member  
20 Levin will get five minutes for a first round and  
21 Council Member Rosenthal will get three minutes for a  
22 second round, and there is no one else who signed up.

23 COUNCIL MEMBER LEVIN: Thank you very  
24 much, Chair Williams. Thank you to this panel. I  
25 want to just—I have a—a prime—prime sponsorship of

2 a bill that was heard last year, and it's not part of  
3 this package being heard today, but is pending at  
4 this time. So I want to just to ask some questions  
5 relevant to—to that legislation, but more a general  
6 question. Do—does this panel believe, and I'd like  
7 to hear from both DOB and HPD, that—that landlords  
8 using construction work the—the kind of wide array of  
9 construction work, do—do you believe that—that that  
10 is being used to intimidate or harass tenants in a  
11 widespread fashion in New York City. Do you believe  
12 that that's common occurrence in New York City?

13 DEPUTY COMMISSIONER FARIELLO: So we've  
14 been doing this taskforce for a couple of years now,  
15 and what we're finding is that the majority of the  
16 harassment that's taken place is not through  
17 constructions and it's even smaller for construction  
18 that has a permit. So if it is happening on the  
19 construction, it's happening under illegal  
20 construction that's going on, and then the ones with  
21 permits even—it's—it's even smaller than that. So  
22 it's—it's a minority. That's what we would say.

23 COUNCIL MEMBER LEVIN: So you don't—you  
24 don't believe that that—that it's being employed in a  
25

2 widespread fashion across New York City as a means to  
3 intimidate tenants?

4 DEPUTY COMMISSIONER FARIELLO: I am  
5 counting in the entire construction world. Also a  
6 brand new high-rise would be in that, you know, list  
7 where there is obviously no one in the building yet.  
8 So I mean the vast construction that's happening it's  
9 a small proportion of it that is tenant harassment  
10 work. [coughs] Council Member, I'd like to add that  
11 [coughs] excuse me, when we're looking at buildings  
12 that we're identifying to bring to the task force, we  
13 look at a number of-of identifiers. We're looking at  
14 recent sales transactions. We're looking at recent  
15 filings with DOB, complaint histories. Landlords are  
16 using a variety of harassment tactics. Just recently  
17 we found a landlord who sent someone in representing  
18 themselves as an immigration officer, because most of  
19 the tenants in the building were undocumented, which  
20 unfortunately led to all of the tenants leaving the  
21 building. So we're seeing owners using a variety of  
22 different tactics. I'm not--there have been cases  
23 that we have all been involved in where owners have  
24 used a construction to harass tenants, and we've  
25 taken aggressive action against those tenants. The

2 District Attorney's Office in Brooklyn charged a  
3 landlord about a year or so ago with incorporating  
4 those same tactics, and part of the task force with  
5 the Attorney General's office if you look at the  
6 first case that resulted in an indictment, that  
7 owner—one of the charges was for falsifying records  
8 with DOB, and in that case the owner—after we  
9 installed a mobile steam unit to provide heat because  
10 he removed the central heating plant. That owner  
11 intentionally destroyed the mobile steam unit. So  
12 we're seeing a variety of different tactics.

13 COUNCIL MEMBER LEVIN: Thank you,  
14 Commissioner. So, how many, and—and I'm sorry if you  
15 answered this already. How many complaints of work  
16 without a permit were filed in the past 12 months or  
17 in the calendar year of 2016?

18 ASSISTANT COMMISSIONER WEHLE: Council  
19 Member, I don't think we have—do we have complaint  
20 numbers? Yes, in 2016 we received 21,630 work  
21 without a permit complaints for which 8,006 work  
22 without a permit violations were issued.

23 COUNCIL MEMBER LEVIN: Okay. So—so 8,000  
24 of those were—were substantiated because they were—  
25 they—they resulted in a violation being issued?

2 ASSISTANT COMMISSIONER WEHLE: Correct.

3 COUNCIL MEMBER LEVIN: Right. What was  
4 the average length of time that those—that those  
5 complaints were responded to by DOB inspection?

6 DEPUTY COMMISSIONER FARIELLO: The  
7 average time. I—I guess we can get you the breakdown  
8 of that. I—I don't have that here.

9 COUNCIL MEMBER LEVIN: You—you mentioned,  
10 Commissioner, that you have—so for different classes  
11 of violations, you have or complaints you have  
12 objectives for—for—in terms of—of how long it—it—the  
13 response time should be?

14 DEPUTY COMMISSIONER FARIELLO: Sure. I  
15 would say the majority of these types of complaints,  
16 which fall in the—the B category, right?

17 COUNCIL MEMBER LEVIN: The B category  
18 okay.

19 DEPUTY COMMISSIONER FARIELLO: And that's  
20 a 40-day turnaround.

21 COUNCIL MEMBER LEVIN: A 40-day  
22 turnaround and that's the—that's the goal or that's  
23 the—that's what's achieved?

24 DEPUTY COMMISSIONER FARIELLO: No, it's  
25 the—we are achieving that, and so that's our target.

2 COUNCIL MEMBER LEVIN: Forty days.

3 ASSISTANT COMMISSIONER WEHLE: The target  
4 is 40 days, but for B complaints and with including  
5 work without a permit broadly, we—we get to them.  
6 We're down to about 22 or 23 days. That said, to the  
7 extent that this focuses on tenant harassment, we  
8 prioritize those complaints and get it out there  
9 sooner.

10 COUNCIL MEMBER LEVIN: Well, how do you—  
11 how do you—so if t a tenant calls and says hey, and  
12 the—the landlord is doing work without a permit and  
13 they have to—they have to use the word harassment in  
14 order to get a faster turn-around?

15 ASSISTANT COMMISSIONER WEHLE: At least  
16 it's depending on how it's categorized, but I don't  
17 know exactly what the terminology is, but if it's  
18 been categorized and shared with us in a certain way,  
19 that indicates or suggests that it relates to  
20 harassment. We prioritize those work without a  
21 permit complaints and get out there in 48 hours.

22 COUNCIL MEMBER LEVIN: Isn't there a good  
23 possibility that the work will be fully complete  
24 within 20 days even two weeks, and so that—the-do-do  
25 you think that—that that response time is inadequate?

1 I'm sorry. I'm just about finished. (sic) That that  
2 response time is an adequate deterrent for landlords  
3 who are doing this work if they say well, we'll get a  
4 violation maybe that has a 40% substantiation rate or  
5 less than 40% substantiation, 8,000 or 23,000, then  
6 we're not even going to be inspected for maybe 20  
7 days, more likely 40 days. So like what's the—do you  
8 believe that—that that framework in place now is an  
9 adequate deterrent for landlords that are using work  
10 without a permit to harass tenants?  
11

12 DEPUTY COMMISSIONER FARIELLO: So, these—  
13 these numbers that we're giving you are across the  
14 board for the entire city, and so they may or may not  
15 be related to tenant harassment and so and the work  
16 that we're doing with the task force and with MODA  
17 assisting in the data and looking at other things  
18 that go besides just some calling 311 and making a  
19 complaint to DOB. Right, they're looking at all the  
20 other agency and all the other complaints that are  
21 happening and other factors that are coming in.  
22 Those are getting taken out of that bucket and put it  
23 into a different bucket, and—and being attended to  
24 much faster than these numbers that I'm providing to  
25

2 you. The--the numbers I'm providing are just a  
3 general number for a standard work permit.

4 COUNCIL MEMBER LEVIN: I understand but  
5 40 days, 22 days--

6 CHAIRPERSON WILLIAMS: [interposing]  
7 Council Member--

8 COUNCIL MEMBER LEVIN: --not--it's--it's  
9 not--it's not acceptable and it's not an effective  
10 deterrent for this practice that clearly exists  
11 because you see a lot of tenants here particularly in  
12 a neighborhood like--that I represent in Williamsburg  
13 and Greenpoint where people, you know, the average  
14 department.

15 CHAIRPERSON WILLIAMS: Council Member.

16 COUNCIL MEMBER LEVIN: --in Williamsburg--  
17 I'm sorry--goes for, you know, \$3,000 a month. A rent  
18 stabilized apartment goes for \$1,000 a month. The  
19 economic pressure there is enormous, and landlords  
20 are going to do whatever they can get away with, and  
21 right now there's a big loophole for them to just  
22 walk right through. That's why we have my Intro 934  
23 and now it's 36 sponsors. It's big group majority.  
24 So, you know, we're looking to pass that.

2 CHAIRPERSON WILLIAMS: [interposing]

3 Thank you, Council Member. Than you.

4 ASSISTANT COMMISSIONER WEHLE: And again,  
5 if I could just reiterate Council Member, work  
6 without a permit complaints or any complaints of that  
7 matter associated with tenant harassment are not  
8 treated as a traditional B complaint, and therefore,  
9 responded to within 23 days.

10 COUNCIL MEMBER LEVIN: [interposing] If  
11 they don't—if they throw out—

12 CHAIRPERSON WILLIAMS: [interposing]  
13 Alright, thank you Council Member.

14 COUNCIL MEMBER LEVIN: --a signifier  
15 word, they don't throw out a signifier word.

16 CHAIRPERSON WILLIAMS: [interposing]  
17 Thank you.

18 ASSISTANT COMMISSIONER WEHLE: It's more  
19 than just a signifier word.

20 CHAIRPERSON WILLIAMS: We're going to  
21 have to move onto Council Member Rosenthal.

22 ASSISTANT COMMISSIONER WEHLE: As the  
23 Commissioner mentioned, it's part of what we do to  
24 analyze what happens in the city, and based on that  
25 work we sent those proactively to take a look.

2 CHAIRPERSON WILLIAMS: Thank you,  
3 Councilman. Council Member Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: I'm hearing a  
5 lot of reasons why we should have an Office of Tenant  
6 Advocate. Okay, so just to follow up on Council  
7 Member Levin, what—for the 8,000 substantiated cases,  
8 what happened? They got a violation? Did all 8,000  
9 or so get a violation, and what—what is the dollar  
10 amount on average or range?

11 ASSISTANT COMMISSIONER WEHLE: So, yes,  
12 8,000 work without a permit violations were issued.  
13 In terms of the penalty structure.

14 DEPUTY COMMISSIONER FARIELLO: So there  
15 is an ECB Violation Number that you have access by  
16 the ECB Court, and then on top of that there's a  
17 civil penalty that gets put on top of that.

18 COUNCIL MEMBER ROSENTHAL: How much money  
19 are we talking about?

20 DEPUTY COMMISSIONER FARIELLO: So on the  
21 civil penalty side when they come in to file the job,  
22 the permit is held up until the civil penalty is  
23 collected, and that is on a—other than a one or two-  
24 family house, it's 14 times the filing fee, a minimum  
25 of \$5,000.

2 COUNCIL MEMBER ROSENTHAL: A minimum of  
3 \$5,000. So it's the cost of doing business, and the  
4 upside for the building owner is that the tenant  
5 leaves at which point they can rake in hundreds of  
6 thousands if not millions of dollars. So the  
7 tradeoff with preservation I'm still at loss to  
8 understand what's going on here. I want to talk just  
9 for second about--hang on one second. I'm sorry. On  
10 347 so this is a situation where a tenant is hauled  
11 into court and finally has to hauling--go to housing  
12 court. Here's--here's the situation we see in our  
13 office. Somebody has made payment, made payment for  
14 their rent but the check is not check cashed--cashied.  
15 Then the landlord brings them into Housing Court for  
16 non-payment of rent. The tenant comes in with all  
17 the copies of checks or their escrow account.  
18 They've had to miss a day of work. If the court  
19 hearing gets postponed, they miss a couple of days of  
20 work, likely there's more harassment going on besides  
21 just that check not being cashed. It's also repairs  
22 are not being made and there's no heat and hot water,  
23 and if it's the super who comes in, and probably it's  
24 somebody else, they've smashed the sink instead of  
25 fixing it. Or, they've come in to check the cables,

2 and were—and bizarrely the sink is smashed by the  
3 time they leave. So the tenant is now in Housing  
4 Court. They've been dragged through the mud. Why  
5 not support an opportunity right then and there for  
6 the Housing Court judge to award damages to the  
7 tenant if the judge finds the landlord guilty and  
8 that [bell] the checks have been issues. So there is  
9 no non-payment of rent. Why not do it then and  
10 there. Can you really see that tenant who more  
11 likely than not, you know, is not in a good enough  
12 position to take off more days of work or hire a  
13 lawyer to bring damages against the landlord. That—  
14 that tenant is never in a position to do that. Why  
15 not on the spot allow the Housing Court judge to  
16 award the tenant damages, and the cost of the  
17 lawyer's fees?

18 DEPUTY COMMISSIONER FARIELLO: So Council  
19 Member, I will start and I will hand it off to  
20 Deborah. So in conversations that we have had with—  
21 with Administrative Housing Court Judge, we agree  
22 that—that perhaps Housing Court is not the proper  
23 venue for—for what you're discussion for damages, the  
24 award of damages for tenants. But we believe that  
25 perhaps a language moving into a different title of

2 the Advent Code, and into a different court  
3 jurisdiction, Civil Court perhaps would more sense.

