

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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June 13, 2017  
Start: 10:19 a.m.  
Recess: 1:58 p.m.

HELD AT: Council Chambers - City Hall

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

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

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Executive Director of the Office of Special  
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## A P P E A R A N C E S (CONTINUED)

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

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Resident of East Harlem, member of WE ACT

Acklema Mohammad

Doctor from Community Health Center in the Bronx

Shoshana Brown

Executive Director of Air NYC

Cecil Corbin-Mark

Deputy Director of WE ACT Environmental Justice

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

Deb Nagin  
Director of the New York City Department of  
Health and Mental Hygiene

Jason Wu  
Attorney in the Legal Aid Society's Housing  
Development Unit located in the Harlem Community  
Law Office

Cam Clark  
Case Manager with the Breath Better Bronx Program  
At BronxWorks

Brenda Mesa  
Representing the New York League of Conservation  
Voters and part of Adriana Espinoza

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[gavel]

CHAIRPERSON WILLIAMS: Good morning everyone. I'm Council Member Jumaane Williams, Chair of the Committee on Housing and Buildings joined today by Council Member Rosie Mendez, Council Member Carlos Menchaca, Council Member Barry Grodenchik. We're here to hold a hearing on Proposal Intro Number 385B, Proposal Intro Number 1307A, and Intro Number 1589. Proposed Intro Number 30... 385B is sponsored by Council Member Rosie Mendez would establish responsibilities for building owners in relation to indoor asthma allergens and pest management. The bill would also establish classifications of violations for indoor asthma allergens and the pest and dates of correction for such violations. This bill would also require the Department of Health and Mental Hygiene to report on the... its activities to educate physicians and health care providers who treat persons with asthma about the role of indoor allergens and asthma exacerbation. Proposed Intro Number 1307A sponsored by myself and Council Member Cornegy by recourse... oh no, sorry, sponsored by myself by request of the Mayor would update existing charter requirements for Department of Building

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2 Inspector qualifications. Intro Number 1589 also  
3 sponsored by myself and this one with Council Member  
4 Cornegy would increase the number of permitted  
5 boarders, roomers, or lodgers in a private dwelling  
6 such as for Bed and Breakfasts to not more than four  
7 people. The correct bill language does not specify  
8 that this is only for one and two-family homes which  
9 is my intent so that is an amendment I'll be seeking  
10 for the bill as it goes through the legislative  
11 process. I'll now call on Council Member Mendez for  
12 an opening statement.

13 COUNCIL MEMBER MENDEZ: Thank you Mr.  
14 Chair. For me it is important to provide some  
15 background with the trajectory of this proposed  
16 legislation Intro 385B known as the Asthma Free Homes  
17 Act. This legislation was first introduced by then  
18 Public Advocate, Betsy Gotbaum and myself back in  
19 2008. It was then known as Intro 750 and it ceased to  
20 exist at the end of that legislative term without  
21 having a hearing but with lively discussion with the  
22 then Mayoral Administration. I reintroduced this  
23 legislation in 2010 when it was then known as Intro  
24 224, I held off on Intro 224 as discussions with the  
25 Mayoral Administration led to a compromise,

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2 compromise bill known as the Alternative Enforcement  
3 Program with Asthma Triggers. Intro 436 became Local  
4 Law 7 of 2011. The understanding then was always that  
5 Local Law 7 would allow the city to gather data on  
6 mold and vermin from buildings entering the  
7 Alternative Enforcement Program and that this data  
8 would be helpful to determine what sections of Intro  
9 224 were essential to keep and what changes if any  
10 would be made to the proposed legislation. However,  
11 there was insufficient data since buildings entering  
12 the Alternative Enforcement Program were staying  
13 longer than anticipated and did not end the program  
14 and did not produce meaningful data for analysis  
15 pertaining to mold and vermin. Intro 224 ceased to  
16 exist at the end of that legislative term. In 2014, I  
17 reintroduced this legislation now known as Intro 385B  
18 and in June of 2015 I met with individuals from HPD  
19 and DOHMH who expressed support for the intent of the  
20 legislation but were concerned with fiscal impact and  
21 certain provisions of the bill. They offered to draft  
22 language that would minimize the fiscal impact to the  
23 city as well as address the issues that they had..  
24 that they had with certain sections of the bill. I  
25 was amenable and was promised a draft in several

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2 weeks. Several months later I received a draft that  
3 completely replaced Intro 385, it was unacceptable to  
4 me and to the advocates and the coalition that I was  
5 working with. This led to a yearlong process from  
6 September of 2015 to October of 2016 where my office  
7 and the advocates worked with the agencies on  
8 drafting language that would be amenable to all  
9 parties. And then in fact, Chair Williams scheduled a  
10 hearing in November of 2015 and in the interest of  
11 working and good faith I requested that the hearing  
12 be deferred, quite honestly this process was rather  
13 frustrating since the agencies delivered comments or  
14 rewrites weeks or months after the agreed upon  
15 deadlines within our group. And at some point, the  
16 Mayor's Office of Legislative Affairs determined that  
17 other city agencies, DEP and NYCHA needed to vet  
18 Intro 385. My frustrations and that of the advocates  
19 with the slow pace of the negotiations let me to call  
20 for a hearing which was scheduled for today. In  
21 closing, this is important legislation that's time  
22 has come. We have 47 of 51 Council Members and the  
23 public advocate on this bill. This bill will codify  
24 mold and integrate a pest management into the housing  
25 maintenance code and will delineate a process for

1  
2 abatement and work practices providing a timeline for  
3 inspection and reinspection. This legislation  
4 elevates these violations to the serious life  
5 impacting and debilitating disease that is caused by  
6 mold and pest infestation. Our yearlong process of  
7 working on the bill was not for naught, we brought  
8 down the fiscal... the fiscal impact to the city  
9 substantially, we were not able to agree on all  
10 aspects of changes to the bill but this bill  
11 incorporates a lot of the recommendations by the city  
12 agencies. The IBO put out a report which laid out how  
13 much this would cost the city and how much the city  
14 would recoup. So, this is good common-sense  
15 legislation that's time has come. I want to note that  
16 there is a provision of the bill which DOHMH had some  
17 issues with, the physician referral, I refer to this  
18 section of the bill as the Doctor Matthews Hurley  
19 Provision, Dr. Matthews Hurley form the Doctor's  
20 Council worked on this legislation and in our  
21 coalition for years, he passed away earlier this year  
22 and in his memory, we want to keep this provision in  
23 the bill and name it after him. Lastly, lastly, I  
24 want to thank the Coalition for Asthma Free Homes,  
25 too many members to name but you should know that

1  
2 your advocacy on this issue for over a decade will  
3 result in meaningful legislation that will impact the  
4 lives, improve the health, and living condition of  
5 New York City tenants. I want to thank you for  
6 trusting me to shepherd this bill through this rather  
7 long legislative process and I want to thank Chair  
8 Williams for scheduling this very important hearing  
9 today. Thank you very much.

10 CHAIRPERSON WILLIAMS: Thank you Council  
11 Member and just a few words on, on my bill 1589,  
12 which increased the number of boarders, roomers, and  
13 lodgers in the private dwelling such as in  
14 particularly for Bed and Breakfast. I just want to  
15 make sure we understand the impedes we have been  
16 dealing many know in, in this council and me in  
17 particular and others like Council Member Rosenthal  
18 and Cornegy with the, the abuses and deception of  
19 Air... particularly Air B and B but other, others that  
20 abuse the system and their deceptive practices and  
21 just outright lies about how they conduct their  
22 businesses and we assured folks that we are focused  
23 on particularly multiple dwellings and the most  
24 egregious actors and that any legislation we're  
25 supporting out in the state or in the city was not to

1  
2 effect small homeowners particularly one and two  
3 families possibly one to four and we were correct at  
4 the same time there was a... came laws... still on the  
5 books that are being used unfortunately to harm one  
6 and two family homeowners sometimes three or four  
7 family homeowners, we want to make sure that we back  
8 up what we say with action, those are not our  
9 intended focuses, we believe they're using other  
10 platforms legally and should continue to do so and  
11 whatever we can do to fix that we want to try to do  
12 so and this bill is an attempt to do that, nothing to  
13 encourage continued deceptive behaviors on multiple  
14 dwellings particularly in rent regulated apartments.  
15 With that I'd like to thank my staff for the work  
16 they did to assemble this hearing including Mike  
17 Toomey, my Legislative Director; Meghan Chaney; Gino  
18 Patino, Councils to the Committee; Jose Conde, Policy  
19 Analyst to the Committee; and Sarah Gaston, the  
20 Committee's Finance Analyst. I'd like to remind  
21 everyone who would like to testify today to please  
22 fill out a card with the Sergeant. We have our first  
23 panel; Patrick Wehly, AC External Affairs; Sharon  
24 Neill, DC Finance and Administration, DOB;  
25 Christopher D'Andrea, Director of Environmental

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2 Health Assessment and Communications, DOHMH; Debra  
3 Nagin, Director of Health and Homes Program, DOHMH;  
4 Vito Mustaciuolo, HPD; Christian Klossner, Executive  
5 Director, Mayor's Office of Special Enforcement and  
6 if I'm not mistaken are we going to go with 1589  
7 first? Is that what I'm talking about first... okay, if  
8 everybody could please raise their right hand. Do you  
9 affirm to tell the truth, the whole truth and nothing  
10 but the truth in your testimony before this committee  
11 and to respond honestly to Council Member questions?

12 CHRISTIAN KLOSSNER: I do.

13 PATRICK WEHLE: I do.

14 CHAIRPERSON WILLIAMS: You can begin in  
15 the order of your preference.

16 CHRISTIAN KLOSSNER: Good morning Chair  
17 Williams and member of the Committee on Housing and  
18 Buildings. My name is Christian Klossner and I'm the  
19 Executive Director of the Office of Special  
20 Enforcement also known as OSE, which is overseen by  
21 the Mayor's Office of Criminal Justice. Thank you for  
22 the opportunity to testify today. Patrick Wehle,  
23 Assistant Commissioner of External Affairs of New  
24 York City, Department of Buildings is with me to  
25 answer questions as well. By offices mandate

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2 originating from the Mayoral Executive Order in 2006  
3 is to focus on addressing issues affecting public  
4 safety, community livability, and property values or  
5 that can lead to the growth of serious crimes. The  
6 city is focused on improving affordability and access  
7 to permanent housing. Protecting affordable housing  
8 stock and building a new generation of the same are  
9 both key priorities of this administration. With  
10 regard to the topic of this hearing, transient  
11 lodging specifically Bed and Breakfasts, the city  
12 must evaluate any legislative proposals of this  
13 nature within the broader context of all transient  
14 lodging. Transient lodging I'm using as an umbrella  
15 layperson term that's commonly used to refer to  
16 buildings that provide temporary housing for fewer  
17 than 30 days at a time, which would include what are  
18 called Bed and Breakfasts. However, legally speaking  
19 there is not a city definition of what constitutes a  
20 Bed and Breakfast instead the laws that govern  
21 transient housing exists as a complex web of state  
22 and local laws that together ensure not just a robust  
23 housing stock but also public safety protections  
24 therefore legislation that attempts to regulate or  
25 deregulate transient lodging is highly problematic

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2 given the complexity of the governing legal  
3 landscape. Intro 1589, proposes codifying an increase  
4 in the number of transient border occupancy in one  
5 and two-family homes from two boarders to four  
6 boarders. Unfortunately, this bill is both too narrow  
7 and too broad, there are numerous legal and  
8 regulatory issues surrounding Bed and Breakfasts and  
9 this bill alone will not address these many issues.  
10 Additionally, this bill will legalize activity that  
11 is not exclusive to Bed and Breakfasts, while the  
12 bill aims to carve out Bed and Breakfasts from OSC  
13 enforcement the proposal itself will result in an  
14 increase in transient population citywide. An  
15 increase in transient population inherently creates  
16 one, an increase in negative quality of life behavior  
17 due to increased traffic in areas zoned and designed  
18 for permanent residential living. Two, an increased  
19 cost of housing or rental prices. Three, a decrease  
20 at available housing stock and four, adverse impacts  
21 to homeless individuals seeking permanent housing.  
22 Nonetheless, we're committed to working with the city  
23 council at addressing all forms of transient lodging  
24 as this issue remains important and complex. Thank

1  
2 you for the opportunity to testify, I'm available to  
3 answer any questions the committee may have.

4 CHAIRPERSON WILLIAMS: Thank you, we've  
5 been joined by Council Member Rodriguez and Espinal.  
6 Thank you very much for the testimony. It's... so I  
7 understand that the, the bill is written could... it  
8 may expand to all transient populations and all  
9 buildings I guess is what you seem to be trying to  
10 say but if we add additional language to clarify that  
11 it's not for that, it's particularly for one and two-  
12 family homes, does that satisfy some of the issues  
13 that you have?

14 CHRISTIAN KLOSSNER: I, I... this is... you  
15 know again this is part of a larger subset of a range  
16 of activity as you note in your... in your opening  
17 statement and we're very concerned that tweaking any  
18 one portion of what it constitutes transient lodging  
19 can have unattended consequences that ripple out to  
20 the broader context. Just focusing it on one or two-  
21 family homes alone is still going to empower lots of  
22 activity that is otherwise illegal and we're, we're  
23 deeply concerned at... looking at the full range of  
24 impacts this will have.

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2                   CHAIRPERSON WILLIAMS: And so I agree  
3 that it's a complex web, we can't address all of the  
4 web, I mean we can try, some it is state but we.. it's  
5 hard for us to sit by and do nothing and particularly  
6 we've told the one, two family homeowners that we're  
7 not going after them but they are going.. they are  
8 unfortunately dealing with a lot of problems,  
9 enforcement from your office in, in particular. I  
10 know you say you don't go after them, you only  
11 respond to 311 but still they're.. they, they need  
12 some reprieve and we told them that we would provide  
13 it so we can't wait till we can deal with the complex  
14 web, we can deal with it parts at a time. We know  
15 that it may need a zoning change to try to address it  
16 fully but until then we have to do something. Do you  
17 have.. do you have another alternative, what we've  
18 asked is that OSC not go after these Bed and  
19 Breakfast owners, that hasn't happened. So, they're  
20 still getting fined, they're still getting tickets,  
21 some of it is endangering their livelihood and we as  
22 the city council have said we're not going after you  
23 and so we're not.. I don't know that we're being  
24 truthful with them because that's what happening and  
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2 so we have to do something so do you have an  
3 alternative.

4 CHRISTIAN KLOSSNER: Well I'm, I'm glad  
5 you raised this, I think some of the... some of the  
6 confusion has been that when the multiple dwellings  
7 law was amended in 2010 and did not apply to one and  
8 two-family homes but that created the impression that  
9 one or two-family homes were not regulated. For  
10 decades, the city has required that permanent housing  
11 in the city be used permanently and in compliance  
12 with a building certificate of occupancy. Our  
13 enforcement does touch on one or two-family homes  
14 because through the spread of illegal short-term  
15 rentals it's not in high rises anymore, it's now in  
16 every housing stock in the city... [cross-talk]

17 CHAIRPERSON WILLIAMS: Sorry, say that  
18 part again.

19 CHRISTIAN KLOSSNER: Illegal short-term  
20 renting is not just confined to high rises in  
21 Manhattan anymore, it's now in every diverse housing  
22 stock throughout the city and including one or two-  
23 family homes. One and two-family homes are a vital  
24 source of, of housing in the city and a critical part  
25 of the housing stock. If... especially in the two-

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2 family home if one of the two units is takes off of  
3 the permanent housing market and put into the  
4 transient rental market that's one fewer home that a  
5 New York family can live in, one fewer home that  
6 could possibly house the growing population of  
7 homeless and that's the particular concern that we  
8 are focused on and so it... I don't want to conflate  
9 individuals who are attempting to operate a Bed and  
10 Breakfast with all one or two family homes and I do  
11 want to be very clear that, that one or two family  
12 homes with a certificate of occupancy for a permanent  
13 residential use cannot engage in short term rentals  
14 beyond the lawful two roomers and boarders, in  
15 addition it is absolutely critical that the permanent  
16 occupant of every dwelling unit one, if it's one  
17 family; two dwelling units if its two family are home  
18 and maintaining a common household with any roomers  
19 or boarders that means full access to the entire... the  
20 entire dwelling unit.

21 CHAIRPERSON WILLIAMS: So, you're, you're  
22 bringing up another philosophical issue of whether or  
23 not it should... one or two family homeowners should be  
24 able to operate a Bed and Breakfast as a... as a right  
25 I guess and we were clear that we were focusing on

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2 multiple dwellings, all of us... all of us that have  
3 been rightfully bashing their B and B we're saying  
4 we're focused on multiple dwellings and we also said  
5 that one or two families should feel free to continue  
6 to use it, we still believe that that it is true, I  
7 guess I can parse for what you're saying that that  
8 might be true as long as they're following the  
9 certificate of occupancy that commonly exists. We are  
10 now because I guess OSC and administration is not  
11 backing us up by saying please don't go after these  
12 folks, we now have to change the law to protect them  
13 in the way that we said we would and so if you have  
14 an alternative to do that or if you're saying that  
15 you believe some people should be able to use B and  
16 B, I need to understand how you're differentiating  
17 that and how we're going to protect the people you're  
18 going after right now actually, there's people who  
19 are being harmed right now and we want to stop that.

20 CHRISTIAN KLOSSNER: My office is tasked  
21 with enforcing a wide variety of state and local laws  
22 and we will enforce them when we find violations...  
23 [cross-talk]

24 CHAIRPERSON WILLIAMS: Can you bring it  
25 closer, I'm sorry...

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2 CHRISTIAN KLOSSNER: Its, it's still  
3 problematic... Okay, I'm sorry. Is this better? My, my  
4 office is tasked with the enforcement of a wide  
5 variety of state and local laws. We do not ignore  
6 violations when we find them, you mentioned earlier  
7 that you understand that we're going to Bed and  
8 Breakfast only in response to 311 complaints and I  
9 think that's an important point because there is a  
10 perception that we are engaged in a wide scale  
11 attempt to go after Bed and Breakfast which is not  
12 the case at all. We are... we are going to buildings  
13 where we receive complaints and if it turns out that  
14 the owner is calling that a Bed and Breakfast we are  
15 treating it as what the law treats it as, a one  
16 family home, a two family home whatever it is and  
17 ensuring that they are in compliance with all the  
18 rules and regulations and I, I don't think that it is  
19 harming a person to make sure that they are in  
20 compliance with the law, that the city is engaged in  
21 law enforcement in a wide variety of places, our  
22 expectation is that people comply with the laws. We  
23 are committed to discussing with you what those laws  
24 should be as long as they're addressing the full  
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2 wide-ranging realm of transient lodging and not just  
3 one particular section.

4           CHAIRPERSON WILLIAMS: So, I, I just want  
5 to make sure we're clear... because you're saying of  
6 course you don't think its harming someone if you're  
7 trying to get them to follow the law, got it but just  
8 to parse it out, is one following the law, two, is  
9 the law correct and so we are trying to correct the  
10 law and you still seem to be opposed to that and so I  
11 don't understand why so, I, I get it if the law is  
12 what it is now and we've tried to say please don't  
13 enforce it in this way because this is not what we  
14 intended but that's still happening so now we want to  
15 change it so that you no longer have to do that so we  
16 don't have to have this discussion but you still seem  
17 to be opposed to even changing it so that you  
18 wouldn't have to enforce it, that I don't fully  
19 understand.

20           CHRISTIAN KLOSSNER: So, again we're  
21 happy to talk about what the law should be in the  
22 broadest of context as opposed to in one particular  
23 situation, you know it's, it's hard to talk about  
24 what should be allowed in the Bed and Breakfast in  
25 the absence of a legal definition and we're very

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concerned about the unintended consequences. One in particular is the way the bill is drafted now is that by changing the definition of family in the housing maintenance code that impacts not just one and two families but also multiple dwellings and while...  
{cross-talk}

CHAIRPERSON WILLIAMS: Well wait... [cross-talk]

CHRISTIAN KLOSSNER: ...each language...  
[cross-talk]

CHAIRPERSON WILLIAMS: ...just a pause because we're going to make sure we correct that language so that we don't effect multiple dwellings, so we can take that one off of the table.

CHRISTIAN KLOSSNER: And... but there still could be an... you know and, and this is what I'm offering is that... is that we talk about the other consequences, this could still have major impacts on the housing stock, this will... it's likely that this could diminish the number of housing units available in a roommate situation, a three bedroom apartment that would have had three roommates living permanently could now under this bill quite easily be one person living with four roomers or boarders in an

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2 area that is not designed for transient use and  
3 doesn't have the safety precautions in place to  
4 support that transient use. So, I... you know so what  
5 I'm saying is that it is... it is not so simple to just  
6 focus on a, a group of homeowners acting in one  
7 particular way to say we would like to be able to do  
8 this and I... and I'm not opposed to the council  
9 pursuing that and we're committed to having that  
10 conversation but it has to be comprehensive and take  
11 into account that there are lots of other kinds of  
12 uses that, that will be affected by the language.

13 CHAIRPERSON WILLIAMS: So, we've been  
14 talking about this for quite some time and there are  
15 some legitimate things that you're saying but we've  
16 got nothing from the administration, we've got  
17 nothing about how to make them, I guess for lack of a  
18 better word, more legal, describe them differently,  
19 we've got nothing to say we will assist you in doing  
20 zoning changes, we've got nothing except continued  
21 enforcing of the law even though we're saying this is  
22 not what we intended and so in the absence of that  
23 this council's going to act. If you have something  
24 else that can help protect these businesses and these  
25 homeowners then we want to hear it but saying no

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2 because it's too complicated is not going to be a  
3 good... a good response. Many of us have spoken to your  
4 office and DOB multiple occasions saying what the  
5 problem is, talking for the aggrieved owners and we  
6 got basically crickets in terms of what can be done  
7 to provide some kind of reprieve for these owners and  
8 I think we've been more than clear about who we were  
9 going after and who we were not and because we got  
10 nothing back we had to provide our own response. Now  
11 you're bringing up things without another response  
12 and so I'm asking if you have another response we  
13 either need to hear it or you need to stop the  
14 enforcement on, on these owners who we have said we  
15 believe are performing legally and were not the  
16 intended target. So, there is an already intended  
17 target... an, an, an unintended consequence, you're  
18 providing an unintended consequence, we have to fix  
19 it and you haven't said anything that leads me to  
20 believe why we shouldn't fix it with this bill, I  
21 agree it is more complex and more comprehensive but  
22 we have to do something now and so my intent is to  
23 continue to move the bill forward unless you can show  
24 why... how there will be additional harm. I agree with  
25 the way you're saying the, the language is written

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2 although we believe the certificate of occupancy  
3 would have applied to the people of both there anyway  
4 but yet and still we're going to clarify very clearly  
5 that we're not talk... we're not trying to bring this  
6 to multiple dwellings, we're focused only on the  
7 small homeowners and so that takes that off the  
8 table, you're now going to a philosophical discussion  
9 of whether or not they should be allowed to and  
10 that's another discussion, I'm happy to have it but  
11 we need to have, have, have it very quickly because I  
12 intend as the chair and, and the co-prime of this  
13 bill to move forward expeditiously to provide some  
14 recourse for the owners in my district and, and  
15 throughout the city. I think there's questions..  
16 Grodenchik do you have questions about this...