4 COUNCIL MEMBER ROSENTHAL: And describe  
5 what you're envisioning. It would automatically the-  
6 the finding from the Housing Court, I want-I'm-I'm  
7 glad-

8 CHAIRPERSON WILLIAMS: Council Member.

9 COUNCIL MEMBER ROSENTHAL: --you're  
10 thinking about this. I'm sorry, just real quickly.  
11 I'm taking up from my Council Members who have left  
12 who would have been here.

13 CHAIRPERSON WILLIAMS: I wished it worked  
14 like that.

15 COUNCIL MEMBER ROSENTHAL: Okay, sorry.  
16 [background comments] But what? The tenant would  
17 have to take off more work and start the case all  
18 over with a new judge or are you saying the Housing  
19 Court Judge would send it to the Civil Court judge  
20 with the recommendation of findings, and the tenant  
21 doesn't have to come back again or what are you  
22 suggestion?

23 DEPUTY COMMISSIONER FARIELLO: So and we  
24 understand the-the concerns about the burden on the  
25 tenants. It would not be an automatic process. We

2 believe that a conversation with the Office of Court  
3 Administration with the Council and with the agency  
4 may clear up some of these issues. I can't answer on  
5 behalf of the Administrative Court Judge, but  
6 certainly it--from what we know, this would be a new  
7 proceeding that would have to be started in a  
8 different court.

9 ASSISTANT COMMISSIONER RAND: I'd just  
10 like to point that there is Small Claims Court, which  
11 happens at night.

12 COUNCIL MEMBER ROSENTHAL: [off mic]

13 ASSISTANT COMMISSIONER RAND: Okay.

14 COUNCIL MEMBER ROSENTHAL: [on mic] But  
15 you got to see these tenants.

16 CHAIRPERSON WILLIAMS: Council Member

17 COUNCIL MEMBER ROSENTHAL: [interposing]

18 I appreciate you saying that--

19 CHAIRPERSON WILLIAMS: --thank you very  
20 much. We'll allow--

21 COUNCIL MEMBER ROSENTHAL: --but we have  
22 some low-hanging fruit--

23 CHAIRPERSON WILLIAMS: [interposing]

24 Council Member.

2 COUNCIL MEMBER ROSENTHAL: --where the  
3 opportunity--

4 CHAIRPERSON WILLIAMS: [interposing]  
5 Council Member.

6 COUNCIL MEMBER ROSENTHAL: --is right to  
7 rectify a great wrong--

8 CHAIRPERSON WILLIAMS: [interposing] I  
9 don't want to have to hit the gavel but Council  
10 Member.

11 COUNCIL MEMBER ROSENTHAL: --and if our  
12 goal [gavel] is preserve affordable housing--

13 CHAIRPERSON WILLIAMS: Council Member.  
14 [gavel]

15 COUNCIL MEMBER ROSENTHAL: --we're  
16 missing the boat.

17 CHAIRPERSON WILLIAMS: You're way over  
18 your time. Council Member Rosenthal. So you do not  
19 have to answer, but thank you very much. Thank you  
20 Council Member Rosenthal for that, but I will express  
21 the passion that Council Member Rosenthal is  
22 expressing is on behalf of a lot of tenants who have  
23 a frustrating time dealing with this issue. So you  
24 can understand why many of us are frustrated with  
25 this, and we want to try to really get these bills

2 passed. So thank you for the work that you already  
3 do because there is a lot of good you're doing, but  
4 obviously it's not working, and we can see by the  
5 percentage that we've talked about earlier that  
6 really isn't. So there's a lot of frustration,  
7 there's a lot of expectation for us to follow up, and  
8 as I mentioned before, with the orange men the White  
9 House, the localities really have to do a lot more  
10 because we are going to be the front line and the  
11 first line of defense for the little crazies that has  
12 to come after us. (sic) So I just want to say thank  
13 you very much for your testimony. Thank you  
14 colleagues including Council Member Rosenthal for  
15 getting the questions out there. Thank you very  
16 much. [applause] So we got to do this with the  
17 claps. [applause]

18 SERGEANT-AT-ARMS: Keep it down. Keep it  
19 down, please.

20 CHAIRPERSON WILLIAMS: Next we'll have  
21 Eli Szenes Strauss from State Senator Brad Hoylman  
22 Office. [background comments] Oh, if someone from the  
23 Administration would please be here remaining until  
24 the end. Okay, until the end in case there are some  
25 things that come up. [background comments, pause]

2 Can you please raise your right hand. Do you wear or  
3 affirm to tell the truth the whole truth and nothing  
4 in your testimony before this committee and to  
5 respond honestly to Council Member questions?

6 I do.

7 CHAIRPERSON WILLIAMS: Thank you very  
8 much. You have three minutes to give your testimony.

9 ELI SZENES-STRAUSS: Thank you. My name  
10 is Eli Szenes-Strauss. I'm here on behalf of New  
11 York State Senator Brad Hoylman. I'm going to  
12 deliver an abbreviated version of his testimony.  
13 Thank you for the opportunity to testify today in  
14 support of the legislation. This is testimony on all  
15 14 bills we will truncate. I want to take a moment  
16 to thank Council Member Williams and all of the  
17 Council Members who introduced the legislation under  
18 consideration today. I also want to note that there  
19 are several people present who are tenant safety  
20 heroes for Senator Hoylman's purposes. We have  
21 Cooper Square Committee here. We have HCC here and I  
22 don't know if I saw Urban Justice people here, but  
23 they are all necessary for our tenant protection work  
24 and also Vito who is back here has gone beyond—above  
25 and beyond for us and working with some really

2 problematic tenant situations. So we just want to  
3 especially thank him for that for giving out his cell  
4 phone number to tenants. So, we are dividing the 14  
5 bills being considered here today into four broad  
6 categories expanding what constitutes tenant  
7 harassment; increasing transparency for tenants  
8 living in scenarios that result in harassment,'  
9 increasing the financial consequences for bad actors;  
10 and creating additional oversight mechanisms to  
11 proactively prevent harassment. These are smart,  
12 tough and potentially very effective directions for  
13 New York City, and we should move in that direction.  
14 I, Brad Hoylman, am particularly concerned about the  
15 future of tenants in my district for a number of  
16 reasons. The 27th Senate District contains more A  
17 and B rentals than any other senate district in the  
18 state, which dramatically increases the incentive to  
19 pressure tenants out of their homes, and makes it  
20 less safe and comfortable for those who remain.  
21 Senator Hoylman also has the dubious distinction of  
22 representing the only senate district, which the  
23 entire new 421-A applies. It's got a whole district  
24 in it, and he is very concerned that it will increase  
25 pressure and incentives to build and renovate modular

2 (sic) in place of regulated tenants. Senator  
3 Hoylman's Office has been working with tenant  
4 coalitions from a number of infamous bad actor  
5 landlords with large portfolios such as Croman,  
6 Telladono (sp?). Many of these bills if passed into  
7 law would be a genuine and immediate help in the  
8 fight to protect and defend Senator Hoylman's  
9 constituents in those buildings and others. In  
10 particular we want to focus on creating rebuttable  
11 presumptions of tenant harassment when an owner  
12 either commits or admits at least on act that  
13 qualifies as harassment without requiring proof of  
14 intent to force the tenant to vacate or including  
15 non-rent fees on a rent bill. For example, in the  
16 Telladon (sic) in the Senator's district tenants have  
17 been without gas for so long that it began in the  
18 spring, continued through Thanksgiving robbing the of  
19 the simple right to have a Thanksgiving meal at home  
20 and continues to this day. If the heroic lawyers and  
21 advocates working with the tenants were able to begin  
22 with a rebuttable presumption that this level of  
23 neglect constituted harassment, we could have altered  
24 the course events long before [bell]. Thank you.

2 CHAIRPERSON WILLIAMS: You can give a  
3 closing in two sentences.

4 ELI SZENES-STRAUSS: And we also are  
5 strongly praising extending the definition of tenant  
6 harassment for repeat visits and repeat contact  
7 across different people potentially in different  
8 buildings that would have shut down a great number of  
9 bad actions in the district. We would also like to  
10 praise the increasing transparency legislation, the  
11 Intros that make a clear and precise tenant  
12 protection plan available, create a watch list of bad  
13 contractor actors, and in particular we want to talk  
14 about dramatically increasing financial penalties.  
15 The Senator carries legislation that would increase  
16 by fivefold the fines for overcharging stabilized and  
17 controlled tenants. We want to especially thank the  
18 Council Members who are putting in Intros to increase  
19 harassment fines, and also I really want to focus on  
20 this one, the Council Member's bill to allow ECB  
21 violations to turn into a tax lien. It could be  
22 genuine here. We really, really appreciate it.  
23 Thank you and Housing Court, giving Housing Court  
24 judges the ability assess damages would totally

2 change the asymmetrical warfare that is Housing  
3 Court. Thank you very much.

4 CHAIRPERSON WILLIAMS: Thank you very  
5 much and please express our thanks to the Senator and  
6 tell him I think he did a wonderful job on New York  
7 One, and I hope he--

8 ELI SZENES-STRAUSS: Thank you.

9 CHAIRPERSON WILLIAMS: --helps us get the  
10 Orange Man's tax returns exposed soon. Thank you.

11 ELI SZENES-STRAUSS: As do we all. Thank  
12 you.

13 The next panel we have Nikki Ledger, STS,  
14 Emily Goldstein, ANHD; [background comments] Kenny  
15 May, Gilbert Saboteur (sp?). Are they still here?  
16 Nikki Ledger. Oh, okay I didn't see, oh, Emily,  
17 Kenny May [background comments] Kenny May, is that  
18 you? [background comments, pause] Is somebody there  
19 Kenny May and Gilbert Saboteur? [background  
20 comments] I'm going to give a second to see if--  
21 [background comments, pause] Is anybody who just  
22 walked in Kenny May? Okay. Sean Dahl (sp?), Sean  
23 Dahl, please come up. Thank you. So we should have  
24 Nikki Ledger, Emily Goldstein, Gilbert Saboteur, and  
25 Sean Dahl, and the next panel is Seth Wondrousman-

2 Seth Wandersman—Wandersman, yes. STS, no? Is that  
3 Seth? Is that you? [background comments] Okay.  
4 [background noise] And the next panel [background  
5 comments] Oh. The next panel David Tang, Song Ma  
6 Hong, Waj Wang Wu. I hope I did that right. Maca  
7 Fund Chan and Eddie Chan, Donna Chiu, Da Tuk Chung  
8 and Ju King Chung and Dural—Charlene Chan, and i Chu.  
9 Please get ready to be on the next panel. Can you  
10 please each raise your right hand. Do you wear or  
11 affirm to tell the truth, the whole truth and nothing  
12 but the truth in your testimony before this committee  
13 and to respond honestly to Council Member questions?

14 PANEL MEMBERS: [off mic] [in unison] I  
15 do.

16 CHAIRPERSON WILLIAMS: You'll each have  
17 two minutes to give your testimony, and you can begin  
18 in the order of your preference.

19 NIKKI LEDGER: Okay. My name is Nikki  
20 Ledger and I'm speaking as a member of Cooper Square  
21 Committee. I live at 30 Sickels for 11 years during  
22 which time each of three private equity firms have  
23 enacted similar catalogues of nasty tricks. Today, I  
24 will talk about one incident of construction as  
25 harassment provided by P.E. No. 2 in order to related

2 to the six points of Council Woman Mendez's bill  
3 creating a safe construction bill of rights.  
4 Suddenly without prior notice my living wall began  
5 violently shaking at 7:00 a.m. I removed the  
6 pictures and fled to a friend's place where I slept  
7 in the living room for two weeks at which time  
8 another tenant phoned that the work had ceased. No  
9 timeline for completion of work had been provided.  
10 Without having notified or posted a city permit the  
11 subtenant of the apartment next to mine was being  
12 altered, no hours of work, no how I was to be  
13 protected, which brings me to the topic of  
14 bronchitis. Upon reoccupying my apartment I observed  
15 a heavy haze that of particulate matter in the living  
16 room. It was this long and narrow opening about an  
17 inch above the baseboard, which is foot and a half  
18 long and it's widest in the middle about three inches  
19 high. I can see through to the other apartment.  
20 Given the careful deliberateness of the destruction  
21 what use contacting the landlord. Although running  
22 two air cleaners 21-24/7, I ended up in the doctor's  
23 office placed on a course of antibiotics.  
24 Complaining to the city after the fact, useless in  
25 preventing temporary displacement and bronchitis. It

2 is my suggestion that should Bill 960 be passed that  
3 it be applied ex-post facto. After all I've seen and  
4 endured as a tenant private equity landlords, I  
5 question the legitimacy—legitimacy of their right to  
6 rights or private property. David Hume in *A Treatise*  
7 *of Human Nature* wrote of justice taking precedent  
8 over property. Our property is nothing those whose  
9 constant possession is established by the laws of  
10 society that is by the laws of justice. Those there  
11 who make the use of the words property before they  
12 have explained the origin of justice are guilty of a  
13 very gross fallacy. [pause]

14           EMILY GOLDSTEIN: Good afternoon and  
15 thank you for the opportunity to testify today. My  
16 name is Emily Goldstein and I work at the Association  
17 for Neighborhood and Housing Development or ANHD.  
18 ANHD's mission is to ensure flourishing neighborhoods  
19 and decent safe, affordable housing for all New  
20 Yorkers. Our members include about 100 neighborhood  
21 based organizations throughout the five boroughs of  
22 New York City, and I'm here today to testify in  
23 support of the bills before you. ANHD is a member of  
24 the Coalition Stand For Tenant Safety working to end  
25 the—working to end the use of aggressive residential

2 construction as a form of tenant harassment. These  
3 bills today are part of a large package designed to  
4 prevent dangerous and unlawful behavior by landlords,  
5 strengthen tenants' rights and preserve New York  
6 City's stock of affordable housing. Since there are  
7 so many bills, I'm going to go through them all, but  
8 I want to emphasize that the Stand for Tenant Safety  
9 Coalition has worked for years working closely with  
10 tenant leads in neighborhoods throughout the city  
11 working closely with a large number of City Council  
12 Members to develop a comprehensive package that  
13 together provides a variety of tools that can  
14 actually address the systematic problem of  
15 construction as harassment. I'm really pleased to  
16 see all of these bills come to a hearing today. I'm  
17 really inspired to see all of the tenants in the room  
18 today. ANHD thinks this package really will put a  
19 dent in the problem of harassment. I think we've all  
20 seen through the years that there's never one silver-  
21 silver bullet, that there's never one thing gets  
22 simply, you know, ends harassment in the city of New  
23 York City—in the city of New York. But this package  
24 would go a long way, and this package really is a  
25 comprehensive set of tools to address the problem so

2 many tenants are facing where construction at all  
3 hours, where deliberate harassment from landlord,  
4 where unsafe conditions are simply driving people out  
5 of their homes and their communities. So we urge the  
6 Council to-the Committee to pass the legislation on.  
7 We urge a vote as quickly as possible, and we hope to  
8 see [bell] these laws enacted soon. Thank you.

9 GILBERT SABOTEUR: Good afternoon. My  
10 name is Gilbert Saboteur, and I live 305 East 86th  
11 Street, a building on Second Avenue and 86th street.  
12 We have approximately 700 apartments in the building,  
13 300 of which were rent stabilized as of September  
14 2014 when a new owner took over. I'm going to read.  
15 You have the-the facts there, but I just want to  
16 address a couple of issues that I heard this morning,  
17 this time at 10 o'clock where the department said  
18 they had statistics about what they do, they don't  
19 do. Let me just say this, we've been in the constant  
20 construction for 30 months. Every morning at 8  
21 o'clock the noise begins, the banging, the [mimics  
22 jackhammer] going on all day long, and they began  
23 construction on 125 apartments who took an audit in  
24 early 2015. Today, in 2017, they still have 75  
25 apartments under construction, and they have

2 promised that they will continue until they finish  
3 200 extra. You can image the dust, the lead, the  
4 asbestos that is being produced in this kind of  
5 massive construction. When we call to complain, the  
6 inspector comes five, six, ten days later, and they  
7 get taken wherever it is clean and everything, and  
8 they stop construction. There's nothing going on  
9 when the inspector is there. As soon as they leave  
10 they start the noise all over again. If that is not  
11 harassment [bell] I don't know what is. Thank you.

12 SEAN DAHL: Hi. Thank you for letting me  
13 come and give my testimony today. My name is Sean  
14 Dahl. I'm a rent stabilized tenant in the East  
15 Village, and I'm here to testify on these bill before  
16 you. My landlord Steven Croman cultivates a culture  
17 of chaos in construction during the gut renovation of  
18 his recently acquired properties. He abuses the  
19 self-certification process at DOB by providing  
20 misinformation. He also encourages complete  
21 disregard for the existing tenants who must endure  
22 months of noise, dust, often lead-laden, destruction  
23 of essential utilities and simply dangerous  
24 conditions that I myself experienced. In November of  
25 2013, after being away for several weeks caring for

1 my ill mother, I arrived home to destruction. My  
2 living room ceiling has collapse. Debris was  
3 everywhere. Human feces was on my kitchen counter.  
4 This was the beginning of the second round of  
5 renovations in my building with no tenant protection  
6 plan in place. The workers knew me, the property  
7 manager knew how to reach me, my neighbor had keys to  
8 my apartment. The contractors simply walked away from  
9 the gaping hole and let the sewage from the occupied  
10 apartments and the five floors above me continue rain  
11 down for days. Was this harassment? I think so. My  
12 neighbor experienced several ceiling collapses. My  
13 closet ceiling came down a few days later, and not  
14 long after the property manager Janette Donovan said  
15 to me, "Sorry about your ceiling. Are you sure you  
16 don't want a buy out." I believe this collection of  
17 bills will help prevent future tenants from  
18 experiencing the trauma of deliberately mismanaged  
19 gut renovations in their buildings and house-homes,  
20 and with the help of the Cooper Square Committee and  
21 my Council Member Rosie Mendez [bell] at TPP was  
22 issued for the third round of renovations, but  
23 unfortunately it was not followed or enforced. Thank  
24 you.  
25

2           SETH WANDERSMAN: Hi. My name is Seth  
3 Wandersman and I'm a 16-year Lower East Side  
4 resident, and at one point our building was taken  
5 over by one of these landlords, and I'm just going to  
6 just detail three of the things that were happening.  
7 One is the ceiling collapse. These are almost like a  
8 signature move. They—they were happening and could  
9 happen sort at—at any time at the—the group of  
10 buildings that were taken over by this landlord. A  
11 bigger one in some was the exposure to lead dust.  
12 When we finally were able to get the results it was  
13 showing 300 times the federal threshold. There are  
14 plenty of laws about what should be done about lead  
15 paint, and they were just routinely ignored over and  
16 over. We had agencies coming in and showing  
17 violations, and they would continue to violate the  
18 rules. The lead levels were probably much higher.  
19 That was when we were finally able to get the testing  
20 and, you know, another example was being able to exit  
21 the building. You know, at one point the  
22 construction was so unsupervised that they were just  
23 redoing the lobby, and they just put like a single  
24 wooden plank maybe six inches wide that they were  
25 telling the residents that that's how we had to enter

2 and exit the building. For somebody like me, not so  
3 much a problem, but we have elderly residents that  
4 just refuse to leave the building. It was obviously  
5 a huge fire hazard to do that. So, you know, it  
6 seemed that there was just a disregard for human  
7 health and sanity while we were undergoing that.  
8 Thank you.

9 CHAIRPERSON WILLIAMS: Thank you each for  
10 your testimony. I know that one landlords Holman  
11 (sic). We know how bad they are and what they do. I  
12 didn't know if any of the other tenants were  
13 comfortable saying who their landlord is. You don't  
14 have to if you're not, but I didn't know if you  
15 wanted to get any of that no the record. I guess no.  
16 If any of the tenants wanted to get on the record who  
17 their landlord is, you don't have to or feel  
18 compelled to. I just wanted to know if you wanted  
19 to.

20 SETH ANDERSMAN: This landlord is Sammy  
21 Mafar.

22 CHAIRPERSON WILLIAMS: Say that again.  
23 Say the name.

24 SETH ANDERSMAN: Sammy Mafar.

25 CHAIRPERSON WILLIAMS: Sammy Mafar.

2 SEAN DAHL: Okay, the second private  
3 equity firm owner of my building was Dermott. It's  
4 not the present—that is not the present owner.

5 CHAIRPERSON WILLIAMS: Okay. Did you  
6 want to? No.

7 GILBERT SABOTEUR: Yes, sir. The owner  
8 of our building is UES Management, which is basically  
9 owned by Chadwick (sic) Group and Sterro (sic)  
10 Management.

11 CHAIRPERSON WILLIAMS: Oh, so, okay.  
12 Thank you very much for taking the time out to come  
13 to give testimony and we thank you ANHD for all the  
14 good work you do on those issues.

15 EMILY GOLDSTEIN: Thank you.

16 GILBERT SABOTEUR: Thank you, sir.

17 [pause]

18 CHAIRPERSON WILLIAMS: So we have a very  
19 big panel. I'm assuming that [background comments]—  
20 let's see if everybody could fit on this one. Donna  
21 Chiu, Da Tuk Chung (sp?) and Ju Kayden Chung (sp?) ,  
22 Charlene Chan and Chu, David Tang (sp?) , Song Ma  
23 Hung (sp?) and Wa Wong Wu (sp?) , Mokam Fung  
24 Chan(sp?) and Eddie Chan. And it looks like that's  
25 Donna Chiu. [background comments] Ms. Chu, is that

2 you? [background comments] That's here. [laughter]

3 Alright and we have Ba Tuk (sp?) Chung, Ju King Chung

4 (sp?) . That's you? Okay, and Charlene Chan, and

5 David Tang, Song Ma Hong, Wei Schwang Wu (sp?) Go

6 ahead. Mo Kam Fung Chan and Eddie Chan. Okay. So

7 two people are not here, is that correct? Okay. The

8 next pane after this one will be Kenny May, Val Sun

9 from DSNY, Ju Wang, MFY, Glasell Rattonburg, Brooklyn

10 Legal Service Corp A, Phyllis Humrick and Sam Cherro.

11 That will be the next panel after this one. Can

12 everybody who will be testifying please raise your

13 right hand? Do you affirm--? So that's everybody?

14 Are they going to testify also? You want to

15 translate? You come, too. So you can speak into the

16 mic. Just to translate so they know what I'm saying.

17 If everybody who is going to testify please raise

18 your right hand? Do you want to translate for them?

19 TRANSLATOR: Yes, I'm going to translate

20 for Mr. Chung and Ms. Chung.

21 CHAIRPERSON WILLIAMS: But I want them to

22 hear my instructions now. So can you translate what

23 I just said.

24 TRANSLATOR: To raise their right hand.

25

2 CHAIRPERSON WILLIAMS: Yeah, if you can  
3 say in the mic. Turn the mic on.

4 TRANSLATOR: [off mic] Okay, I'm going to  
5 tell them to raise their right hand.

6 CHAIRPERSON WILLIAMS: You can put the  
7 mic on so they hear you, yeah.

8 TRANSLATOR: Okay, great.

9 CHAIRPERSON WILLIAMS: Go, can you ask  
10 them to please if you're going to testify right now  
11 to raise your right hand.

12 TRANSLATOR: [Speaking Chinese]

13 CHAIRPERSON WILLIAMS: Okay, and if  
14 you'll repeat do you affirm to tell the truth, the  
15 whole truth and nothing but the truth in your  
16 testimony?

17 TRANSLATOR: [Speaking Chinese] Yes.

18 CHAIRPERSON WILLIAMS: Before this  
19 committee and to—and to respond honestly—honestly to  
20 Council Member questions?

21 TRANSLATOR: [Speaking Chinese]

22 MR. CHUNG: [Speaking Chinese]

23 TRANSLATOR: Yes.

24

25

2 CHAIRPERSON WILLIAMS: So you'll each  
3 have two minutes for the testimony and two minutes  
4 for the translator.

5 MRS. CHUNG: [sobbing]

6 CHAIRPERSON WILLIAMS: Can we get you  
7 some water please.

8 TRANSLATOR: [Speaking Chinese]

9 MRS. CHUNG: [sobbing][background  
10 comments]

11 TRANSLATOR: She's very emotional.  
12 [background comments]

13 MRS. CHUNG: [sobbing]

14 TRANSLATOR: [Speaking Chinese] [pause]  
15 [background comments]

16 CHAIRPERSON WILLIAMS: Who is going to be  
17 testifying first?

18 WEI CHIN: Hi. My name is Wei Chin.

19 CHAIRPERSON WILLIAMS: Hi.

20 WEI CHIN: I'm testifying against—I'm  
21 testifying for my grandmother Makan Empo (sp?).

22 CHAIRPERSON WILLIAMS: Which is your  
23 grandmother.

24 WEI CHIN: Yeah.

25

2 CHAIRPERSON WILLIAMS: Is she speaking  
3 and you're translating or are you just reading for  
4 her?

5 WEI CHIN: I'm reading for her.

6 CHAIRPERSON WILLIAMS: Okay, so you have  
7 two minutes.

8 WEI CHIN: Sure. Her is Machan (sp?)  
9 Fung Chanak. She is currently 83 years old. She's  
10 turning 84 next month. She lives on 43 Exit Street,  
11 apartment 6, and she's hear to testify in the support  
12 of Intros 3-926, 931, 936, 938 and 960. She wants to  
13 share her personal experience with everybody her.  
14 He landlord is Dean Galasso (sp?). I don't know if  
15 you ever heard of him. He's a guy that was doing  
16 construction to help everybody get out of the  
17 building. So I'm going to share her experience right  
18 now. For two years I have no heat, no gas, no water,  
19 not hot water, no electricity for long periods of  
20 time. During the cold winters I was freezing. I was  
21 so cold all I do is stay in for-stay with all the six  
22 blankets. For a long period of time there was no hot  
23 water and during-during that time many days there was  
24 no water at all. For drinking water my home  
25 attendant had to go downstairs, three flights of

2 stairs and carry buckets of water from a local store  
3 to wash up and to drink. For a long—also for a long  
4 period of time people were construction in the  
5 building. They cut off our electricity. I could not  
6 see anything, and I was so scared. Luckily she calls  
7 her grandson, which is me, to come over to watch her.  
8 The worst part is that thee was no gas for a long  
9 time for almost a year or two. I went through almost  
10 two years with no cooking gas. I can't even boil  
11 drinking water. I spent hundreds of dollars on  
12 portable stoves to cook food and boil water to eat  
13 and to wipe myself when there was electricity. I  
14 went through so much pain with no gas and no hot  
15 water. Sometimes I cannot shower for weeks and  
16 months. When they were doing construction in the  
17 building was—which was everyday for a few months  
18 straight, she had to stuff her doors because the  
19 smells were horrible. There was dust. There was  
20 dirt everywhere in the air, and that's hat made her  
21 often cough. The air was so bad it made it her sick.  
22 I can't even leave my home. The whole time I felt--  
23 during this process I felt like I aged ten years. I  
24 went through a lot of pain and suffering. My  
25 grandson Eddie [bell] knew is that I had to come to

2 stay with her, and please take her testimony to heart  
3 and she has nobody else has to go through the same  
4 suffering that she does and she's 84 years old.