17 COUNCIL MEMBER GRODENCHIK: No... [cross-  
18 talk]

19 CHRISTIAN KLOSSNER: Okay... [cross-talk]

20 CHAIRPERSON WILLIAMS: I assume... [cross-  
21 talk]

22 CHRISTIAN KLOSSNER: Councilman if I  
23 could... [cross-talk]

24 CHAIRPERSON WILLIAMS: Sure... [cross-talk]

25

1  
2 CHRISTIAN KLOSSNER: ...just for one  
3 concern, what... two points, one again this is a  
4 proposal that you've put forward, we're engaged in  
5 dialogue and I'm expressing a commitment on behalf of  
6 the city to look at this along with other options as  
7 well to make sure that our concerns about unintended  
8 consequences are resolved and I... and I thank you for  
9 your willingness to look at the language of your bill  
10 as part of that process. I, I just want to make clear  
11 that we are not taking enforcement against people who  
12 are operating legally, we receive complaints if  
13 people are operating legally, we don't write  
14 violations, if people are operating illegally, we do  
15 write violations and I just... I, I want to be very  
16 clear because we see... we've seen the content of  
17 hearings end up in ECB hearings as people defend  
18 these suits that, that if you are the owner of a  
19 building you should seek legal counsel, you should  
20 carefully review your certificate of occupancy, and,  
21 and not because it is described as legal or not a  
22 priority in a hearing not think that that means what  
23 you're doing is legal and that you are free from  
24 enforcement and I, I understand your point that you  
25 don't think they should be but I just also don't want

1  
2 homeowners to be in a position where they feel like  
3 they are acting legally when they're not.

4           CHAIRPERSON WILLIAMS: Alright and I  
5 accept that just second point first. The problem I  
6 have is that even though we're trying to correct the  
7 legality of it you're still opposed to it which leads  
8 me to believe that you just basically support the way  
9 it's written now and that's a frustrating thing to me  
10 that might explain why we've had problems trying to  
11 deal with this issue if you actually believe it  
12 should be the way it is now which is what I'm hearing  
13 with the opposition and to your first point yes, we  
14 put this forward, did you have... and I may be wrong  
15 but I... have you had any suggestions of how to deal  
16 with this issue since it arose maybe a year or two  
17 ago?

18           CHRISTIAN KLOSSNER: We have not put  
19 forward any legislative proposals, we... but we've  
20 enforced the laws as they are in the books.

21           CHAIRPERSON WILLIAMS: Thank you, Council  
22 Member Cornegy.

23           COUNCIL MEMBER CORNEGY: I don't even  
24 know where to start except everything... obviously I  
25 echo the sentiments of the chair and as the co-prime

1  
2 sponsor I, I, I don't know if it's been brought up  
3 though, the one caveat to this and the Bed and  
4 Breakfast owners is they are actually small business  
5 owners and have a classification with the Department  
6 of Finance that supports that. So, there's a  
7 tremendous mixed message that's being sent where  
8 they're being taxed at a rate as a small business and  
9 not able to... and then you know we turn around and  
10 don't allow them to operate their business. I was  
11 told personally in several meetings with your office  
12 that the, the way the enforcement would be done was  
13 directed at the most egregious actors, we've had  
14 small business owners who have had one or two  
15 complaints, 311 complaints who have had the entire...  
16 would bear the brunt of the entire task force on  
17 their... on their homes and the establishments and I  
18 think that that's directly an opposite of what I was  
19 told how this would function. So, there's two mixed  
20 messages one, to me and my office and as the Chair of  
21 the Committee on Small Business who represents small  
22 businesses and who identifies them as small  
23 businesses as does the Department of Finance and then  
24 to those small business and or homeowners who have a  
25 reasonable expectation of they'll be able to operate

1  
2 their businesses unimpeded, that hasn't been the case  
3 and you, you know you've chosen to stick to the  
4 letter of law when clearly there's a grey area when  
5 you have small business owners who have small  
6 business certificates, who are... who are registered  
7 with the Department of Finance as small businesses  
8 and recognized as such and who are in compliance with  
9 their tax obligations who are now being treated as  
10 though its foreign what they're... what they're doing.  
11 So, in, in the... and as we're waiting for like the  
12 chair mentioned the ability to change the zoning I  
13 think that the enforcement should be done to those  
14 egregious actors as you've identified them and not to  
15 these small business owners. I'm just wondering how  
16 you can stick so stringently to the law when there is  
17 clearly a grey area in this case as it relates to  
18 this demographic.

19 CHRISTIAN KLOSSNER: I also don't know  
20 where to start and I, I... we... you know as we've said  
21 before there are a variety of laws and we are holding  
22 people accountable to but these aren't new laws,  
23 these are laws that have been on the books for  
24 decades and you know I understand... I understand the  
25 goals of what you're trying to say and that's why we

1  
2 are happy to continue a conversation that looks at  
3 all forms of transient lodging and how they are  
4 regulated and how there's interplay. I don't think  
5 that... I don't think that one simple fix dedicated at  
6 one simple audience is the appropriate way to start  
7 as I said in my testimony but we are happy to  
8 continue that conversation to figure it out on, on  
9 all levels.

10 COUNCIL MEMBER CORNEGY: I just want to  
11 say that when we began this conversation two years or  
12 maybe a year and a half ago my ask as the Chair of  
13 Small Business was for a carveout for business owners  
14 so you, you, you keep referring to this broad  
15 application of the law as it relates to all  
16 residences and we would not be here at the table with  
17 this piece of legislation had you been willing to do  
18 a carve out to give a concession to small business  
19 owners into and under who are... whose a very specific  
20 niche in the market and who again operate as small  
21 businesses aren't in compliance with the law as it  
22 relates to the, the small business that they operate  
23 and the Department of Finance. I don't see how it's  
24 not clear that this is a different demographic, I  
25 realize that you... you know you don't want to for

1  
2 whatever reason use a wide brush to identify the  
3 needs of this particular constituency but it would  
4 have been very easy not to have this argument at this  
5 level had you had some willingness to just do a  
6 carveout and then begin to address the needs of the  
7 city as it related to them and the needs of the small  
8 business. I'm, I'm still not sure how you can be so  
9 regimented and consistent in applying the law in this  
10 manner when clearly there is not even a grey-ish  
11 area, an area that needs to be identified and we as a  
12 city... I'm, I'm always guilty of saying this a  
13 thousand times, we as a city can walk and chew gum at  
14 the same time, we can apply the law as it relates to  
15 safety for, for residents while not crippling small  
16 businesses simultaneously, I, I, I promise you we can  
17 do that and this represents an unwillingness on the  
18 administration's part to actually do that. So, so I  
19 am with the Chair a thousand percent and moving  
20 forward with the legislation because I don't think  
21 that there's been a willingness on the  
22 administration's part in this instance to have  
23 resolution that was on behalf of small businesses.  
24 So, I'm, I'm very... I'm, I'm very disappointed that  
25 we're still having the same conversation and as we

1  
2 leave here today there won't be any concession on  
3 your behalf to, you know kind of reign in the, the,  
4 the way that you're doing and applying the law even  
5 after this hearing you seem regimented to go out and  
6 there's no security for these small businesses that  
7 you won't be coming after them tomorrow and by the  
8 way you, you, you kind of stated in your opening that  
9 this wasn't directly at small businesses and this was  
10 based on 311 but I, I am pretty sure that the way the  
11 enforcement was ramped up that that was really low  
12 hanging fruit because they, they haven't hidden their  
13 small businesses they've, they've done... they've  
14 advertised and those consistently have been targets  
15 of enforcement where other people who behave  
16 egregiously across the city have, have been able to  
17 escape any level of enforcement. So, I'm, I'm very  
18 disappointed.

19 CHRISTIAN KLOSSNER: I would... Councilman  
20 if could respond I... you know I, I don't view this as  
21 an argument and I hope that you've never found me  
22 personally argumentative, I, I view it as a  
23 conversation that we've having... [cross-talk]

24 COUNCIL MEMBER CORNEGY: Not, not... never  
25 personally... [cross-talk]

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CHRISTIAN KLOSSNER: Okay... [cross-talk]

COUNCIL MEMBER CORNEGY: ...but, but professionally.

CHRISTIAN KLOSSNER: Okay, but I don't see it as an argument, I see it as an ongoing conversation that we're continuing today, you know you, you talked about a carveout and I... you know and I've looked at the hearing testimony and what we had all on committed to was not proactive enforcement in this area which is we have held true. I have not sent my teams to a Bed and Breakfast, a business that identifies itself as a Bed and Breakfast based on anything other than a 311 complaint and I'm stating categorically. When we have conducted these inspections we have found conditions that raise very serious safety concerns, it isn't just a matter of a small business paying taxes or having the... appropriately reporting or the conduct is that they're doing, we are finding conditions where there are several locked rooms with inadequate egress and I don't... wouldn't want to sit here either saying I chose not to take enforcement action when we saw conditions that impacted on life safety conditions and, and I... and I hope that... that it's not... I don't...

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2 I don't think that's what you're asking but I, I take  
3 very seriously the safety obligations that my office  
4 enforces, we have Department of Buildings, we have  
5 Department of Fire, we have police and they are all  
6 looking at it through a very critical lens you know  
7 nonetheless I, I just... I want to go back to my, my  
8 first point which is we're happy to continue the  
9 conversation and I, you know I hear what you're  
10 saying that you feel like we haven't continued it and  
11 you have every right to say that but we're here,  
12 we're saying we're happy to continue going forward  
13 and that we want to look at the wide variety of  
14 issues affecting not just this one particular small  
15 industry that does not have a legal definition and I,  
16 I hope that there's some appreciation that you're  
17 asking for me to treat one class of people  
18 differently than another class of people with no  
19 legal distinction to, to adhere to about... [cross-  
20 talk]

21 COUNCIL MEMBER CORNEGY: Except the...  
22 [cross-talk]

23 CHRISTIAN KLOSSNER: ...what that... [cross-  
24 talk]

25

1  
2 COUNCIL MEMBER CORNEGY: ..Department of  
3 Finance classification as a small business, that is  
4 a... that is a clear distinction.

5 CHRISTIAN KLOSSNER: I... but I, I can't...  
6 [cross-talk]

7 COUNCIL MEMBER CORNEGY: ...with all  
8 honesty that's a... that's... [cross-talk]

9 CHRISTIAN KLOSSNER: ...it's a clear  
10 distinction... [cross-talk]

11 COUNCIL MEMBER CORNEGY: ...I, I beg to  
12 differ, that's a... that's... you can't get clearer in  
13 terms of a distinction and, and that's, that is the  
14 barometer that I'm using, I'm not using a barometer  
15 of someone operating in their home, I'm, I'm here  
16 advocating on behalf of the small businesses who are  
17 registered as small businesses who are classified  
18 with the Department of Finance as small businesses,  
19 that's a clear differentiation from any other  
20 classification that you can mention as it relates to  
21 the application of this law.

22 CHRISTIAN KLOSSNER: And... but the  
23 operation of a business when you have a residential  
24 certificate of occupancy is a violation of the law.  
25 So, I cannot be bound by the Department of Finance, I

1  
2 understand that this is complicated, I, I've  
3 mentioned in my testimony this is a complex web of  
4 state and local laws by no means does the fact that  
5 someone has told the Department of Finance this is  
6 what I am mean that its legal to do that in the  
7 building that they're in any more than a  
8 manufacturing... a manufacturing company couldn't open  
9 up in an apartment building or any more than a  
10 storefront can open up in a residential neighborhood  
11 without the appropriate clearances, permits, and  
12 zoning variances. I... you know I, I, I understand  
13 you're not satisfied with my answer but it is... it is  
14 not so simple to just say this place calls themselves  
15 a Bed and Breakfast you shouldn't enforce there.

16 COUNCIL MEMBER CORNEGY: Okay... [cross-  
17 talk]

18 CHAIRPERSON WILLIAMS: Thank you... I just  
19 want to thank you and... because you Co-Prime I give  
20 you some leeway on the time there but we're going to  
21 ask for five minutes on any Council Members after. I  
22 do want to just say that as a city in general we do  
23 make decisions, we have unlimited resources and we  
24 make decisions of when and where we enforce things,  
25 that's just clear from anything that we do

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2 enforcement on, we can't enforce it all at the same  
3 time we just don't have the resources and so I think  
4 in an act of good faith there could have been more  
5 collaboration of the council making and insisting  
6 that these are not who we're trying to enforce on,  
7 there could have been more collaboration of how not  
8 to have that happen even if there were 311 calls  
9 particularly if they were registered with DOF and  
10 doing everything that they were supposed to do. I  
11 just want to be clear that that did not happen and  
12 that's why we're at this point now and why the  
13 council has to act. We're going to have Council  
14 Member Rosenthal do her questions for five minutes,  
15 what we're going to do after is we're going to go to  
16 the... to DOB bill which is 385B, is that the... [cross-  
17 talk]

18 COMMITTEE CLERK: 1307.

19 CHAIRPERSON WILLIAMS: 1307. So, we're  
20 going to have... you give a testimony and that... then  
21 we're going to have the panels on those two bills and  
22 then we're going to do the Asthma Bill because I know  
23 most people here are for the Asthma Bill and we want  
24 to make sure we keep the conversations as coherent as  
25

1  
2 possible, that's just an understanding of what's  
3 happening next. We have Council Member Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: Now we're in  
5 trouble. Good to see you, how are you doing  
6 Christian, thanks for all your work. Did you guys put  
7 out the Air B and B hotline number, was that you  
8 guys, it was great, it was announced in the press  
9 today?

10 CHRISTIAN KLOSSNER: No, that was the  
11 coalition of officials and advocates not us.

12 COUNCIL MEMBER ROSENTHAL: It's great.  
13 And... but the information will get to you?

14 CHRISTIAN KLOSSNER: I, I sure hope so,  
15 there are follow up conversations but we're... you know  
16 we're, we're happy to receive complaints and  
17 information from... [cross-talk]

18 COUNCIL MEMBER ROSENTHAL: That was  
19 supposed to be a happy way of starting off the  
20 questioning... [cross-talk]

21 CHRISTIAN KLOSSNER: Yeah... [cross-talk]

22 COUNCIL MEMBER ROSENTHAL: ...so I didn't  
23 mean to... [cross-talk]

24 CHRISTIAN KLOSSNER: ...no, that's fine...  
25 [cross-talk]

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COUNCIL MEMBER ROSENTHAL: So, let's just move on. So, you know Council Member Cornegy leaned over and jokingly said this is all my fault and I get that because you know we have this much bigger issue of Air B and B not being a responsible corporate player and allowing people to illegally, you know knowingly break the law on their website. I'm wondering can I explore a little bit more about the cases where it was a Bed and Breakfast where you've sent in folks how many of those have there been, do you have a sense how many Bed and Breakfasts?

CHRISTIAN KLOSSNER: I, I can't say...

[cross-talk]

COUNCIL MEMBER ROSENTHAL: One to five, five to ten?

CHRISTIAN KLOSSNER: I, I can... and say anecdotally, right, we don't track it because there's not a legal definition, we're not tracking it as a Bed and Breakfast, we're only tracking it based on what we find, anecdotally I know of in my time as Director which spanned from ten days before the last time I was in front of this committee until today, about a year and a half a... [cross-talk]

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COUNCIL MEMBER ROSENTHAL: Okay... [cross-talk]

CHRISTIAN KLOSSNER: ...about three businesses.

COUNCIL MEMBER ROSENTHAL: About three?

CHRISTIAN KLOSSNER: ...have identified themselves... [cross-talk]

COUNCIL MEMBER ROSENTHAL: ...that's okay I'm not... [cross-talk]

CHRISTIAN KLOSSNER: ...as... [cross-talk]

COUNCIL MEMBER ROSENTHAL: ...this... none of these are trick questions, its, it's really okay... [cross-talk]

CHRISTIAN KLOSSNER: ...I just want to give the full context...

COUNCIL MEMBER ROSENTHAL: So, about three and in those three what have been the nature of the violations and the reason I ask is because it strikes me, you know the idea that there's a locked room with no second egress, that's a problem so what I'm getting at is its good that you were there to make sure that people are safe, what were the nature of the violations that would be normal safety violations had those agencies come in and inspected

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2 and then did they on top of it get the illegal hotel  
3 violation?

4 CHRISTIAN KLOSSNER: If you mean by  
5 illegal hotel violation you're talking about the  
6 210.3... [cross-talk]

7 COUNCIL MEMBER ROSENTHAL: Yep... [cross-  
8 talk]

9 CHRISTIAN KLOSSNER: divided by Local Law  
10 45... so, I... if I get into too much detail please cut  
11 me off because this is very... [cross-talk]

12 COUNCIL MEMBER ROSENTHAL: I will...  
13 [cross-talk]

14 CHRISTIAN KLOSSNER: ...technical.  
15 Generally the nature of the violations of the three  
16 that we went to, we issued violations in two and they  
17 centered around the illegal transient use at a level  
18 and in a physical... the way that the building was  
19 physically arranged constituted a conversion to  
20 single room occupancy which is a... and essentially in  
21 fact a multiple dwelling which then triggers a number  
22 of other safety requirements such as adequate egress,  
23 sprinklers, fire alarms and in those two one of them  
24 engaged an immediate correction, we sent our teams  
25 out as soon as they said we've, we've fixed it, they,

1  
2 they had taken all the locks off the doors which is a  
3 key component you cannot have external locks on guest  
4 room doors and we immediately lifted the vacate so  
5 that they could go back in, they, they reported to us  
6 and subsequent inspection confirmed that they were no  
7 longer operating illegally. One remains vacated and  
8 the other there was... based on our investigation there  
9 wasn't adequate information... [cross-talk]

10 COUNCIL MEMBER ROSENTHAL: No longer..  
11 let's go back to the one that cured all the  
12 violations, are they operating as a B and B?

13 CHRISTIAN KLOSSNER: Well from my  
14 understanding is that they are having paid roomers  
15 and boarders and limited it to two... [cross-talk]

16 COUNCIL MEMBER ROSENTHAL: They have  
17 what?

18 CHRISTIAN KLOSSNER: They're having paid  
19 guests and limiting it to two so they can stay within  
20 the confines of those... [cross-talk]

21 COUNCIL MEMBER ROSENTHAL: Oh I see, I  
22 mean it just strikes me... especially because its only  
23 three that... first of all you can do an easy search  
24 about whether or not this is... you can just look on  
25 the Department of Finance, right you can do a search

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2 and see that they... is that right and see that they're  
3 a small business, I mean I, I'm with you a thousand  
4 percent on the safety violations but I hear about,  
5 you know what are we going to do for people who, you  
6 know are... this is how they're using their home,  
7 they're operating it as a small business, I don't  
8 know...

9 CHRISTIAN KLOSSNER: Well and then I want  
10 to... I do want to respond to the second part of your  
11 question about the illegal hotel. So, that violation  
12 is for... that violation in particular only pertains to  
13 multiple dwellings and I think part of the  
14 miscommunication has been that in the past our  
15 offices agreed that the multiple dwellings law does  
16 not apply to one and two family homes but I think  
17 that was misconstrued to imply that one or two family  
18 homes are then free to do whatever they want even  
19 though there's another law that governs multiple  
20 dwellings and that's not the case, right, one and two  
21 family homes have to do what the law involving one  
22 and two family homes have to do...

23 COUNCIL MEMBER ROSENTHAL: I see...

24 CHRISTIAN KLOSSNER: And before that law  
25 was created not as new law but to clarify a long-

1  
2 standing decades long standing understanding of  
3 permanent residency by the city it had always been  
4 illegal to convert your occupancy to something other  
5 than what the certificate of occupancy states...

6 [cross-talk]

7 COUNCIL MEMBER ROSENTHAL: It has always  
8 been legal or illegal?

9 CHRISTIAN KLOSSNER: Illegal.

10 COUNCIL MEMBER ROSENTHAL: Uh-huh.

11 CHRISTIAN KLOSSNER: Going back decades  
12 to change what you were legally allowed to use and  
13 then in particular for one of the two places where we  
14 issued violations the, the search of the finance  
15 wouldn't have done it because they are actually  
16 paying taxes not as a business to finance but the  
17 classification is as a one or two family home and so  
18 we wouldn't necessarily have known but the point is  
19 no matter how it gets reported to 311 we don't hold...  
20 we don't hold the public to understand... it... you know  
21 the complex legal web is difficult for us and we  
22 think about this stuff a lot. I don't... I would never  
23 hold a 311 caller to a precise understanding of the  
24 law, if they call it a Bed and Breakfast, if they  
25 call it a hotel whatever it is I don't think that

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2 they're saying its actually one thing or another  
3 they're just saying I have a problem with what's  
4 happening on my block in my community, this is  
5 disrupting my quality of life, please help and we go  
6 and we look for compliance and we hold people  
7 accountable to the law.

8 CHAIRPERSON WILLIAMS: Thank you Council  
9 Member.

10 COUNCIL MEMBER ROSENTHAL: Thank you.

11 CHAIRPERSON WILLIAMS: Thank you for your  
12 testimony, I'm hoping to still push this bill forward  
13 if there's other language you'd like us to entertain  
14 please let us know but I think what's become clear to  
15 me is that it seems to be a philosophical difference  
16 of whether or not one and two family owners should be  
17 able to do this and I didn't fully understand that  
18 before but that's what explains I think why there  
19 wasn't a collaboration that we were seeking and we  
20 should discuss that further but we do have a problem  
21 with people who are being aggrieved currently and we  
22 need to do something to assist them and my hope is  
23 that we will move forward expeditiously, we're doing  
24 that. Just two questions on... how many violations were  
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2 issued to one and two family private dwellings as Bed  
3 and Breakfast in 2016?

4 CHRISTIAN KLOSSNER: I, I can't answer  
5 that because we don't issue violations as a Bed and  
6 Breakfast.

7 CHAIRPERSON WILLIAMS: Do you issue...  
8 [cross-talk]

9 CHRISTIAN KLOSSNER: So, I can... I can...  
10 [cross-talk]

11 CHAIRPERSON WILLIAMS: ...you don't keep  
12 track... [cross-talk]

13 CHRISTIAN KLOSSNER: ...we can... we can  
14 provide... [cross-talk]

15 CHAIRPERSON WILLIAMS: ...of the one and  
16 two family... [cross-talk]

17 CHRISTIAN KLOSSNER: ...information on how  
18 many violations we've issued in one or two-family  
19 settings...

20 CHAIRPERSON WILLIAMS: Sorry?

21 CHRISTIAN KLOSSNER: We can provide  
22 information on how many one or two-family dwellings  
23 we've issued violations in, I would say ballpark  
24 about a hundred in the past two years.

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CHAIRPERSON WILLIAMS: About a hundred in  
the past two years?

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CHRISTIAN KLOSSNER: Two years and we  
can... we can follow up with you to give you more  
specific data but again we don't track it based on  
how they report or consider themselves... [cross-talk]

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CHAIRPERSON WILLIAMS: Okay... [cross-talk]

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CHRISTIAN KLOSSNER: ...when there's not a  
legal definition for that.

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CHAIRPERSON WILLIAMS: And what were the  
nature of violations issued to one or two family  
private dwellings?

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CHRISTIAN KLOSSNER: Occupancy contrary  
to the certificate of occupancy, creating more units  
of housing than are usually allowed by the  
certificate of occupancy, inadequate egress,  
inadequate sprinklers, inadequate fire safety alarms,  
and often work without a permit.

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CHAIRPERSON WILLIAMS: Thank you very  
much.

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CHRISTIAN KLOSSNER: You're welcome,  
thank you.

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CHAIRPERSON WILLIAMS: Thank you, I look  
forward to continuing the conversation.

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CHRISTIAN KLOSSNER: Me too... [cross-talk]

CHAIRPERSON WILLIAMS: I think we're going to have the testimony on 1307.