5 CHAIRPERSON WILLIAMS: Thank you so much  
6 for your testimony. Who is going to be testifying  
7 next? And who are you testifying for—are you?

8 DONNA CHIU: I'm testifying on behalf of  
9 Mr. Chung and Mr. Chung. They're—they actually live  
10 in the same building as Mr. Chanak (sp?). So their  
11 testimony is related.

12 CHAIRPERSON WILLIAMS: Do they want to  
13 sit here?

14 DONNA CHIU: They—there wasn't seats  
15 enough before. So they prefer that I—they—they  
16 didn't want to sit here.

17 CHAIRPERSON WILLIAMS: Okay, and you're  
18 just going to reading for them?

19 DONNA CHIU: Yes, we worked on testimony  
20 together yes.

21 CHAIRPERSON WILLIAMS: Okay, so just one  
22 testimony?

23 DONNA CHIU: Just one testimony, yes, for  
24 them.

2 CHAIRPERSON WILLIAMS: Okay so you have  
3 two minutes to read your testimony.

4 DONNA CHIU: Thank you. Thank you,  
5 Council Member. My name is Donna Chiu. I'm the  
6 Director of Housing and Community Services at Asian-  
7 Americans for Equality, and for the past two years I  
8 along with Manhattan Legal Services have been able to  
9 assist Mr. and Mrs. Chung and also Ms. Chanak (sp?)  
10 at 43 Essex Street. So as her grandson mentioned,  
11 Eddie, their landlord is Dean Galasso, who was just  
12 actually last week indicted by the New York State  
13 Attorney General for mortgage fraud, and their  
14 experiences is that as soon as Dean Galasso bought  
15 the building he engaged in a campaign of illegal  
16 construction. It was—what he did was he ripped out  
17 load bearing walls. He ripped out fire retardant  
18 materials to the point where construction in vacant  
19 apartments were going on everyday and to the point  
20 that the structural integrity of the building was  
21 compromised. So aside from none of the essential  
22 services they had they were also at the risk of being  
23 vacated and that is why today they came here, seniors  
24 and sitting and waiting for hours and hoping that the  
25 city will pass these six bills, but also the other

2 bills that are part of the Stand for Tenant Safety  
3 package. Because in their case they were lucky  
4 enough that the tenant protection task force, the  
5 tenant harassment task force went to their building  
6 in the nick of time and issued a stop work order, and  
7 they did not have to be ordered to vacate. If it  
8 wasn't for all the help that we got, the city gave to  
9 them, they would have already be vacated. And so  
10 exactly like the Council Members asked questions and  
11 testified today, they would be in a homeless shelter  
12 far from this community. And this is why, you know,  
13 we hope that the City Council will remember all the  
14 other vulnerable children, seniors, disabled people  
15 in their homes who cannot come here, who cannot reach  
16 us for help. Well, what about them? We as residents  
17 and New Yorkers we have an obligation to protect them  
18 as well. So I hope that after today the Stand for  
19 Tenant Safety bills, these six bills will be passed.  
20 Thank you.

21 CHAIRPERSON WILLIAMS: Thank you so much  
22 for the testimony, and we have one more testimony.  
23 You can begin. You have two minutes for your  
24 testimony?

2           DAVID TANG: Well, my name is David Tang.  
3 I live at 90 Oliver Street with my mother. I am here  
4 to testify in support of Intro 3-926, 931, 936, 938  
5 and 960. Tenants rely on the City Council to pass  
6 this bill so we can live in our homes safely. I want  
7 to share with you what we the tenants experience at  
8 90 Oliver Street soon after the new landlord both  
9 Oliver Street. The landlord began illegal  
10 construction at the building. There are almost 200  
11 house-housing standard violations in the building.  
12 The most serious one includes that the fire retardant  
13 materials were ripped out from the apartment. Our  
14 gas meter hung by a thin wire, and electrical wires  
15 were exposed. The equipment was installed poorly.  
16 The landlord has no intention to correct these  
17 violations to improve the living conditions for the  
18 tenants. Our landlord did not seem to care that the  
19 illegal construction was causing a lot of dust and  
20 debris that was airborne and harmful to us. The dust  
21 was so thick that you can see your footprint. He  
22 seemed to treat us a collateral damages as central  
23 service such as heat and hot water were constantly  
24 turned off without warming during the construction  
25 period. We noticed he seemed to use illegal

2 construction as a tool to evict the long-term and  
3 protected tenants from their home. When home was  
4 brought (sic) the construction in the vacant unit and  
5 common areas. He did not apply for permits. He did  
6 not hire a licensed contractor to do the work, and he  
7 did not have any tenant safety plan in place. He did  
8 not have any dust mitigation plan and health and  
9 safety precaution procedures. Without any work  
10 permits, James Brown (sic) completely the vacant  
11 apartment all day and night and even on weekends. He  
12 even remove the load bearing wall from the rented  
13 units compromising the structural integrity of the  
14 building. The tenant call 311 for help repeated, but  
15 DOB and HPD were not successful in issuing violations  
16 because James Brown hire a lookout to stand in front  
17 of the building to call and warn the worker when  
18 anybody in uniform approached. With the local  
19 informing the worker to stop their illegal  
20 consultant, DOB and HPD never catch the worker doing  
21 illegal construction. The tenants were not able to  
22 get DOB to issue a stop work order--

23 CHAIRPERSON WILLIAMS: [interposing] Mr.  
24 Tang.

2 DAVID TANG: --to fight the illegal  
3 construction in the building.

4 CHAIRPERSON WILLIAMS: Mr. Tang, we're  
5 going to have to ask you to give a closing sentence.

6 DAVID TANG: Okay, with the passage of  
7 today's bill and the other seven that are part of the  
8 Stand for Tenant Safety package bills, it is—it will  
9 be harder for the unscrupulous landlord to get away  
10 with illegal construction. These laws are necessary  
11 for safe living conditions for our seniors, disabled  
12 children, and some of city's most vulnerable tenants.  
13 Thank you.

14 CHAIRPERSON WILLIAMS: Thank you.  
15 [background comments, pause] Thank you. Does she  
16 understand English?

17 TRANSLATOR: Okay, I'm an interpreter to  
18 interpret for her.

19 TUNG SHU LING: [Speaking Chinese]

20 CHAIRPERSON WILLIAMS: Oh, so—

21 TUNG SHU LING: [Speaking Chinese]

22 CHAIRPERSON WILLIAMS: Okay, can you just  
23 tell her I just want to say—I just want to thank her  
24 coming.

25 TRANSLATOR: [Speaking Chinese]

2 CHAIRPERSON WILLIAMS: And I know that  
3 the—the emotions she showed—she showed actually on  
4 behalf of a lot of tenants who can't be there. So we  
5 just want to—we just want to thank her very much.

6 TRANSLATOR: [Speaking Chinese]

7 TUNG SHU LING: [Speaking Chinese]

8 CHAIRPERSON WILLIAMS: Just—just to be  
9 clear, so is she giving testimony and you're  
10 translating?

11 TRANSLATOR: Correct.

12 CHAIRPERSON WILLIAMS: Okay. So you have  
13 four minutes for her to give her testimony and for  
14 you to translate.

15 TRANSLATOR: [Speaking Chinese]

16 TUNG SHU LING: [Speaking Chinese]

17 TRANSLATOR: My name is Tung Shu Ling

18 TUNG SHU LING: [Speaking Chinese]

19 TRANSLATOR: I live at 135 Elder Street,  
20 Apartment 1C.

21 TUNG SHU LING: [Speaking Chinese]

22 TRANSLATOR: I've lived there since 1982.

23 TUNG SHU LING: [Speaking Chinese]

24 TRANSLATOR: Both my daughter and my  
25 grandchild were born there.

2 TUNG SHU LING: [Speaking Chinese]

3 TRANSLATOR: My daughter is currently 36  
4 and my grandchild is a teenager.

5 TUNG SHU LING: [Speaking Chinese]

6 TRANSLATOR: So there are three children  
7 living in the apartment ranging in age from 6 to 10.

8 TUNG SHU LING: [Speaking Chinese]

9 TRANSLATOR: In 2014, a new landlord  
10 acquired my building.

11 TUNG SHU LING: [Speaking Chinese]

12 TRANSLATOR: And that's when my nightmare  
13 started. There's been two plus years of construction  
14 in my building.

15 TUNG SHU LING: [Speaking Chinese]

16 TRANSLATOR: And we've become human  
17 vacuum cleaners.

18 TUNG SHU LING: [Speaking Chinese]

19 TRANSLATOR: So for two years the  
20 children haven't been able to watch TV because the-  
21 the second bedroom has been altered so that it's  
22 unable to fit a bed.

23 TUNG SHU LING: [Speaking Chinese]

24 TRANSLATOR: So because of the  
25 construction, we're only able to use one bedroom in

2 the living room forcing me to put two beds—two beds  
3 in the living room for the children and then I sleep  
4 on a sofa bed.

5 TUNG SHU LING: [Speaking Chinese]

6 TRANSLATOR: And as a result of that,  
7 there—I haven't even been able to put a TV in the  
8 apartment.

9 TUNG SHU LING: [Speaking Chinese]

10 TRANSLATOR: So for the past two years  
11 the three children have—when they come home from  
12 school since they can't watch TV they can only play  
13 on my cellphone or a laptop that we have.

14 TUNG SHU LING: [Speaking Chinese]

15 TRANSLATOR: So because of that, our  
16 dining table is also very small, and the kids don't  
17 have room for a desk so that impairs their ability to  
18 do their homework.

19 TUNG SHU LING: [Speaking Chinese]

20 TRANSLATOR: So, I have sued the landlord  
21 in a—in Housing Court in the past, but in that  
22 process the landlord has tricked both us and the  
23 city. The landlord comes and makes minor repairs  
24 which often makes—and often makes the conditions  
25 worse. In that process they've also broken my

2 furniture and broken appliances such as cabinets in  
3 my house, and haven't fixed those.

4 TUNG SHU LING: [Speaking Chinese]

5 TRANSLATOR: My grandchild who's a fourth  
6 grader has also noticed this for himself. He says to  
7 me [bell] grandma, the landlord really doesn't like  
8 us and wants to force us to leave so that people—they  
9 can bring in new tenants to live here.

10 TUNG SHU LING: [Speaking Chinese]

11 TRANSLATOR: So, my grandchild they even  
12 go to school and ask for help saying that they have  
13 to live in poor conditions. The only way I can  
14 describe the dust that's in my apartment is like it's  
15 a dust storm in Beijing.

16 CHAIRPERSON WILLIAMS: We're going to—  
17 we're going to have to ask for a closing statement—a  
18 closing sentence.

19 TUNG SHU LING: [Speaking Chinese]

20 TRANSLATOR: So my purpose for coming  
21 here today to testify is to encourage the city  
22 government to pass the STS legislation in order to  
23 protect tenants and working families.

24 CHAIRPERSON WILLIAMS: Thank you very  
25 much for the testimony. I didn't know if anybody

2 wanted to share who their landlord was. No one has  
3 to.

4 TUNG SHU LING: [Speaking Chinese]

5 TRANSLATOR: So the tenant says she  
6 doesn't speak English so she's not able to-

7 CHAIRPERSON WILLIAMS: No problem, no  
8 problem.

9 TRANSLATOR: --but just for the record  
10 it's R.A. Cohen & Associate.

11 TUNG SHU LING: [Speaking Chinese]

12 TRANSLATOR: No problem?

13 CHAIRPERSON WILLIAMS: No problem.

14 TUNG SHU LING: [Speaking Chinese]

15 CHAIRPERSON WILLIAMS: Okay.

16 TRANSLATOR: Okay. [Speaking Chinese]

17 CHAIRPERSON WILLIAMS: Anybody else want  
18 to-

19 TRANSLATOR: Alright, the-the tenant's  
20 last sentence was that she has photographic evidence.  
21 This morning at 8:00 a.m. she took some photos of the  
22 mold and the bugs that have sprouted in her  
23 apartments as a result of the conditions.

2 CHAIRPERSON WILLIAMS: Well, you can  
3 send it to either a Council Member or I can give you  
4 my email address and we can get it to the committee.

5 TRANSLATOR: Okay.

6 CHAIRPERSON WILLIAMS: Alright, does  
7 anybody want to share it?

8 FEMALE SPEAKER: Their owner is Dean  
9 Galasso.

10 CHAIRPERSON WILLIAMS: Galasso. Okay.

11 DAVID TANG: The first one is the Merola  
12 (sic) Property.

13 CHAIRPERSON WILLIAMS: Just press it.

14 DAVID TANG: Merola Properties, and after  
15 is James Fong. Okay. Thank you for very much.

16 Thank you all for sharing your testimony.

17 Unfortunately, right now we're going to have to move  
18 into the Committee Room. So we're going to have to  
19 have a 10-minute recess, and then we're going to pick  
20 back up with the public portion of the hearing. The  
21 next panel will be Kenny May, Dal Sun from LSNY Legal  
22 Services, Shi-Shi Wang from MFY, Raphael Ruttenberg,  
23 Phil Smoreck, and Sam Chiera So we're going to have  
24 ten minutes and I'll everyone back in the other room.

25 [gavel] [background comments] [recess]

2 [sound check, continuation of hearing]

3 CHAIRPERSON WILLIAMS: --from Legal

4 Services, Suzi Wang from MFY. Are they here?

5 [background comments] Yeah, Dal Sun and Gigi Wang

6 from MFY, Raphael Ruttenberg, Phil Smoreck

7 [background comments] Oh, sorry about that. I tried,

8 Smucker. Sam Cheer--Sam Cheer and Kenny Mai--Kenny May

9 and the next panel after this will be Towaki Komatsu,

10 Luz Rosario [background comments]. Luz, sorry, Luz

11 Rosario. Henry Dumbrowski, Efren Felipe, and Rolando

12 Guzman, if you can stand on deck for the next panel.

13 Where's my raise your hand, please. Thank you. If

14 you can each raise your right hand, please. Do you

15 affirm to tell the truth, the whole truth, and

16 nothing but the truth in your testimony before this

17 committee, and to respond honestly to Council Member

18 questions?

19 PANEL MEMBER: I do.

20 PANEL MEMBER: I do.

21 CHAIRPERSON WILLIAMS: You each have two  
22 minutes to give your testimony, and you can begin in  
23 the order of your preference.

24 MALE SPEAKER: I'll start. Good morning.

25 I am a staff attorney at Legal Services NYC. We

2 thank the committee for giving this—giving us this  
3 opportunity to testify at hearing. LSNY is the  
4 largest civil legal services provider in the country.  
5 We work closely with tenants who suffer on a regular  
6 basis from tenant harassment in the form of  
7 construction. For example—an example of owners using  
8 construction to harass tenants is a building located  
9 in the Lower East Side. As soon as the new owners  
10 brought the building they started gut renovating  
11 their vacant units, and using them as garbage dumps.  
12 The owners failed to properly seal off construction  
13 areas so dust and debris spread throughout the  
14 building and seeped into other units. The air  
15 pollution in the building was so bad that the tenants  
16 had to wear face masks when they left their  
17 apartment. Further, the noise pollution derived from  
18 construction caused substantial harm to our clients.  
19 Construction work would begin early in the morning,  
20 and continue throughout the night. Due to the air  
21 pollution and the noise pollution caused by the  
22 construction work, some of the tenants accepted  
23 buyout offers from the new landlord. These bills  
24 will have a positive effect on our clients because it  
25 will curb tenant harassment in the form of

2 construction. Thank you again for the opportunity to  
3 testify before this committee on this critical issue.

4           RAPHAEL RUTTENBERG: Good afternoon. My  
5 name is Raphael Ruttenberg. I'm a staff attorney  
6 with Brooklyn Legal Services Corporation A. We  
7 provide legal services for low-income tenants in  
8 Northern and Eastern Brooklyn, and I would like to  
9 testify today in support of Intro 0939 of 2015. I  
10 actually learned I was wrong about something today.  
11 I practice in Housing Court, and if you had asked me,  
12 you know, I would have thought it was actually  
13 impossible to get a finding of harassment against a  
14 landlord. I learned today it was actually 2%. So,  
15 that's not—that's something. I also went to—there's  
16 a number—there is—a number of people spoke about the  
17 impact that the bill the increasing the penalties for  
18 work without a permit would have on the possible  
19 finding of harassment in Housing Court, and we  
20 believe that it's—that it's completely immaterial and  
21 irrelevant to the purpose of these bills and is a  
22 matter for court administration, and the harassment  
23 should be taken seriously in the fact that it is not  
24 by the courts. It is not what these bills are about.  
25 So thank you.

2 PHIL SMORECK: Good afternoon. My name  
3 Phil Smoreck (sp?). I'm a 28-year resident of  
4 Williams, the also hit the hurts luxified  
5 Williamsburg. My story I want to just talk  
6 specifically about this Tenant Protection Plan.  
7 Basically, in—I want you to follow this timeline very  
8 carefully. On September 9th, I had a inspector from  
9 DOB stand in my kitchen, look me in the eye and tell  
10 me there's a myriad of violations that are going to  
11 be written up for these buildings, and one of them is  
12 that the landlord was supposed to apply for a Tenant  
13 Protection Plan and he did not. So guess what? He  
14 issues the violation for not having a Tenant  
15 Protection Plan, okay. All of a sudden in November,  
16 the landlord files a letter of correction to DOB, and  
17 this sort of goes away. Then, the landlord then  
18 applied for a new permit and guess what, they told  
19 DOB nobody lives in the building, and you know what?  
20 DOB believes them. DOB takes every single  
21 application at face value. They don't even look. I  
22 called DOB up and I said, come on, you had an  
23 inspector stand in my kitchen two months ago. You  
24 know I live here. They say, you know what, we're  
25 going to have to send out a inspector for the express

1 purpose of proving you live there. I'm like, are you  
2 serious because like that's what the protocol is.  
3 So, they send an inspector out, and lo and behold  
4 they proved that I live there. Can you believe it?  
5 So now the landlord has to go and get a Tenant  
6 Protection Plan. Meanwhile, the work is continuing a  
7 breakneck pace. I've got dust, debris in the  
8 hallway, probably breathing lead-based dust from all  
9 the years and years and years of paint on the  
10 apartments that they're getting. Finally, finally  
11 literally eight weeks after they start the job, they  
12 get the [bell] you know, this Tenant Protection Plan,  
13 but the work is done, and it's just a piece of paper.  
14 No one enforces it, and as a matter of fact less than  
15 a month ago, the City Health Department was up and  
16 issued a violation for excessive dust. So really  
17 what did that Tenant Protection Plan really do? And  
18 I just want to say one last thing. If I were to file  
19 for affordable housing and I lied on my application  
20 and lied about my income and the amount of people, my  
21 application would be disqualified, I'd be denied  
22 housing and be subject to a Department of  
23 Investigation possibly. What happens to landlords  
24  
25

2 when they make false statements on their  
3 applications? Absolutely nothing.

4 CHAIRPERSON WILLIAMS: Thank you.

5 SHI-SHI WANG: Good afternoon. My Shi-  
6 Shi Wang, and I'm Housing Attorney at MFY Legal  
7 Services. At MFY we assist more than 20,000 New  
8 Yorkers each year of whom we work—we assist 3,600  
9 tenants. At MFY the Steering Committee and member of  
10 the STS Coalition. We sincerely thank the committee  
11 for holding this on the remaining five STS bills as  
12 well as Intro 3. The bills under consideration today  
13 are carefully crafted to shine light on the worst  
14 uses of construction as harassment with un—without  
15 unfairly burdening landlords and making necessary  
16 repairs. MFY supports Intros 936 and 960 because  
17 each month our housing team receives dozens of phone  
18 calls from tenants whose heat, hot water, cooking  
19 gas, electricity has been suddenly cut off. Some of  
20 these shutoffs are the results of years of neglect,  
21 but an increasing number are caused by under-  
22 regulated construction work done by landlords in  
23 vacant units inside the building. For example, in  
24 one Chinatown building alone inhabited by immigrants  
25 and rent stabilized tenants some of who have lived in

2 the building for multiple generations and new  
3 landlords sent tenants over 50 notices of-of central  
4 service shutdowns between April 2015 and April 2016  
5 including heat and hot water. These notices were  
6 routinely served late usually on or after the  
7 shutoff. The notice were-notices were in English  
8 only, thought most of the tenants spoke only Chinese  
9 dialects. When tenants called the listed number on  
10 the notice, the calls would go directly to voicemail.  
11 As the work wore on and disruption became routine,  
12 even the most determined tenant leader eventually  
13 accepted the landlord's meager buyout offer. Intro  
14 960 would require landlords to provide tenants with  
15 clear detailed information about the maintenance of  
16 essential services in multiple languages. The 14-day  
17 advance posting requirement would require landlords  
18 to plan in advance and minimize last minute impacts.  
19 [bell] In short, these bill give the city and tenants  
20 necessary tools towards ensuring that renovations are  
21 done to improve housing stock and for the benefit of  
22 tenants not as a tactic to target rent regulated  
23 tenants for displacement. Thank you.

24 SAM CHIERA: Hi. I'm Sam Chiera from  
25 Brooklyn Legal Services Corporation A. I'm from the

2 Group Representation Unit. We represent tenants'  
3 associations and neighborhood coalitions in  
4 Williamsburg, Bushwick, Greenpoint, parts of Bed-Stuy  
5 and East New York. I'm here to testify in support of  
6 all the STS bills, but to talk a little bit about  
7 Intro 926, which is to create an interagency task  
8 force to deal with construction related problems.  
9 Brooklyn A is currently part of the North Brooklyn  
10 Task Force, which was created by Council Member  
11 Reynoso to address agency interaction with problem  
12 buildings, and I can tell you it's been extremely  
13 valuable to our clients and to me to be able to sit  
14 down with the agencies and actually discuss problems  
15 that are happening with buildings, and then come back  
16 a month later and get some action on those buildings,  
17 and I know that it's—it good for the agents—the  
18 agencies to be able to sit down together, and be able  
19 to discuss these as well. I would like to say you  
20 know, I—I have a tremendous amount of respect for the  
21 agencies and the members of the agencies who  
22 testified today. I've worked with several of them,  
23 but quite frankly it—it's just not enough that we are  
24 still seeing this all the time just harassment by  
25 construction, construction related problems

1 throughout the neighborhoods that we represent. As  
2 you're aware, the value of rental property in  
3 Brooklyn has skyrocketed creating economic pressures  
4 and incentives for landlords to remove tenants in  
5 anyway they can. A lot of the times these in their  
6 homes are the only things that are sitting between  
7 the landlords and millions of dollars, and that means  
8 that these landlords will do anything to get these  
9 tenants out. And the fact is this is just a very  
10 common sense solution for this citywide problem. Had  
11 we able to get agencies to get together and do some  
12 problem solving that can keep tenants safe and in  
13 their homes as a first order of business. Can the  
14 agencies meet with elected officials and tenants to  
15 create policies and protect tenants without having to  
16 go [bell] through the entire legislative process.  
17 This is one of the biggest criticisms that we hear  
18 from the agencies is that they don't need this very  
19 process that we're going through here today. They  
20 have all tools to—to enforce the law. Well, this is  
21 an invitation for them to do it, to get together,  
22 created a—create a task force or as part of this task  
23 force and really address these things. Thank you  
24

2 very much for your time, and thank you for allowing  
3 me to speak.

4 CHAIRPERSON WILLIAMS: Thank you.

5 KEN MAY: I want to make this quick.  
6 It's Ken May from 22 Spring Street. I've been--my  
7 landlord is Sammy Mafa, SMA Equity and like I say,  
8 when he was to--took the building over four years ago,  
9 once he took over the nightmare starts, construction  
10 harassment, no mitigation plan, dust all over the  
11 place. We're--the tenants in Apartment 8 they cut  
12 her phone wire. That's here only form of  
13 communication for any emergency. The wire was cut.  
14 The way we find out is someone trying to reach her to  
15 see--check up on her, but that's when we find out her--  
16 her phone line was cut. So that is kind of--of stuff  
17 that we're dealing with, and the only--the only times  
18 they stop anything was when Council Woman Margaret  
19 Chin and Mendez step in. That's when HPD send some  
20 squad over to do any investigation. So can you  
21 guarantee, council member, if we have a problem, can  
22 one of you guys be in our building to make sure they--  
23 they follow the rules and--and fix our problem? Can  
24 you guarantee? If not, so please and support and  
25 pass Intro 3-926, 931, 936, 938 and 960, please. In

2 light of this tax season, you know what I just find  
3 out, I—we have two guarantees in life, taxes and  
4 death. Right now, if you live in a rent stabilized  
5 apartment or a rent regulated apartment, you're  
6 guaranteed to be harassed by the landlord. Okay, so  
7 please pass these bills. We did not vote for these  
8 lands, but we voted our Council Member. Please and  
9 vote and pass these bills to protect us because  
10 whatever bills that we had before is not doing their  
11 job. Thank you very much.