SHARON NEILL: Thank you. Good morning Chair Williams and members of the Housing and Building Committee. I'm Sharon Neill, Deputy Commissioner for Finance and Administration at the New York City Department of Buildings. I'm joined by Assistant Commissioner for External Affairs, Patrick Wehle. We are pleased to be here today to offer testimony on Intro Number 1307A which broadens the qualifications to become an inspector at the Department. As this committee is well aware the Department is charged with the regulation of more than one million buildings and approximately 45,000 active construction sites at any one point in time. Inspections serve as an essential function for ensuring construction is performed in a safe and co-compliant matter, that non-compliance and unsafe construction is stopped and that appropriate enforcement is executed. The Department perform nearly 325,000 inspections last year. The types of inspections we perform are numerous and vary greatly. There are those that require significant technical

1  
2 knowledge of our codes and relate to high risk work  
3 such as cranes, supported excavation, demolition, and  
4 gas piping. Alternatively, there are tens of  
5 thousands of inspections we perform each year that  
6 are simpler and more administrative in nature. This  
7 would include inspections of curb cuts, decks, and  
8 fencing and checking on the status of vacate and stop  
9 work orders. With the support of the administration  
10 and the city council the Department has been the  
11 beneficiary of much needed additional resources to  
12 bolster our inspector ranks. The department's  
13 budgeted head count has increased to 554 positions  
14 for Fiscal Year 2018, a 49 percent increase from  
15 Fiscal Year 2014. Additional resources to hire  
16 inspectors helps only to the extent that you can  
17 actually hire them. The department continuously faces  
18 significant challenges with the recruitment and  
19 retention of inspectors. The reason for this are  
20 twofold, first is the fact that we compete with the  
21 construction industry for the same skilled trade  
22 workers and the salaries the private sector provides  
23 are more competitive than the city can offer  
24 particularly during periods of surging development as  
25 we are in now. Second, is the fact that the city

1  
2 charter impedes our ability to pull from the widest  
3 pool of available and qualified top talents which  
4 brings us to the bill before this committee.  
5 Currently the qualifications to become an inspector  
6 are set forth in the city charter, the department is  
7 the only city agency whose qualifications for  
8 inspectors are set in the law, all other agencies  
9 with inspectors have the authority to determine the  
10 appropriate qualifications in consultation with the  
11 Department of Citywide Administrative Services. The  
12 qualifications to become an inspector are essentially  
13 five years' experience working in a construction  
14 trade as an alternative a combination of five years'  
15 experience in a construction trade in training or  
16 education in a construction program or an apprentice  
17 inspection program also qualifies someone to become  
18 an inspector. Additionally, licensed architects and  
19 engineers are qualified to become an inspector. The  
20 qualifications set forth in the... in this... in the  
21 charter are limited and outdated do not meet the  
22 department's needs and greatly impede our ability to  
23 cast as wide a net as possible to hire qualified  
24 inspectors. The qualifications do not allow for the  
25 flexibility to consider candidates for inspector who

1  
2 have a variety of education and experience that  
3 should qualify them to work at the department but  
4 disqualify them from consideration because of the  
5 qualifications set in the law. Furthermore, the  
6 department's mandate has brought in overtime with a  
7 focus on more varied disciplines such as  
8 sustainability. Some examples of education that the  
9 department cannot consider without the additional  
10 qualifications set forth in the charter include  
11 applicants with degrees in engineering, engineering  
12 technology, architecture, and architecture  
13 technology. Intro 1307A would allow us to consider  
14 more types of education and experience. Additionally,  
15 as mentioned earlier the inspections we perform vary  
16 greatly in terms of complexity and risk. We perform  
17 tens of thousands of inspections a year that are  
18 routine and administrative in nature that should not  
19 require five years of experience in a construction  
20 trade to perform. Intro 1307A reduces the experience  
21 threshold from five years to two years and in doing..  
22 in doing so provides us with the necessary  
23 flexibility to determine the appropriate amount of  
24 experience required to perform particular types of  
25 inspections. From a workforce development perspective

1  
2 Intro 1307A has additional benefits. By enabling the  
3 department to determine qualifications appropriate to  
4 the work being performed we can attract a more  
5 diverse workforce who otherwise... who otherwise might  
6 not get a foothold in our ranks and bring them into  
7 well-paying careers with excellent pension and  
8 service to our city. The department is committed to  
9 building a diverse workforce and Intro 1307A will  
10 enable them... will enable us to work with partners  
11 like CUNY to connect low income New Yorkers to career  
12 pathways working for the city. Furthermore, doing so  
13 will allow us to provide them with the training and  
14 experience that will groom them into more senior and  
15 better paying positions within the department. By  
16 broadening the talent pool, the department will be  
17 able to provide pathways to a stable career with  
18 family supporting wages for more New Yorkers. The  
19 department now provides a level of training for our  
20 inspectors that is well beyond what the drafters of  
21 the charter language contemplating. As part of what  
22 we call buildings university we have an academy for  
23 new inspectors now in its fifth year which provides  
24 rigorous training over 12 weeks both in the classroom  
25 and out in the field. Just as the scale and

1  
2 complexity of construction and the law that regulates  
3 it is continuously evolves so to must the  
4 qualification for inspectors. For this reason, the  
5 department should be treated more like other city  
6 agencies and be provided with the flexibility to  
7 determine the qualifications to become an inspector.  
8 This committee is quite familiar with the recent  
9 increase in construction accidents throughout the  
10 city and the department has appreciated the  
11 opportunity to work with the council to address this  
12 issue as we continue to do more. Currently one of the  
13 many strategies to improve safety on construction  
14 sites is through effective enforcement. Intro 1307A  
15 will give us the ability to hire more inspectors more  
16 quickly which means performing more inspections more  
17 quickly and more effectively advancing our public  
18 safety mission. Thank you for your attention and the  
19 opportunity to testify you... before you today, we  
20 welcome any questions you may have.

21 CHAIRPERSON WILLIAMS: Thank you very  
22 much for your testimony. I just have a couple  
23 questions and I know Council Member Rosenthal does...  
24 oh Grodenchik does as well so we'll do Council Member  
25 Grodenchik and Rosenthal. If proposed Intro 1307 were

1  
2 to pass as is how many DO... DOB inspectors do you  
3 anticipate that you will be able to hire and how  
4 would Intro Number 1307 impact DOB's budget?

5 SHARON NEILL: So, currently we can only  
6 hire what we're authorized to be our budgeted  
7 headcount so right now I have 40 vacancies, the  
8 vacancy rate will increase next year because our  
9 authorized budgeted head count will go up so we would  
10 anticipate that we'll be able to, to hire quicker  
11 because we'll have a larger, more qualified pool of  
12 people to pull from.

13 CHAIRPERSON WILLIAMS: Thank you, Council  
14 Member Grodenchik and Council Member Rosenthal, five  
15 minutes each.

16 COUNCIL MEMBER GRODENCHIK: Thank you Mr.  
17 Chair. Miss Neill in your testimony it seemed to me  
18 and maybe I'm wrong but it seemed to me you're almost  
19 suggesting two tiers of inspectors here that some  
20 would take the more complicated tier and... or the more  
21 complicated issues and some would take the more  
22 routine issues, is that the intent of this  
23 legislation or is that the intent of DOB?

24 SHARON NEILL: The, the intention would  
25 be to provide a more rational workforce development

1  
2 approach. So, right now our minimum qualification is  
3 this combination of five years, some of the people  
4 that we hire now may have more than that so they,  
5 they actually come in with more experience and  
6 education than some of them that have the minimum and  
7 we try to align the work that we have with those  
8 people who are the best qualified to do the work that  
9 we need. What we're anticipating is that by lowering  
10 the threshold it'll give us a better pipeline which  
11 obviously would need to be supported with education  
12 and, and a career path going forward but yes, for  
13 some... for people who potentially would have less  
14 experience and education we would assign them to less  
15 complicated inspections initially... [cross-talk]

16 COUNCIL MEMBER GRODENCHIK: Is that...  
17 [cross-talk]

18 SHARON NEILL: ...as they... [cross-talk]

19 COUNCIL MEMBER GRODENCHIK: ...is that  
20 written into the law that is proposed by the Mayor's  
21 Office? I'm concerned... [cross-talk]

22 SHARON NEILL: No... [cross-talk]

23 COUNCIL MEMBER GRODENCHIK: ...that this is  
24 a very complex city, we have seen some spectacular  
25 disasters over the last few years especially with

1  
2 regard to gas leaks obviously I am not an expert but  
3 we do need to have people who are experts out there  
4 inspecting and I am concerned that the wrong person  
5 would be assigned to the wrong job and I don't really  
6 think that in a city as complex as New York we should  
7 be looking to lower our standards.

8 SHARON NEILL: It would not be the  
9 department's intention to assign less experienced  
10 inspectors to do high risk inspections.

11 COUNCIL MEMBER GRODENCHIK: Now before I  
12 can vote on this legislation I would need some kind  
13 of safeguards written into the law to ensure that  
14 that doesn't happen. The... at the top of page three  
15 you, you said that the qualifications that are set  
16 forth in the charter are limited and outdated,  
17 outdated in what way?

18 SHARON NEILL: So basically, we are not  
19 able to update the job spec to incorporate other  
20 types of educational disciplines so the only  
21 conferred degree from, from a higher ed institution  
22 we would not be able to hire people who have  
23 associate degrees in engineering technology or  
24 architectural technology who may be well suited to  
25 have confidences to read plans, to understand field

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conditions, reconcile those situations between what the code is outlining and, and what's occurring in the field. It, it impedes... it, it, it prevents us from updating the job spec to include a larger breath of variety of talent that's being educated or even in the field being and related in, in construction disciplines not specifically to skilled trades. So... [cross-talk]

COUNCIL MEMBER GRODENCHIK: If this... if this bill were passed would they still need to have... they would still need to have two years of experience anyway, right? So, it... [cross-talk]

SHARON NEILL: Yes... [cross-talk]

COUNCIL MEMBER GRODENCHIK: ...wouldn't be like you could hire them right out of college?

SHARON NEILL: No.

COUNCIL MEMBER GRODENCHIK: Okay... [cross-talk]

PATRICK WEHLE: And if I may add... [cross-talk]

COUNCIL MEMBER GRODENCHIK: ...Yes... [cross-talk]

PATRICK WEHLE: Council Member, good morning...

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COUNCIL MEMBER GRODENCHIK: Good morning.

PATRICK WEHLE: There's a... you know with the council's help this city has an energy code that we all could be proud of and we've worked very hard to strengthen that code and with that code comes enhanced enforcement to ensure that buildings throughout the city are sustainable and energy efficient... energy efficient and that the city is meeting it's 80 by 50 goal. We need to hire inspectors who have expertise in the energy code, who can perform that enforcement and to do those reviews and so, so currently today if there are individuals out there who have degrees in, you know energy... engineering technology, engineering management, renewable energy, these are folks with degrees that we don't have the ability to pull from to hire as inspectors to do this important work. So, that's an... a more specific example of sort of how we've impeded in our hiring.

COUNCIL MEMBER GRODENCHIK: Last question Mr. Chair. Starting salary for building inspectors in the city of New York and, and what's the salary after five years?

1  
2 SHARON NEILL: So, we actually... the  
3 salary ranges are dictated by the, the collective  
4 bargaining agreements.

5 COUNCIL MEMBER GRODENCHIK: I appreciate  
6 that.

7 SHARON NEILL: Our... [cross-talk]

8 COUNCIL MEMBER GRODENCHIK: I appreciate  
9 also don't have to live with it but go... [cross-talk]

10 SHARON NEILL: ...so our, our intro..  
11 basically like our base field inspector, the, the  
12 min... max is 49,862 and it goes up to 72,836.

13 COUNCIL MEMBER GRODENCHIK: Okay... [cross-  
14 talk]

15 SHARON NEILL: Then the next... the next  
16 title is an associate title and that range has two  
17 levels but the overall range between the titles... two  
18 levels is 65,793 and it goes up to 89,062. I do want  
19 to clarify that... a response to your previous  
20 questions, we, we would be seeking to potentially  
21 hire people who have either an education or  
22 experience of two years so if somebody did graduate  
23 with a four-year engineer or architect degree we  
24 would seek to hire them, we realize that we're going  
25 to have to change probably even more on the job

1  
2 training to supplement that educational training that  
3 those candidates have... [cross-talk]

4 COUNCIL MEMBER GRODENCHIK: To those  
5 people who have no experience though on the job they  
6 just... I'm sorry Mr. Chair I just want... [cross-talk]

7 CHAIRPERSON WILLIAMS: Yep... Thank you  
8 Council Member.

9 COUNCIL MEMBER GRODENCHIK: Okay...

10 CHAIRPERSON WILLIAMS: Thank you...  
11 Council... [cross-talk]

12 COUNCIL MEMBER GRODENCHIK: Thank you.

13 CHAIRPERSON WILLIAMS: Sure, Council  
14 Member Rosenthal and we're also joined by Council  
15 Member Ulrich and Levine.

16 COUNCIL MEMBER ROSENTHAL: Thank you. I,  
17 I, I'm supportive of the idea because I know what a  
18 challenge it's been to find people and retain really  
19 good staff for Department of Buildings you're sort of  
20 competing with the private sector that's... you know  
21 has a lot of money. I guess what I would wonder is,  
22 is there a way in the rewrite of the law to have  
23 defined titles with defined responsibilities or maybe  
24 that already exist, I mean is it clear that these  
25 people would be doing, you know not complex things, I

1  
2 mean so... we're just trying to preempt a situation  
3 where DOB is really short staffed and ends up sending  
4 someone, you know not prepared in to do an inspection  
5 or something, I don't know.

6 SHARON NEILL: So, that's, that's  
7 actually what the process is with the job  
8 specification process. Right now, we are prevented  
9 from updating the job spec because the charter is  
10 outlining what the minimums are but the intention  
11 would be is to incorporate typical tasks and duties  
12 that would, would be outlined in the job spec and  
13 that's what we're seeking to have some flexibility  
14 with is because as the industry changes over time and  
15 as education and disciplines evolve over time. We  
16 want to have some ability to update the job spec  
17 which in and of itself isn't a super quick process  
18 either because we actually have to go through DCAS  
19 who ends up consulting and vets those changes as  
20 well... [cross-talk]

21 COUNCIL MEMBER ROSENTHAL: Sounds  
22 horrible.

23 SHARON NEILL: ...and that also need to go  
24 through the Office of Labor Relations. So, it's not  
25 something that the Department can unilaterally decide

1  
2 in a vacuum, it is... there is additional city  
3 oversight to that process.

4 COUNCIL MEMBER ROSENTHAL: Okay, so... I  
5 see so you're changing the minimum requirement in the  
6 charter?

7 SHARON NEILL: Right.

8 COUNCIL MEMBER ROSENTHAL: And then do... I  
9 see, god bless you for the work you do. Okay, I got  
10 it, thank you, I support this bill, could you add my  
11 name to it?

12 CHAIRPERSON WILLIAMS: Thank you, Council  
13 Member Cornegy.

14 COUNCIL MEMBER CORNEGY: I'm going to  
15 pass, thank you. Thank you Chair... [cross-talk]

16 CHAIRPERSON WILLIAMS: Okay... [cross-talk]

17 COUNCIL MEMBER CORNEGY: I'll pass.

18 CHAIRPERSON WILLIAMS: Thank you very  
19 much. So, what we're going to do now is have... thank  
20 you so much for the testimony, thank you. I have... and  
21 I... obviously I support this, my name is on it, I, I  
22 think what we're trying to do is what we do for other  
23 agencies, provide a framework in which that... the  
24 Building Department would be able to flush out as you  
25 mentioned some more specifications so we can get

1  
2 these vacancies filled up so I appreciate the  
3 opportunity to assist with that. We're going to have  
4 the panels... so it turns out that these conversations  
5 under these two bills were a lot denser than I  
6 thought they would be and so I want to try to move  
7 forward so we can get to the anticipated Asthma Bill.  
8 So, I am going to try something, hopefully it works  
9 with not too much blood shed, I'm going to call up  
10 the pro and con at the same time for each bill. We're  
11 going to do 1589. So, we have Monique Greenwood, 347  
12 MacDonough Street; Donald Matheson, 15 Prospect Park  
13 West; Liz Mandarano, 7 Arlington Place; Mauri Cox,  
14 492 Macon Street; Marti Weithman, MFY Legal; and John  
15 Furlong, Housing Conservation Coordinator, if they  
16 can all come up please. I know some of these folks so  
17 I know it's going to be done in a very civil manner.  
18 I'm going to... yeah... We're going... we're going to try  
19 the same thing with 1307 based on the success of this  
20 panel so you guys have a lot on your shoulders. Where  
21 did I just put that... Monique Greenwood?

22 MONIQUE GREENWOOD: Yes, good morning..

23 CHAIRPERSON WILLIAMS: Donald, Donald  
24 Matheson?

25 DONALD MATHESON: Here.

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CHAIRPERSON WILLIAMS: Liz Mandarano?

LIZ MANDARANO: Here.

CHAIRPERSON WILLIAMS: Mauri Cox? Marti Weithman and John Furlong?

JONATHAN FURLONG: Here.

CHAIRPERSON WILLIAMS: I, I think we need one more, there's another chair over here.

JONATHAN FURLONG: Right.

CHAIRPERSON WILLIAMS: Oh we need one more.

JONATHAN FURLONG: Yeah.

COMMITTEE CLERK: Clock two minutes?

CHAIRPERSON WILLIAMS: Two minutes. Thank you. Can you all please each raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to council member questions?

[panel affirms]

CHAIRPERSON WILLIAMS: You'll each have two minutes to give your testimony, I usually say you can start in the order of your preference but if we could do maybe all the pros first and then the cons we'll do it that way. Before we move forward we've

1  
2 been joined by Ambassadors in Sneakers, a young  
3 leader's transatlantic summer academy on human  
4 rights, half of the students are from Germany and the  
5 other half are from Georgia, greetings everyone,  
6 welcome. Are you enjoying yourself? Is it all you  
7 ever hoped and dreamed? Thank you very much for  
8 joining us. You can start your testimony.

9           MONIQUE GREENWOOD: Good morning. My name  
10 is Monique Greenwood and I am the owner of Akwaaba  
11 Bed and Breakfast Inns in Bedford-Stuyvesant in  
12 Brooklyn. Let me first thank the council members  
13 Jumaane Williams and Robert Cornegy Junior because  
14 about a year and a half ago we were in this room to  
15 share how we traditional Bed and Breakfasts were  
16 being negatively impacted by legislation and  
17 enforcement directed at illegal Air B and B's. It was  
18 clear then that the council member's present at the  
19 hearing understood our plight and we were to... we were  
20 assured that something would be done to protect us  
21 and here we are today with proposed legislation that  
22 would at least allow us to operate on minimal basis  
23 without the constant worry of the Mayor's Office of  
24 Special Enforcement showing up to shut us down.  
25 Traditional B and B's like those who are a part of

1  
2 our organization, the New York City Bed and Breakfast  
3 Association are owner occupied, single and two-family  
4 residences where we welcome travelers on vacation and  
5 more likely those that are coming to visit with  
6 family and friends who live within walking distance  
7 of our Inns. They live with us, never alone and our  
8 private homes aren't apartment buildings with units  
9 that could be leased to tenants on a full-time basis.  
10 Therefor we don't deny the city of much needed  
11 affordable apartment rentals and we don't disturb  
12 other residents within the dwelling with the comings  
13 and goings of unknown individuals. We are the only  
14 other occupants and we are hosting our guests who  
15 often become like family. I should also add that we  
16 have the proper insurances for the type of occupancy  
17 that we have and we are inspected by those insurance  
18 agencies. Now this is a modest living and aside from  
19 the joy of meeting new people and creating special  
20 memories many of us do it to supplement our incomes  
21 so we can afford to keep up with the cost of living  
22 in a large historic single-family home. So, we opened  
23 22 years ago with this goal, we love what we do, our  
24 daughter was raised there, we've been named small  
25 business of the year twice under two previous mayors,

1  
2 we won hotel showdown, a travel talent show where we  
3 beat out big hotels... [cross-talk]

4 CHAIRPERSON WILLIAMS: I'm going to have  
5 to ask you to... [cross-talk]

6 MONIQUE GREENWOOD: ...because of our...  
7 [cross-talk]

8 CHAIRPERSON WILLIAMS: ...closing  
9 statement... [cross-talk]

10 MONIQUE GREENWOOD: ...personal touch.

11 CHAIRPERSON WILLIAMS: Thank you... [cross-  
12 talk]

13 MONIQUE GREENWOOD: So, basically, I just  
14 want to close by saying everything that was mentioned  
15 we are in compliance with, we do not take away  
16 affordable housing, we live with our neighbor... with  
17 our guest and the only real locks are the doors that  
18 are to the property and maybe we lock our bedroom  
19 doors and some people do that in their homes even if  
20 they don't have guests.

21 CHAIRPERSON WILLIAMS: Thank you very  
22 much.

23 DONALD MATHESON: Good morning, my name  
24 is Don Matheson and I opened the doors in 2008 to  
25 serve my neighbors and their families at a time when

1  
2 there were very few local lodging options for parents  
3 and grandparents coming to visit that did not involve  
4 a cab or a subway ride to and from their loved one's  
5 homes. Most of our guests are regular customers and  
6 consider our home as their own home while they are in  
7 Brooklyn for a few days or a week while visiting  
8 family. They want to be close to family and prefer a  
9 B and B experience to hotels, most of these people I  
10 now consider friends. Their children and  
11 grandchildren know and love our home, a landmark  
12 building on Prospect Park West. We're also a popular  
13 alternative for foreign guests who prefer more than a  
14 generic hotel experience and I mean no offense to  
15 those who prefer to stay in a Holiday Inn Express or  
16 a Super 8 Motel. We host guests from all corners of  
17 the world who want to see New York and Brooklyn  
18 through the lens of local residents staying in  
19 residential neighborhoods in home settings eating and  
20 shopping where we eat and shop. We have been honored  
21 by foreign magazines and newspapers listed as among  
22 the top ten Boutique Accommodations in New York. We  
23 have dozens of testimonials from guests which will  
24 give you a very clear idea of the breadth and scope  
25 of our services. New York City's B and B's are much

1  
2 more than a place to sleep, we are a valuable  
3 community resource. In Brooklyn in particular, we  
4 hope... we host families in town to help new moms  
5 attend christenings, bar mitzvahs, graduations,  
6 weddings, birthdays, celebrate Brooklyn concerts in  
7 Prospect Park, Barkley Center Events, and more than  
8 six wedding venues within walking distance of our  
9 home. We generously support local cultural  
10 institutions including Prospect Park, the Brooklyn  
11 Botanic Garden, the Brooklyn Museum, and the Brooklyn  
12 Academy of Music both financially and by providing  
13 free and discounted accommodations for their  
14 speakers, professional consultants, and job  
15 applicants. We generate economic activity for our  
16 local restaurants and shops where our guests go to  
17 dine and entertain. In short not only do our guests  
18 love us but so do local businesses that reap the  
19 economic benefits of tourism we bring to the  
20 neighborhood. This... our association which I Co-Chair  
21 with Mrs. Greenwood wants to promote the  
22 understanding that B and B's are a vital part of the  
23 economic and social fabric of the communities we  
24 serve and to distinguish what we do from other short-  
25 term rental practices which some apartment owners

1  
2 engage in, activities illegal under New York's  
3 multifamily dwelling laws. On a local level... [cross-  
4 talk]

5 CHAIRPERSON WILLIAMS: Going to have to  
6 give your... ask you to give a closing sentence.

7 DONALD MATHESON: Sure. On a local level,  
8 our economic contributions are significant, our  
9 guests spend most of their time and money in local  
10 neighborhoods, these guests spend hundreds of dollars  
11 at locally owned and operated businesses, all the  
12 money they spend goes into the pockets of our  
13 talented local neighbors not to shareholders of  
14 national chains traded on Wall Street, Brooklyn is a  
15 global beacon for artisanal products and services and  
16 we are a part of that fabric and I'll stop there.