12 CHAIRPERSON WILLIAMS: Thank you all very  
13 much for your testimony. I didn't know if any—I'll  
14 give an opportunity for any of the tenants who want  
15 to say who their landlord is to put that on the  
16 record. You don't have to if you don't want to.

17 KEN MAY: Yeah, Sammy Mafa, SMA. Please  
18 that guarantee--

19 CHAIRPERSON WILLIAMS: Please.

20 KEN MAY: --out of my life.

21 CHAIRPERSON WILLIAMS: It's for SMA?

22 KEN MAY: SMA Equity.

23 CHAIRPERSON WILLIAMS: SMA okay.

24

25

2 KEN MAY: Yeah, Sammy Mafa. So I just  
3 want taxes and death to be guaranteed. I don't want  
4 harassment.

5 CHAIRPERSON WILLIAMS: Okay.

6 KEN MAY: Thank you very much.

7 CHAIRPERSON WILLIAMS: I don't know if I  
8 want all those guarantees either, but--

9 PHIL SMORECK: And in my case at 121  
10 Kent Avenue, the Building owner is Joy Land  
11 Management and trust me, it's anything but Joy Land.

12 CHAIRPERSON WILLIAMS: Thank you, is  
13 anyone from DOB--

14 PHIL SMORECK: [interposing] Joy Land,  
15 LLC or something like that.

16 CHAIRPERSON WILLIAMS: Is anyone from DOB  
17 still here? From DOB. Can you come up real quick.  
18 Sorry. Thank you very much for the testimony. I  
19 really appreciate your time here. [background  
20 comments, pause ] So I have question you may not be  
21 able to answer. We'll see but I'd have to--can--can  
22 you just raise your right hand? Do you affirm to  
23 tell the truth, the whole truth, and nothing but the  
24 truth in your testimony before this committee and to

2 respond honestly--honestly to Council Member  
3 questions?

4 LAURA KETTERER: I do.

5 CHAIRPERSON WILLIAMS: Can you just state  
6 your name for the record.

7 LAURA KETTERER: Laura Ketterer (sp?).

8 CHAIRPERSON WILLIAMS: I just issued here  
9 a Mr. Smearek's testimony.

10 LAURA KETTERER: I didn't hear what you  
11 said.

12 CHAIRPERSON WILLIAMS: Mr. is it Smearek?

13 PHIL SMORECK: Smoreck.

14 CHAIRPERSON WILLIAMS: Smoreck, that  
15 there was a--an inspector in his house two months  
16 before and then two months after the property  
17 owner/landlord did a self-certification that no one  
18 lived there, and then they have to take time to  
19 resending someone out. Is that an accurate  
20 description of what can occur?

21 LAURA KETTERER: I--I wouldn't know that,  
22 Council Member, but I did write it down actually in  
23 my notes to bring back to the office to inquire.

24 CHAIRPERSON WILLIAMS: Okay, if someone  
25 could let the committee know, I do understand that

2 happens, and what can be done to expedite it, and if  
3 there's an accurate description of--of the way went on  
4 that.

5 LAURA KETTERER: Sure thing.

6 CHAIRPERSON WILLIAMS: Thank you very  
7 much. I appreciate it.

8 LAURA KETTERER: You're welcome. [pause]

9 CHAIRPERSON WILLIAMS: Towaki Kamatsu,  
10 Luz Rosario. [background comments] Is Luz here?  
11 Okay. Henry Dombrowski. Is Henry Dombrowski here?  
12 Efren Phillip, Kenny (sic) Efren, Rolando Guzman.  
13 [background comments] Alright. I'm going to try to  
14 see if we have someone else. [background comments,  
15 pause] A. Omar Owens. [background comments, pause]  
16 Can you please raise your right hand. Do you affirm  
17 to tell the truth, the whole truth, and nothing but  
18 the truth in your testimony before this committee and  
19 to respond honestly to Council Member questions?

20 PANEL MEMBERS: [in unison] I do.

21 CHAIRPERSON WILLIAMS: You each have two  
22 minutes for your testimony, and you can begin in the  
23 order of your preference. [pause]

24 HENRY DOMBROWSKI: Good afternoon.

25 [coughs] My name is Henry Dombrowski. I live at 57

2 Spring Street in Manhattan. I'm here to urge you to  
3 support the 12 Stand for Tenant Safety bills. I've  
4 worked in architecture and construction related  
5 fields for nearly 40 years. I'm here to talk about  
6 construction as harassment. I'm speaking on behalf  
7 of my community, my neighbors and from personal  
8 experience. Construction for the purpose of  
9 harassment is a predatory act with the goal and  
10 purpose of displacing tenants, and it works like  
11 this: A bad actor begins renovation and construction  
12 with the intention of displacing tenants under the  
13 guise of building upgrades. Seldom are proper  
14 permits in place. In many cases there's a bad actor  
15 architect willing to self-certify and then look the  
16 other way. Accidents begin to happen. Commonly,  
17 months of lead filled airborne dust, collapsed  
18 ceilings, broken water lines, power and gas  
19 interruptions, soil line breaks, just to name a few.  
20 These acts breach our guarantee of quiet enjoyment.  
21 This comedy of construction errors lays the  
22 groundwork for weeks, months and even years of  
23 disruptions for tenants in targeted apartments  
24 through the deliberate faulty workmanship. When  
25 construction related problems go on without end, it's

2 a sure sign of construction as harassment. By  
3 passing the 12 Stand for Tenant Safety bills, you  
4 will give regulatory agencies the tools to properly  
5 inspect work and enforce the existing building codes.  
6 Passage of these bills will help to put a stop to-to  
7 the too prevalent practice of construction as a  
8 calculated, deliberate predatory act. I urge you to  
9 support the passage of the-the 12 Stand for Tenant  
10 Safety bills. Thank you for your time. Thank you,  
11 Speaker, thank you Committee.

12 CHAIRPERSON WILLIAMS: Thank you. I  
13 must-maybe one day, I'm still just the chair, though,  
14 but thank you very much.

15 ROLANDO GUZMAN: Good afternoon. My name  
16 is Rolando Guzman. I'm the Deputy Director for  
17 Community Preservation at Saint Nick's Alliance. I'm  
18 here testifying on behalf of Saint Nick's and also as  
19 a member of the Stand for Tenant Safety Coalition.  
20 First of all, I want to thank the Chair of the  
21 Housing and Buildings Committee for his-for your  
22 leadership, and for this discussion in this important  
23 hearing. We really see you as a champion on this  
24 issue of construction as harassment. So, thank you  
25 so much. And I-I just want to recap a little bit.

2 You know, we are here because there's a big problem  
3 in the city of New York. The various construction of  
4 harassment, and it's really upsetting and really  
5 frustrating when we hear the Department of Buildings  
6 saying the same things all the time that there's not  
7 a problem, that they are working on it or it's  
8 unnecessary, and I think we have some tenants, and  
9 you're going to hear more tenants that are explaining  
10 what they are going through in daily life. WE are  
11 here supporting the five remaining STS bills that are  
12 being heard, 926, 931, 926, 960 and 938. I want to  
13 talk about briefly about 938. This is the oversight  
14 for contractors—construction companies that do work  
15 without permits. We have several buildings that  
16 it's—DOB catches the contractors doing work without  
17 permits. I have an example 183 Modar (sic) Street  
18 where we think three days DOB catch a plumber  
19 installing gas lines without permits, electricians  
20 running wires without the specific permits for it.  
21 We had tried this in the city of New York for work  
22 without permits. This legislation is going to put an  
23 end to that. Also, talking about this practice as  
24 predatory practice. We have big predatory companies  
25 in North Brooklyn like ICON, Silver Shore, Elder

2 (sic) Management [bell] that these companies use  
3 construction as a harassment, and they do a lot of  
4 work without permits. This legislation is going to  
5 put an end and help tenants live in their apartments  
6 safely. Thank you so much.

7 LUZ ROSARIO: [Speaking Spanish]

8 TRANSLATOR: Her name is Luz Rosario. She  
9 is here on behalf of the United Neighbors  
10 Organization in North Brooklyn. First of all, she  
11 wants to thank you for scheduling this hearing and  
12 giving here the opportunity to testify. UNO, United  
13 Neighbors Organization is an organization in North  
14 Brooklyn, and the members fight against displacement,  
15 and one of the things that UNO members see a lot is  
16 construction as a harassment. She describes  
17 construction as a harassment when landlords use  
18 aggressive, disruptive and unsafe construction to  
19 pretty much displace tenants in North Brooklyn.  
20 [bell] She's in support of the legislation and she  
21 believes that the STS legislation will put an end to  
22 construction as a harassment in New York. This is  
23 our city. The tenants in this city deserve to live  
24 in a safe and free of harassment in their community.  
25 Thank you.

2 CHAIRPERSON WILLIAMS: Thank you.

3 EFREN FELIPE: [off mic] [Speaking  
4 Spanish] [on mic] [Speaking Spanish]

5 TRANSLATOR: His name—his name Efren  
6 Felipe. He is also a member of United Neighbors  
7 Organization.

8 EFREN FELIPE: [Speaking Spanish]

9 TRANSLATOR: He—he wants to share his  
10 story that he—that he went through in his current  
11 apartment at 119 Gramercy (sic) Street. He's been  
12 living in New York City for almost 30—over 34 years,  
13 and he wants to describe the experience that he had  
14 with the new landlord that purchased the building in  
15 2014.

16 EFREN FELIPE: [Speaking Spanish]

17 TRANSLATOR: He's describing that the new  
18 landlord has been harassing him for the past two  
19 years since 2014. In 2016, the landlord removed the  
20 roof of the building and he was the only tenant left  
21 in the building. The landlord just to add he didn't  
22 have permits either to do that type of work, and he  
23 also added that not too long ago he saw on the front  
24 door of the building a notice from the city of New  
25 York saying that there was issues of asbestos in the

2 building, and he's concerned about his health, and  
3 the health of his family as well.

4 EFREN FELIPE: [Speaking Spanish]

5 TRANSLATOR: He—he's wondering if—if the—  
6 even if the landlord had permits to do that work,  
7 wouldn't the city inspect the building to make sure  
8 that there are tenants in the building before the  
9 landlord proceeds to remove the roof of the building?  
10 And he wonders if the Department of Buildings is in  
11 favor of the landlord or is here to protect the  
12 safety of the tenants.

13 EFREN FELIPE: [Speaking Spanish]

14 TRANSLATOR: Because he—he wonders even  
15 when he calls the city via 311, sometimes the  
16 inspectors show up, sometimes they don't. The times  
17 that they show up they might say everything is okay  
18 in the building, but you still can't have—take the  
19 landlord to court. That's not like the options that  
20 they give them.

21 EFREN FELIPE: [Speaking Spanish] [bell]

22 TRANSLATOR: And all of this affecting  
23 psychologically as well with all the stress because  
24 at the end he's being—he feels—he feels that he's  
25 being pushed out, and he asked the question like in

2 my—in his case he has a large family, where he’s  
3 going to find an apartment that he’s going to be able  
4 to afford and house all his family.

5 CHAIRPERSON WILLIAMS: Sir, there—is  
6 there--we have to ask for a closing sentence.

7 TRANSLATOR: Thank you. [Speaking  
8 Spanish]

9 EFREN FELIPE: [Speaking Spanish]

10 TRANSLATOR: He just wants—hopes that  
11 what he went through other tenants in New York City  
12 doesn’t have to go through, and he thinks that this  
13 legislation will help in that. Thank you.