17 CHAIRPERSON WILLIAMS: Thank you.

18 LIZ MANDARANO: Good morning, my name is  
19 Liz Mandarano. About two and a half years ago I spoke  
20 before you when I was restoring a Bed-Stuy brownstone  
21 to its original glory. Nine months after that hearing  
22 I completed my two-and-a-half-year restoration in  
23 September 2015 and proudly opened Arlington Place Bed  
24 and Breakfast... Bed and Breakfast. My home has always  
25 been a one family home and like many homeowners

1  
2 interested in added security I put locks on the  
3 bedroom doors, notably the bedroom door locks were  
4 present when the DOB came and certified my house for  
5 occupancy as a single-family home at the end of the  
6 restoration. Contemporaneous with the publicity  
7 surrounding my opening because my house was the  
8 "Crooklyn" house was a purported 311 complaint  
9 written in precise legal language. Eleven months  
10 after this complaint in September 2016 the DOB came  
11 to the house for a second time not surprisingly there  
12 had been no additional 311 complaints in that entire  
13 year as I operated mindfully and respectfully. When  
14 the DOB arrived, my co-innkeeper refused them entry  
15 and show them a letter authored by Council Member's  
16 Cornegy and Williams asking them not to harass me.  
17 The investigator left but to my shock later that day  
18 a six-member squad team raided my place with an  
19 emergency issued warrant. At that time, I was picking  
20 up my son from school, they kicked my co-innkeeper  
21 out of the house and although eleven months had  
22 passed since the complaint, placed an order to vacate  
23 sign on the door stating that my house was quote,  
24 unquote "an imminent threat to life". I was not  
25 allowed back in my house and I was advised that if I

1  
2 attempted to enter my home I would be arrested.  
3 Although the director conceded at an emergency  
4 meeting that the law was murky, the OSE took the  
5 absurd position that the locks on the four bedroom  
6 doors which had been certified as a single-family  
7 home by the DOB upon inspection that it was converted  
8 into a five-unit SRO with the fifth unit being the  
9 remainder of my house, not even a bedroom. As a  
10 result, although clearly there was no intention to  
11 create an SRO and the DOB had inspected and approved  
12 of it beforehand the OSC was able to deem my one  
13 family home subject to commercial zoning codes and  
14 issued a multitude of violations that range from a  
15 lack of sprinkler systems to me having propane for my  
16 barbecue.

17 CHAIRPERSON WILLIAMS: I'm going to have  
18 to ask you to give a closing sentence please.

19 LIZ MANDARANO: Okay. How... the city  
20 should not stretch laws to absurd conclusions because  
21 it's easier to pursue us as targets due to our  
22 transparency. As was the case prior to January 2015  
23 where Air B and B refused to provide addresses I was  
24 pursued as low hanging fruit. Many in my association  
25 were deeply affected by this experience and I'm very

1  
2 fortunate that I did not lose my home because I had  
3 to pay in legal fees and incidentals over... six  
4 figures, above six figures.

5 CHAIRPERSON WILLIAMS: Thank you.

6 LIZ MANDARANO: But what I wanted to say  
7 as one last statement was that we respectfully ask  
8 you in this law to include a provision for one family  
9 homes that bedroom locks do not automatically convert  
10 places into SRO's.

11 CHAIRPERSON WILLIAMS: Thank you.

12 LIZ MANDARANO: Thank you.

13 CHAIRPERSON WILLIAMS: You can...

14 DONALD MATHESON: Chair, did someone from  
15 the administration stay?

16 CHAIRPERSON WILLIAMS: There's people in  
17 administration here, yeah and Patrick's in the back.

18 MARTI WEITHMAN: Good morning, my name  
19 is... [cross-talk]

20 CHAIRPERSON WILLIAMS: Morning... [cross-  
21 talk]

22 MARTI WEITHMAN: ...Marty Weithman, I'm a  
23 Supervising Attorney at MFY Legal Services. We've  
24 been working on this issue as advocates for well over  
25 a decade and in the issue of legal short-term rentals

1  
2 in New York City is very complex and nuanced and its  
3 one that we've seen grown exponentially since the  
4 early 2000's. we at MFY are sympathetic to the small  
5 business owners who are operating Bed and Breakfasts  
6 lawfully and... however it is a legal fiction, Bed and  
7 Breakfasts as has been raised by the administration  
8 earlier and so while they're paying taxes and, and  
9 operating in this way it's not something that is, is  
10 lawfully classified. So, we are open to working with  
11 city council to find a way to, to lawfully create a  
12 classification for this very defined universe of one  
13 and two-family homes. We are very concerned about  
14 Intro 1589, we appreciate the chair's remarks opening  
15 up wanting to limit it to one and two-family homes  
16 however we are concerned still about the unintended  
17 consequences particularly the, the housing stock that  
18 this provides to many poor and low income New  
19 Yorkers. We at MFY work with many aging adults who  
20 aren't yet seniors so they don't qualify for SCRIE  
21 and if they are priced out of their homes or if they  
22 are evicted for some other reason this is the type of  
23 housing that they need, they need to find shared  
24 apartments or you know living in, in a unit in a one  
25 and two-family home. This is very... this is critical

1  
2 housing for, for this type of.. for this population so  
3 we are very concerned about that. We are, are also  
4 concerned about this.. the.. these buildings being used  
5 transiently, it does drive up the cost of, of rents  
6 in, in our communities and I would refer you to Mauri  
7 Cox who's testifying today and the.. and the data and  
8 the trends that he documents on this issue. Thank  
9 you.

10 MAURI COX: Good morning, my name is  
11 Mauri Cox and I'm the founder of a Project called  
12 Inside Air B and B, which provides public data on the  
13 impact that Air B and B has on residential  
14 communities around the world. I'm here today to  
15 oppose to proposed bill Intro 1589 on the basis that  
16 it will further legitimize the rental of  
17 residentially zoned rooms and, and homes to tourists  
18 instead of New Yorkers. Both of the sponsoring  
19 council members had said publicly that the, the  
20 intent is to limit this to legitimate Bed and  
21 Breakfasts so some of those people are here today. In  
22 2014 a spokesperson for a, a Bed and Breakfast  
23 regular.. [cross-talk]

24 CHAIRPERSON WILLIAMS: I'm, I'm sorry, I  
25 could.. I could barely hear your testimony.

1  
2 MAURI COX: Okay. In 2014 a spokesperson  
3 for a B and B trade group said that there were as few  
4 as 16 legitimate Bed and Breakfasts in New York City,  
5 some other people said 50. In comparison, as of June  
6 2017 this month there are 19,806 single rooms  
7 available on Air B and B as well as 20,215 entire  
8 apartment listings. So, when we think about this law  
9 as, as its written how would it differentiate between  
10 the legitimate Bed and Breakfast with over 40,000 Air  
11 B and B's. In fact, out of the, the 19,000 private  
12 rooms being offered on Air B and B almost one third  
13 of them are offered by hosts that have two or more  
14 rooms so they're already breaking this law even  
15 before the law changes from two boarders to four  
16 boarders. How many residential units will be caught  
17 up in this net that the law caused, the council...  
18 Council Member Williams has already said that they  
19 would limit it to one and two-family homes, there's  
20 860,000 residential units in one and two bedroom  
21 homes in New York City. So, this, this law could  
22 potentially expose those residential units up to four  
23 tourists in, in each unit. So, I encourage this  
24 committee to reject this bill and instead engage in a  
25 ULURP to create a limited lawful classification of

1  
2 the Bed and Breakfast and in the meantime the city  
3 should continue to enforce against illegal rentals  
4 that people are using Air B and B. Thank you.

5 CHAIRPERSON WILLIAMS: Thank you.

6 JONATHAN FURLONG: Good morning. Thanks  
7 to the members of the council for the opportunity to  
8 testify today. My name is Jonathon Furlong, I'm the  
9 Director of Organizing at Housing Conservation  
10 Coordinators and I'm here to give testimony on Intro  
11 1589. I just want to be clear, you know in opening my  
12 testimony that the coalition fully supports the  
13 protection of small business owners who register  
14 their private homes for use as Bed and Breakfast  
15 accommodations but not at the expense of diminishing  
16 an already dwindling number of housing units that  
17 could be used to house tenants. If the intent... if the  
18 intended purpose of the bill is to protect B and B's  
19 operating lawfully as small business owners that are  
20 licensed by the city it should be much more... much  
21 more narrowly tailored. Currently there is nothing in  
22 the zoning text that designates the classification of  
23 B and B's and the legislation circumvents the ULURP  
24 process in many such zoning regulations. We are  
25 calling on this committee to take the necessary steps

1  
2 to create a lawful... excuse me, classification of B  
3 and B's which would be the preferred route as it  
4 could include a registration process, you know  
5 requirements for becoming a B and B. This would  
6 accomplish the intent and purpose behind Intro 1589  
7 and avoid the unintended consequences created by the  
8 legislation. And taking some of these things into  
9 consideration it would be useful to know how many Bed  
10 and Breakfasts Mauri posed a question, are registered  
11 as such, where they're located and could really guide  
12 the conversation around the size and scope within the  
13 small business community this bill's intended to  
14 protect and then also just to sort of reiterate what  
15 Marti was saying or you know we have really, really  
16 serious concerns about this bill sort of diluting a  
17 section of the housing market that's roommate driven  
18 sort of in a city that's constantly in, in a... in  
19 affordable housing crisis, smaller buildings are  
20 really more and more in demand and, and the, the  
21 units within them and there's really a dearth of  
22 affordable apartments and rooms and this policy could  
23 eliminate... limit the options for neighborhood  
24 residents and really should be scrutinized as its...  
25 you know a section of the housing market that's

1  
2 utilized by, by lower income New Yorkers and then  
3 just as a closing remark again like the small  
4 business classification is a DOF classification, it's  
5 not a... you know it doesn't fall anywhere in housing  
6 and buildings so we just need to... there needs to be a  
7 middle way. Thank you.

8 CHAIRPERSON WILLIAMS: Thank you and  
9 thank you all for your testimony and the work you do,  
10 we're generally on the same side of all these issues  
11 and I, I, I appreciate that we'll continue to do so.  
12 The last point is, is part of the confusion, one part  
13 of the city says its legitimate, the other part of  
14 the city it's not. The truth be told most folks,  
15 folks think I have mostly rentals in my district I  
16 actually have mostly one and two-family homeowners  
17 and they do provide a lot of housing so I understand  
18 that. What we have to do is try our best to measure  
19 and give everybody space and limited resources that  
20 we have, folks know where I stand with Air B and B  
21 and affordable housing so I don't want to do anything  
22 that diminishes that but the city has done nothing to  
23 work with us to protect the folks that you heard  
24 today. I agree that ULURP and a zoning change would  
25 be the best way to do that, what we need to do is

1  
2 find a stop gap while we're doing that because the  
3 city... if the city would say they will stop enforcing  
4 folks who will sign up a DOF then we have a stop gap  
5 but they won't do that and so we have to use whatever  
6 we can and so this is the tool that we came up with  
7 if there's language that you feel will help make it  
8 better, stronger so that we don't lose unintended on  
9 housing I'm happy to do that as well. I'm happy to  
10 also as one of the primes to say when we hopefully  
11 start a complete zoning to re-look at this and maybe  
12 it's not necessary once we do that but we do have to  
13 try to find some relief for the people that we heard  
14 today and there are others out there. I also... I think  
15 it could take some off the market, I'm not sure that  
16 people necessarily want to go into the, the business  
17 just because the possibilities there so I don't know  
18 if it will be as widespread as we think but there is  
19 a possibility that we can... we can lose some and I  
20 don't want to do that so any assistance moving  
21 forward will be helpful. I do appreciate and thank  
22 you for the data is helpful to look at that, I just  
23 want to obviously be clear even if you're in, in an  
24 apartment now if you live in the apartment you can  
25 still use the platform rent regulation aside in how

1  
2 you parse out the rent but there is an, an ability to  
3 do that and all of these folks are also owner  
4 occupied as well. So, we are trying to balance  
5 everything and I appreciate their testimony and any  
6 support moving forward. Any other questions, okay?  
7 Thank you very much for your testimony, thank you for  
8 your testimony, we do have a slight change. Again  
9 these, these conversations got a lot more dense than  
10 I thought they would at this time, we're going to  
11 call back HPD to give their testimony on the Asthma  
12 Bill. So, I apologize for those who are waiting to  
13 give testimony on 1307, we're going to have a  
14 hearing... we're going to hear this testimony then  
15 we're going to go to questions then we're going to  
16 hear all the panels. I appreciate everybody's  
17 patience on these very dense conversations that we've  
18 been having. Can everybody please raise your right  
19 hand? Do you affirm to tell the truth, the whole  
20 truth and nothing but the truth in your testimony  
21 before this committee and to respond honestly to  
22 council member questions? Alright, you can begin  
23 testimony. If everyone can be a little quieter as  
24 we're exiting.