14 CHAIRPERSON WILLIAMS: [Speaking Spanish]  
15 Thank you.

16 MALE SPEAKER: Hi, I’m a U.S. Navy  
17 veteran. [background comments] Sorry. [background  
18 comments] Hi, a U.S. Veteran. We met last night,  
19 and I’m just going try to be very concise. I just  
20 beat a slumlord in Queens and a \$20 million  
21 defamation lawsuit that was filed against me after I  
22 beat them in court in an HP action for repairs. So  
23 let’s start with this sworn affidavit from the  
24 slumlord and his building manager dated April 10 of  
25 2014. This—these are the remarks by Robert Miller

2 the owner of 65-60 Booth—sorry-65-60 Realty located  
3 at 65-60 Booth Street in Rego Park. Quote, unquote,  
4 “As a result of breakdowns and complaints from  
5 tenants over a year and a half, I have decided to  
6 fully modernize the elevator. It is well past its  
7 useful life and its original to the building. This  
8 is something that is long overdue.” The next set of  
9 remarks are from Ben Preston, the Building Manager  
10 for that building, that same date. Quote, unquote,  
11 “We have made the decision to upgrade the entire  
12 system rather than continuing to make piecemeal  
13 repairs, which were becoming ineffective and costly.  
14 The elevator is original to the building and is past  
15 its useful life.” In January of this year after the  
16 slumlord claims to have replaced that elevator in its  
17 entirety, an HPD inspector filed a complaint with DOB  
18 that the elevator was out of service after the  
19 tenants got a rent increase, and this one affidavit  
20 was in relation to an HP action for harassment. It  
21 was before Judge Louie Delaya (sp?). So despite the  
22 fact that the elevator was f’ing up—sorry to use that  
23 language—he refused to issue a finding of harassment  
24 against that landlord despite what the law says.  
25 Then about a month later that same slumlord I’m

2 talking about filed this \$20 million defamation  
3 lawsuit. If you look at paragraph No. 16 in the  
4 verified complaint, that was filed by Mark  
5 Friedlander an attorney who was previously sued by  
6 his own client for deceit. It reads, "Defendant  
7 Kamatsu has told the building personnel that he will  
8 not let anyone into his apartment without him being  
9 present, and that he has a gun that he will use to  
10 shoot anyone who tries who enter his apartment  
11 without his permission or presences." After that or  
12 somewhere around that time [bell] I reached to the  
13 Attorney General for New York State to ask his help.  
14 I've got a letter from August 20th of 2014 in which  
15 his office rejected my request. On March 23rd of  
16 this year, I got the win finally in a defamation  
17 lawsuit. However, I'm still contending with three  
18 additional frivolous lawsuits filed against that same  
19 slumlord, and with regards to the testimony that was  
20 given to you earlier by DOB, what really needs to  
21 happen here is to dump DOB and HPD. I had an HPD  
22 inspector in one of my former apartments telling me  
23 that--well, there was a problem with noise.

24 CHAIRPERSON WILLIAMS: [interposing] You  
25 had--

2 EFREN FELIPE: Have you ever thought  
3 about moving?

4 CHAIRPERSON WILLIAMS: I have to ask you  
5 to close with a sentence.

6 MALE SPEAKER: Sure. Two questions:  
7 Will you support a revenue sharing program between  
8 tenants and New York City for fines issued against  
9 landlords and tenants who report and provide evidence  
10 of them. Second question: Will you provide  
11 legislation that would enable tenants to hire  
12 independent licensed contractors and bypass HPD and  
13 DOB that had inspectors indicted in 2014 for bribery  
14 and don't accept evidence from tenants when the  
15 inspectors aren't in the building to witness  
16 conditions first hand?

17 CHAIRPERSON WILLIAMS: Thank you for the  
18 testimony. No way I can answer those questions now,  
19 and you feel free to bring—give any questions or any  
20 information you have to the sergeant-at-arms.

21 MALE SPEAKER: Thank you.

22 CHAIRPERSON WILLIAMS: Thank you.

23 ARTHUR OMAR OWENS: Good afternoon. My  
24 name is Arthur Omar Owens. I live at 1005 Jerome  
25 Avenue, Bronx, New York 10452. My landlord is

2 Finkelstein and Timber. In 2014, they took over  
3 ownership of the building, and they immediately  
4 initiated the NCIs throughout the building. They own  
5 about 72 buildings right now in the Bronx, which all  
6 are undergoing or presently or-or have already gotten  
7 MCIs. The-the amount that they are charging each  
8 tenant per unit is anywhere from \$52 to \$60 per unit.  
9 That's \$160--\$158 dollars to \$100--\$208 depending on a  
10 five-I mean a three-room or-or a four-room unit.  
11 They came in-they-they didn't put up any barriers for  
12 dust to control dust. I'm a three-time cancer  
13 survivor and they-they put up nothing. They-there  
14 was dust throughout the apartment, throughout the  
15 building. They only had one bathroom for 280 units  
16 in the building. They provided no-no kitchen  
17 facilities even though the kitchens were being  
18 renovated. They had no-we had no stoves, no nothing,  
19 no refrigeration. I'm a diabetic. There are many  
20 people in the building who depend upon our-our  
21 refrigerated medications, which they could not do-  
22 insulant-dependent people as well. This landlord has  
23 got-just continuing to harass tenants and-and we have  
24 broken elevators of which they did some repairs and  
25 some cosmetics to the elevators, but yet the

2 elevators still remain to be in unusable most of the  
3 time where people are walking up. It's an 188-story  
4 building and people have to walk up and down. We  
5 have tenants there who are in their 90s and they—they  
6 have no way of getting out, people who are  
7 wheelchairs who have no way of getting out of the  
8 building because of the elevators [bell] and I thank  
9 you for this opportunity just to come before you.

10 CHAIRPERSON WILLIAMS: Thank you very  
11 much and—and God bless you in your three-time  
12 survivor of cancer. I want to thank everybody for  
13 giving their testimony. I've been asking tenants who  
14 wanted to put their landlord's name on the record.  
15 No one has to but in case anybody feels comfortable  
16 and someone wants to do that, you have the  
17 opportunity to do it now. [pause] Go ahead.

18 MALE SPEAKER: 65-60--

19 CHAIRPERSON WILLIAMS: Please speak.

20 MALE SPEAKER: Oh, sorry, here. He goes  
21 by two different—well multiple names. One of them is  
22 65-60 Realty. Another is B&R Management. So if you  
23 do a Google search on that and find out how many  
24 violations have been issued against his properties.  
25 That would be very interesting.

2 CHAIRPERSON WILLIAMS: Thank you.

3 MALE SPEAKER: Well, the property sold to  
4 a three-part name Jay Bam rented to this group (sic)  
5 Joseph Brunner. The same playbook.

6 EFREN FELIPE: They are 119 Gramercy  
7 Street and Nadia Israel LLC (sic) as well. So those  
8 are—are against no one, but also just to put on the  
9 record, you know, we have like the big predatory  
10 companies like Icon, Algier (sic) in our area as  
11 well.

12 CHAIRPERSON WILLIAMS: Than you. Thank  
13 you very much for your testimony. We have our last  
14 panel of seven people. Is Robert Conklin here from  
15 Guard at Riverside? John Furlong. Is Jane Lee here?  
16 Isabel Lopez from Williamsburg. (sic)

17 SERGEANT-AT-ARMS: Keep it down on the  
18 way out. Thank you.

19 CHAIRPERSON WILLIAMS: Lucas Renique (sp?)  
20 [background comments] Is Lucas here? So is Isabel  
21 Lopez here? Okay, and Lucas Renique and oh you're  
22 just translating for Lucas. Okay. Chelsea Blockman  
23 and Virginia Crawford. [background comments] This  
24 the last panel that we have. If anybody else wants  
25 to testify, please fill out a form and give it to the

2 Sergeant-at-Arms. [pause] Can everyone please raise  
3 their right hand. Do you affirm to tell the truth,  
4 the whole truth, and nothing but the truth in your  
5 testimony before this committee and to respond  
6 honestly to Council Member questions?

7 PANEL MEMBERS: [in unison] I do.

8 CHAIRPERSON WILLIAMS: You have two  
9 minutes each to give your testimony and you can give  
10 them in the order of preference. [background  
11 comments]

12 ISABEL LOPEZ: [Speaking Spanish]

13 TRANSLATOR: Good afternoon. My name is  
14 Isabel Lopez. I'm a resident of the neighborhood of  
15 Williamsburg, and I've lived there for about 35  
16 years.

17 ISABEL LOPEZ: [Speaking Spanish]

18 TRANSLATOR: My family and I have been  
19 victims of harassment by our landlord for about eight  
20 year.

21 ISABEL LOPEZ: [Speaking Spanish]

22 TRANSLATOR: Our landlord has been very  
23 negligent with our building, and at times has left us  
24 without hot water and heat.

25 ISABEL LOPEZ: [Speaking Spanish]

2 TRANSLATOR: And for seven months we were  
3 without cooking gas. After negligent construction  
4 and demolition of vacant apartments, broke our gas  
5 line.

6 ISABEL LOPEZ: [Speaking Spanish]

7 TRANSLATOR: Our landlord has allowed  
8 construction as harassment to occur to us on the part  
9 of the neighboring construction sites by letting  
10 those sites deposit debris, garbage, dirt, bricks and  
11 even [bell] and even Port-A-Potties in some of our  
12 buildings.

13 ISABEL LOPEZ: [Speaking Spanish]

14 TRANSLATOR: One time when a health  
15 inspector came to inspect the dust, which was all  
16 over our building, they found that it was contained  
17 lead 200 times the legal limit.

18 ISABEL LOPEZ: [Speaking Spanish]

19 TRANSLATOR: He has been very verbally  
20 aggressive to us since he bought the unit in which we  
21 live.

22 ISABEL LOPEZ: [Speaking Spanish]

23 TRANSLATOR: There are only two families  
24 left out of what used to be six families in our  
25 building.

2 ISABEL LOPEZ: [Speaking Spanish]

3 TRANSLATOR: And that's why I'm here this  
4 afternoon to urge you to pass the STS bills to  
5 protect families like mine who have suffered for many  
6 years under construction as harassment.

7 ISABEL LOPEZ: Okay, thank you.

8 CHELSEA BLOCKMAN: Hi. My name is  
9 Chelsea Blockman. I'm a tenant organizer with Los  
10 Oros (sp?) on the south side of Williamsburg. I'm  
11 just going to speak broadly about the need for the  
12 STS package of 12 bills. As we know, construction  
13 and gentrification are rampant throughout the city.  
14 For long-term tenants, rent stabilized tenants the  
15 impact of this can be particularly real as it begins  
16 to take over their very building. We see larger as,  
17 Rolando mentioned, real estate companies buying rent  
18 stabilized buildings a move that only makes sense if  
19 they believe they will make a profit. Rent  
20 stabilized tenants end up with targets on their backs  
21 as their new landlord has economic incentive to push  
22 them out. As a tenant in a building where  
23 construction is starting, you really have to be on  
24 top of it in terms of making sure there is a permit  
25 posted as permits seem to be optional these days.

2 Even when you do check and see a permit posted you  
3 have to take the initiative to go on the website and  
4 make sure that it's correct. Of the 18 rent  
5 stabilized buildings where we're working with tenant  
6 associations, 14 of them have falsified permits  
7 claiming the building was unoccupied, and the other  
8 four actually have no permits at all somehow. In  
9 regards to physical-physical renovations, the  
10 strategy seems to be do the work quickly enough, and  
11 you won't get caught often translating to no dust  
12 mitigation, work after hours, no protective plastic  
13 covering over doorways, et cetera. Something happens  
14 to your apartment as a result of the construction  
15 like a ceiling collapsing or walls bulging you're  
16 going to have to wait until the renovations are done  
17 before your landlord acknowledges your issue. Rent  
18 stabilized tenants—the safety of rent stabilized  
19 tenants becomes less of a priority to landlords than  
20 converting their units to market rates as quickly as  
21 possible. Landlords who have a complete disregard for  
22 the laws and procedures when it comes to  
23 construction, and ensuring the safety of their  
24 tenants should not routinely get away with it  
25 unnoticed [bell] and unpunished. The city

2 specifically DOB must do more in terms of enforcement  
3 to deter this dangerous habitual behavior. That's  
4 why I urge the City Council to pass the STS package  
5 of bills and demonstrate that they recognize  
6 construction as harassment as a serious issue facing  
7 New Yorkers that needs to be mitigate. Thank you.

8 JONATHAN FURLONG: Thanks. Good  
9 afternoon. Thanks for the opportunity to testify  
10 today. My name is Jonathan Furlong. I'm the  
11 Director of Organizing and Housing Conservation  
12 Coordinators. HCC is a 45-year-old not-for-profit  
13 organization that seeks o preserve decent and  
14 affordable housing on the west side of Manhattan, and  
15 I'm here. This says this morning. It's actually this  
16 afternoon to give testimony in support of  
17 legislation. All the DOB bills have been heard  
18 today, but particularly in support of Intro 1523  
19 creating an Office of the Tenant Advocate inside the  
20 Department of Buildings. For the past five to six  
21 months Housing Conservation Coordinators has been  
22 working with a group of tenants whose landlord  
23 building manager that's, Pine Management, owns 35  
24 buildings stretching from Inwood, Washington Heights  
25 to the Upper West Side. When we first began to meet

2 and discuss the issues and concerns in all the  
3 buildings chief among them was an overall disregard  
4 for safety standards in many buildings that were  
5 undergoing massive renovation. Dust and debris in  
6 one particular instance led to what was a pervasive  
7 in many buildings. Some construction sites had a  
8 work permit and one building at 1618 West 164<sup>th</sup>  
9 Street was without gas for months on end. HCC is a  
10 proud member of the Stand for Tenant Safety  
11 Coalition, and while our organization supports all of  
12 the bills related to DOB being heard today, again, we  
13 would like to voice particular support for Intro 1523  
14 introduced by Council Member Rosenthal. In all the  
15 examples that I've given earlier in my testimony  
16 tenants were able to come up with a shared  
17 understanding of problems throughout their buildings,  
18 develop a collective strategy for action. Yet a  
19 common sentiment that I heard over and over again  
20 when discussing these problems are in unsafe  
21 construction was that there wasn't an individual or  
22 entity at the Department of Buildings that they could  
23 communicate directly with. The Office of Tenant  
24 Advocate would oversee all work and in occupied  
25 buildings, would be responsible for improving tenant

2 protection and site safety plans as well as to  
3 establish a system to field questions and complaints,  
4 monitor worksites and make sure that they're in  
5 compliance with safety plans as well as delivering  
6 quarterly reports to the Mayor and the Speaker.  
7 Establishing such a precedent around communication  
8 and transparency would go a long way towards ensuring  
9 tenant safety and protection during long and  
10 protected [bell] construction-construction projects.  
11 Excuse me.

12                   ROBERT CONKLIN: Hello, my name is Robert  
13 Conklin and I've been a rent stabilized tenant for 29  
14 years in a residential SRO building located at 215  
15 West 14th Street in Manhattan. I'm here to testify  
16 today in support of the Stand for Tenant Safety  
17 Coalition and the entire 12-bill package of  
18 legislation sponsored by 11 City Council members, but  
19 most especially for Intros 926, 931, 936, 938, and  
20 960. I'd like to thank you Council Member Williams  
21 for scheduling this meeting, and also thank the  
22 Council Members that introduced these bills. Over  
23 the past three decades my fellow tenants and I have  
24 endured three waves of harassment under three  
25 different landlords. Since I've already submitted my

2 testimony to the Council and in honor—and to honor  
3 the ticking clock, I'd like to concentrate on just a  
4 current situation. Two years our corporate landlord  
5 impressive in his own way, transferred our building  
6 to a owner. Since then we have endured a total lack  
7 of communication and information, zero maintenance,  
8 mold left unchecked, garbage left in the hallways and  
9 worst of all incompetent and delinquent construction  
10 without DOB permits that resulted in a break in the  
11 gas main leading to over three months of no hot water  
12 and no cooking gas, a destroyed intercom system,  
13 which compromised our security and tampered with  
14 mailboxes and deliberately destroyed mail. Classic  
15 old school harassment techniques I guess from what  
16 I've been hearing today. The illegal construction  
17 that was performed by unqualified workers endangered  
18 the safety of everyone that calls 214 West 14th  
19 Street home. We were never advised of Tenant  
20 Protection Plans, we were never given the necessary  
21 information from our landlord as to what our rights  
22 as tenants were during construction. Passage of  
23 Intro 936 introduced by Mark Levine would strengthen  
24 the content [bell] accessibility and enforceability  
25 of the Tenant Protection Plans. In spite of

2 everything, I love my apartment and I'm fighting for  
3 it with Guard at Riverside. The tenants of our city  
4 badly need enforcement measures with teeth. The  
5 package of legislation go a long way to help us  
6 achieve this critical goal and finally lives in  
7 decent and safe surroundings in the homes we love.  
8 Thank you very much.

9 VIRGINIA CRAWFORD: Hello. My name is  
10 Virginia Crawford. I'm here in support. I'm with  
11 the Met Council on Housing, and I'm a member, and I'm  
12 here in support of more interagency communication to  
13 stop construction harassment. I live in the West  
14 Village at 40 Horatio Street. It's a landmarked  
15 building built in 1910. It's a five-story walk-up  
16 with 20 studio apartments and 20 studio apartments  
17 next door at 42 Horatio. All the apartments are rent  
18 stabilized or rent controlled. In 2014, the building  
19 was purchased by Ivan Hakinian and managed by Horatio  
20 Street Partners run by Michael Aryeh, A-R-Y-E-H. The  
21 goal was to evict current tenants by finding them  
22 guilty of illegal subletting, and too, the goal was  
23 to gut renovate all 40 apartments, and rent-hike the  
24 rents over \$3,000 for each studio apartment. They're  
25 also charging MCIs to all current tenants through

1 improvements such as two cameras—two cameras that  
2 have—have been installed on every single floor  
3 keeping us under 24-hour surveillance, and then  
4 charging us for them to watch us. Since 2014, many,  
5 many complaints have been filed with 311 between  
6 these two buildings. Fines have had absolutely no  
7 effect on the construction. We're dealing with lead  
8 dust, asbestos exposure, caved in ceilings from  
9 plumbing projects, electrical interruption and  
10 electrical live wires. Tenants have paid for and  
11 proven asbestos and lead exceeding legal limits. The  
12 building contractor tests were intentionally not  
13 sense enough—sensitive enough to find asbestos.  
14 Thus, they were able to obtain continued building  
15 permits. There is a current litigation in the State  
16 Supreme Court about this building. Yet, the HPD site  
17 says that there is—there are no suits against the  
18 building whatsoever. The work permit that they have  
19 supplied [bell] claimed—they've gotten their work  
20 permits by claiming that less than 50% of each  
21 property is being renovated while in my building  
22 alone 11 of the 20 already are gutted or in the  
23 process of being gutted. Work permits obtained claim

2 that it is not a rent stabilized building, and that's  
3 not true. Also, calls to 311--

4 CHAIRPERSON WILLIAMS: [interposing] I'm  
5 going to have to ask you to--to give a closing  
6 sentence, please.

7 VIRGINIA CRAWFORD: I just feel that the  
8 Landmark Preservation and all the organizations need  
9 to better coordinate to protect the tenants and I  
10 request that the Environmental Protection Agency  
11 should step in when there are conflicts with asbestos  
12 test results to protect us from false results and  
13 exposure to asbestos in times. (sic)

14 JANE LEE: Good afternoon. My name is  
15 Jane Lee. I'm a Housing Staff Attorney at the--at the  
16 Urban Justice Center, the Community Development  
17 Project. I'm here on behalf of the Urban Justice  
18 Center, which is a member of the Stand for Tenant  
19 Safety, and we support the whole STS legislative  
20 package, but particularly I'm here to testify today  
21 in support of Intro 931. 931 would allow the city to  
22 enforce Environmental Control Board judgments against  
23 owners for building code violations by taking--by  
24 placing a tax lien on the property if unpaid fines  
25 reach a certain threshold. Currently many landlords

2 do not pay fines that are issues particularly those  
3 issued by the Department of Buildings and the  
4 Department of Health and Mental Hygiene. Currently,  
5 the Department of Finance is responsible for  
6 collecting default and in violations ECB judgments,  
7 but according to DOF's report from last year, the  
8 city is owed more that \$116 million in unpaid  
9 judgments issues by the DOB. The city is unlikely to  
10 see that money because last year the DOB—the DOF  
11 reported that the collection rate was 11% for all  
12 judgments, and that is an increase since 2015 when  
13 the collection rate was 8.8%. So this all shows that  
14 landlords are getting away with not attending ECB  
15 hearings. They fail to pay fines in a timely manner,  
16 or don't pay the fines at all. Therefore, landlords  
17 are facing very little pressure to avoid getting ECB  
18 violations, and when they do they can just get away  
19 with not paying them. So the tenants basically  
20 suffer because landlords have no incentive to protect  
21 tenants' quality of life, and their health and safety  
22 is placed at risk. This bill would force landlords  
23 to take ECB judgments seriously by putting an  
24 encumbrance on their property. Currently, the city  
25 uses—utilizes tax liens [bell] to incentivize

2 landlords to pay property taxes, water bills and  
3 other charges, and adding ECB judgments into that  
4 purview would go a long way in protecting tenants.  
5 It was reported in 2015 that Steven Croman had  
6 accrued over a million dollars in ECB fines. So that  
7 goes to show that the city is not really enforcing  
8 these ECB judgments, and the passage of this bill  
9 would help protect tenant's health and safety by dis-  
10 incentivizing that--

11 CHAIRPERSON WILLIAMS: Ma'am, I'm going  
12 to have to ask you to give a--

13 JANE LEE: --on the--on behalf of the  
14 landlords..

15 CHAIRPERSON WILLIAMS: closing sentence.  
16 Thank you.

17 JANE LEE: Thank you.

18 CHAIRPERSON WILLIAMS: Alright. Thank  
19 you very much. I want to thank all of you for your  
20 testimony. Just for the [pause] the past panels if  
21 any of the tenants would like to put on the record  
22 who landlord is they can do that now. You don't have  
23 to and there's no pressure to do so.

24 ISABEL LOPEZ: [Speaking Spanish]

2 TRANSLATOR: The owner of my building is  
3 called Joel Fried.

4 CHAIRPERSON WILLIAMS: Thank you.

5 JANE LEE: The owner of my building is  
6 Ivan Hakinian and the—it's managed by Horatio Street  
7 Partners, Michael Aryeh.

8 MALE SPEAKER: The owner of my building  
9 is Robert and Olga Tawil.

10 CHAIRPERSON WILLIAMS: Tawil?

11 MALE SPEAKER: T-A-W-I-L.

12 CHAIRPERSON WILLIAMS: Thank you.

13 JONATHAN FURLONG: And the tenants and I  
14 discussed we're looking at buildings owned and run by  
15 Pine Management.

16 CHAIRPERSON WILLIAMS: Okay. Thank you  
17 very much for your testimony. We do have one more  
18 person who signed up. Lisa Mathis.

19 LISA MATHIS: Uh-huh.

20 CHAIRPERSON WILLIAMS: This is the last  
21 person we have signed up. Again, if anyone wants to  
22 sign up, please fill out a form and give it to the  
23 sergeant. [background comments] Ms. Mathis, can you  
24 please raise your right hand. Do you affirm to tell  
25 the truth, the whole truth, and nothing but the truth

2 in your testimony before this committee and to  
3 respond honestly to Council Member questions?

4 LISA MATHIS: Yes, I do.

5 CHAIRPERSON WILLIAMS: You have two  
6 minutes to give your testimony, and I will ask the  
7 folks--

8 SERGEANT-AT-ARMS: [interposing] Please  
9 keep it down.

10 CHAIRPERSON WILLIAMS: --yes, please keep  
11 it down as you're going outside. You can begin.

12 LISA MATHIS: Thank you, Chairman and  
13 City Council Members for the privilege to represent  
14 and speak for the tenants throughout the city. I've  
15 lived in my building at 80 New York Avenue, and  
16 eight-family building in Crown Heights on and off for  
17 over 40 years. 80 New York Avenue has been in the  
18 AEP program since 2013. Gold Management bought the  
19 building in 2014, and began numerous types of  
20 harassment including construction harassment, dust,  
21 debris, removal of staircases, walls, ceilings, mail  
22 boxes and intercoms. Demolition was done at all  
23 hours of the day, on weekends and holidays. My  
24 elderly neighbor was even nailed into her apartment  
25 with a sheet of plywood, days without electricity,

2 gas or even running water. This past winter was our  
3 second winter without heat because the boiler was  
4 illegally ripped out. Illegally run gas lines have  
5 resulted in multiple life threatening gas leaks. In  
6 fact, for the past three weeks, my building continues  
7 to be without both hot water and cooking gas. I've  
8 made multiple efforts to resolve this through the  
9 currently legal means. DOB stop work orders were  
10 issued, and immediately ignored. I showed up for ECB  
11 hearings where the landlord just didn't show up.  
12 There are currently 16 open DOB violations, and 7  
13 open ECB violations and over \$10,000 in levied fines  
14 remain unpaid. I met with the Tenant Harassment  
15 Prevention Task Force. I have attended hearings  
16 regarding the boiler at DHCR (sic) [bell] as well as  
17 proceedings for contempt in Housing Court brought by  
18 HPD all to no avail. Unfortunately, my experience is  
19 not uncommon. I have—I have heard the same, if not  
20 worse, from numerous other tenants. So I'm here to  
21 advocate and to state emphatically that we need to  
22 proposed Stand for Tenant Safety bills. Bad acting  
23 landlords cannot continue these illegal, immoral and  
24 inhumane tactics, blatantly disregarding the current  
25 laws, which have no teeth. So I ask on behalf of all

2 tenants, please pass these bills so you as our  
3 elected officials and the housing agencies can truly  
4 stand for u-stand with us and for us so our homes  
5 [bell] can again be our sanctuaries and not hazard  
6 zones. Thank you.

7 CHAIRPERSON WILLIAMS: Thank you very  
8 much for your testimony. Thank you to those who  
9 waited the four hours to get their testimony heard.  
10 I do want to shout out to Mike Toomey again. He  
11 wasn't here when I introduced him before, my new  
12 Legislative Director. This is his first hearing. So  
13 I just want to say congratulations. I think the  
14 entire staff and, of course, the always professional  
15 and available, helping us get through this the  
16 Sergeant-at-Arms, and with that, the hearing is now  
17 closed. [gavel]

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C E R T I F I C A T E

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



Date May 6, 2017