25

1  
2 VITO MUSTUCIUOLO: Good morning Chairman  
3 Williams and members of the New York City Council  
4 Committee on Housing and Buildings. My name is Vito  
5 Mustaciuolo and I am the Deputy Commissioner for the  
6 Office of Enforcement and Neighborhood Services with  
7 the New York City Department of Housing Preservation  
8 Development. At the table with me today are Chris  
9 D'Andrea and Deb Nagin, colleagues from the  
10 Department of Health and Mental Hygiene and Assistant  
11 Commissioner Marti from HPD. The, the DOH colleagues  
12 will also be here for questions at the conclusion of  
13 this testimony. Thank you for the opportunity to  
14 testify on Intro 385B which outlines new requirements  
15 related to mold and pest remediation. HPD and DOH  
16 work closely every day to improve housing conditions  
17 and the overall health of all New Yorkers. On issues  
18 such as lead based paint, window guards, and bed bugs  
19 the two agencies work collaboratively with each other  
20 and with the council to make New York City homes  
21 safer and more habitable through enforcement,  
22 education, and loan and grant programs. We work  
23 closely together on special joint initiatives and on  
24 these and other healthy home issues both in cases of  
25 individual buildings and on overall policy issues.

1  
2 For many of these matters education and early  
3 intervention are key components to addressing  
4 concerns. Mold and pests are two such areas and  
5 efforts to educate the public and create common sense  
6 fiscally responsible and high impact preventative  
7 measures are supported by both agencies. HPD is  
8 grateful for the council's previous legislation to  
9 support this work most notably the alternative  
10 enforcement program and the underlying conditions  
11 program and further appreciate Council Member  
12 Mendez's efforts to amend the housing maintenance  
13 code with best practices and enhanced enforcement  
14 related to mold and pests with proposed Intro 385B.  
15 we have worked collaboratively with the Council  
16 Member and her staff, DOHMH and stakeholders for more  
17 than a year and look forward to continuing those  
18 conversations. Before we comment on the specifics of  
19 this bill I would like to provide some background  
20 information on both the city's efforts to address  
21 asthma and the current processes around mold and  
22 pests in residential buildings. DOHMH in partnership  
23 with HPD, NYCHA and other stakeholders work to reduce  
24 asthma triggers in homes of children with asthma and  
25 to promote integrated pest management and other

1  
2 healthy home practices in buildings. These efforts  
3 include working with health care providers, pest  
4 management professionals, affordable housing  
5 organizations, and those involved in property  
6 ownership, construction, and management to implement  
7 building wide practices and facilitate integrated  
8 pest management and other allergen reduction  
9 services. DOHMH again is here to answer any questions  
10 that you may have about these activities. Mold  
11 complaints can be reported to HPD via 311. HPD  
12 currently issues class A, non-hazardous; class B,  
13 hazardous and class C, immediately hazardous  
14 violations for mold based on the severity of the  
15 condition. For the past few fiscal years  
16 approximately 40 percent of all mold violations were  
17 issued directly in response to mold complaints but as  
18 evident for the numbers the majority of violations  
19 issued, issued have been upon our observation by  
20 inspectors. For example, if an inspector is in a  
21 building for a complaint related to a broken heater  
22 but also notices the presence of mold they will issue  
23 a violation for mold. In fiscal year 2016, HPD issued  
24 a total of 12,718 violations for mold. As of May  
25 31<sup>st</sup>, 2017, we have issued over 11,500 violations for

1  
2 the current fiscal year. Where appropriate HPD also  
3 issues violations for underlying conditions such as  
4 water leaks and may also conduct emergency repairs  
5 for these conditions should the owner fail to address  
6 them. in fiscal year 2016, HPD spent over 750,000  
7 dollars addressing both mold and water leak  
8 conditions where the owner failed to correct. In  
9 fiscal year 2017 through the end of May we have spent  
10 over one million dollars again addressing mold and  
11 water conditions using licensed mold remediation  
12 firms to conduct repairs. In addition to addressing  
13 mold as an individual apartment issue, HPD has the  
14 authority under Local Law 6 of 2013 to issue orders  
15 for underlying conditions throughout a building. As  
16 described in rules, HPD has used this authority to  
17 issue orders for buildings exhibiting systemic leak  
18 issues causing mold in multiple apartments. HPD has  
19 selected a total of 240 buildings since the, the  
20 beginning of the program. Property owners are  
21 required to investigate the cause of a leak for a  
22 mold condition affecting multiple apartments in the  
23 building and then correct within four months. The HPD  
24 has sued non-compliant owners in housing court. The  
25 civil penalty as set by law is 1,000 dollars for each

1  
2 dwelling unit with the minimum of 5,000 dollars. The  
3 good news is that most building owners have complied  
4 with the order by both providing HPD with assessment  
5 performed by a licensed professional engineer or a  
6 registered architect and by correcting all existing  
7 violations. HPD has already discharged 106 buildings  
8 due to compliance and 23 buildings were subsequently  
9 selected for AEP and discharged from the UC program  
10 to AEP. The, the remaining 74 buildings in the  
11 program are in the process of compliance or HPD has  
12 initiated litigation seeking compliance with the  
13 order and seeking civil penalties. In five buildings  
14 where our housing litigations division has already  
15 successfully obtained orders to correct, we have  
16 collected over 28,000 dollars in civil penalties. The  
17 sections of this bill that require property owners to  
18 address water conditions and remove mold in ways that  
19 minimize dispersion of mold spores as well as the  
20 sections that increase the seriousness of the  
21 conditions which are not addressed timely are  
22 supported by both agencies. HPD inspectors also  
23 respond to 311 complaints regarding roaches and mice,  
24 pest violations are currently issued as class B  
25 violations where an owner has 30 days to correct. HPD

1  
2 issued 20,346 violations in fiscal year 2016 related  
3 to pests or vermin. In fiscal year 2017 through the  
4 end of March, we issued 21,779 violations for vermin.  
5 Under current law a property owner is required to  
6 abate the nuisance of the vermin but there is little  
7 to no guidance about how this should be accomplished.  
8 While vermin conditions can, can be complicated by  
9 tenant related access issues or even the denial of  
10 access for extermination there are basic steps that a  
11 property owner can and should take to maintain a  
12 property which minimizes the spread of pests  
13 including sealing, sealing cracks and holes as well  
14 as addressing leaks. HPD and DOHMH support requiring  
15 owners to take these most basic steps. HPD and DOH  
16 also support the concept and aim of Intro 385B and  
17 want to suggest some ways that the current version  
18 can be improved. We believe that we can address these  
19 concerns over certain requirements through further  
20 conversations with the council. For example, under  
21 this version of the legislation pest violations would  
22 become a class C violation imposing a 24-hour repair  
23 clock on conducting integrated pest management.  
24 Expanding this window to allow conditions to be  
25 addressed within 21 days similar to a mold related

1  
2 class C violation would be a more reasonable  
3 timeline. HPD also has concerns when time limits for  
4 inspections... when timelines for inspections are put  
5 into place especially during cold, wet weather  
6 seasons when workload can vary significantly and  
7 HPD's priorities are to inspect for heat and hot  
8 water complaints. Additionally, DOHMH would like to  
9 continue previous discussions with the council about  
10 the terminology and framing of asthma or allergens  
11 within the bill. DOH looks forward to future  
12 conversations with the council about the existing  
13 partnership with health care providers to address  
14 asthma triggers in the homes of children and the most  
15 appropriate ways to support that work moving forward.  
16 We also believe further discussion and review is  
17 needed regarding the cost associated with  
18 implementation of the bill. The current environment  
19 of the uncertain funding for CDBG, Community  
20 Development Block Grant funds and other federal  
21 funding streams while still ensuring that we are  
22 appropriately addressing these concerns. We thank you  
23 for the opportunity to share the existing work being  
24 done by the administration related to mold and pests  
25 and to discuss ways ensuring that all New Yorkers can

1  
2 live in safe and comfortable homes and we would be  
3 happy to take any questions that you may have.

4 CHAIRPERSON WILLIAMS: Thank you very  
5 much, I'm going to go to the bill sponsor, Council  
6 Member Mendez.

7 COUNCIL MEMBER MENDEZ: Thank you Mr.  
8 Chair. First, I'd like to apologize for.. to HPD for  
9 having to wait an hour and a half to give your  
10 testimony but thank you for being here and I want to  
11 apologize to the public but after nine years I guess  
12 an hour and a half isn't all that long, right? Vito  
13 can you tell me how long does it take in, in your  
14 experience at HPD how long has it taken homeowners to  
15 cure a mold violation that is A, B, and C for each  
16 one of those different categories of violations?

17 VITO MUSTUCIUOLO: So, I, I will say that  
18 for a class A violation where the owner has 90 days  
19 to correct and are addressing very small amounts of  
20 mold there is a higher compliance rate by the part of  
21 the property owner. For a class B violation where  
22 they have 30 days to correct the percentage of  
23 correction as timely certified actually drops down  
24 from a class A and then finally for a class C  
25 violation which under current law only requires a, a

1  
2 24-hour response, we, we only see a 28 percent  
3 compliance rate. So, clearly the Intro 385 we believe  
4 like given the existing frame, framework and the  
5 language would actually increase owner compliance and  
6 correction, you know what we also face are the  
7 challenges where the correction is cosmetic and upon  
8 reinspection what we find is a recently painted  
9 surface but the actual underlying condition and the  
10 cause of the mold was not addressed. So, 385  
11 addresses both of those concerns and, and I believe  
12 that it will also increase owner compliance over  
13 time.

14 COUNCIL MEMBER MENDEZ: Thank you. You,  
15 you read in your testimony some suggestions on  
16 changing... making changes to the mold aspect of this  
17 bill in terms of getting 21 days to make corrections,  
18 some of these I think are a good... things that we  
19 could probably incorporate that would make sense to  
20 incorporate into the bill. I don't have any further  
21 questions at this point Mr. Chair.

22 CHAIRPERSON WILLIAMS: Council Member  
23 Menchaca.

24 COUNCIL MEMBER MENCHACA: Thank you Chair  
25 and thank you for your testimony and for the team for

1  
2 being here and I also want to thank [Spanish  
3 dialogue] and this is part of the process and I'm  
4 really hoping that your team stays to listen to some  
5 of the testimony, there's some really good truth to  
6 power that I think we all need to listen to. My, my  
7 question is really thinking about the kind of overall  
8 support and, and it sounds like this is... this is  
9 something that you, you can restate that you are in  
10 support of a kind of... the legislation and concept  
11 even with the suggestions that you're offering, is  
12 that right?

13 VITO MUSTUCIUOLO: That is correct.

14 COUNCIL MEMBER MENCHACA: I think it's an  
15 important thing for people to hear with the agency  
16 and, and really in partnership with Council Member  
17 Mendez that we are finally here so that's an  
18 important thing to applaud. The second question is  
19 really thinking about the really... the, the focus  
20 points on some of these asthma triggers and really  
21 thinking about the rodents, thinking about the mice  
22 and the pests, can you... is that something that you  
23 can break down as, as part of the work that you're  
24 doing at HPD and... in, in terms of council districts,  
25 in terms of demographics, is that... is that

1  
2 information that you have right now that you collect  
3 as an agency?

4 VITO MUSTUCIUOLO: We are a data rich  
5 agency. I have numbers broken down by types of  
6 vermin, I do not have it by council district but if  
7 you allow us a few days we can certainly break down  
8 the last several fiscal years' worth of violations by  
9 council district.

10 COUNCIL MEMBER MENCHACA: So, that's,  
11 that's information that you can provide to us?

12 VITO MUSTUCIUOLO: Absolutely.

13 COUNCIL MEMBER MENCHACA: Okay, because I  
14 think that's going to be a part of how we... how we can  
15 go back to the communities and really engage  
16 neighbor, neighborhoods that, that can be contiguous  
17 and I think another important thing to talk about are  
18 the kind of violations that you'll be providing us in  
19 the council... as council districts about how many... how  
20 many of them were multiple incidents within, within  
21 the same apartment, what, what... how was that a  
22 consistent... was that a consistent narrative within  
23 the work that, that you're seeing right now?

24 VITO MUSTUCIUOLO: So, just looking at  
25 the general numbers we are... we are issuing about

1  
2 20,000 vermin violations a year in about 5,000  
3 buildings and then to break it down by apartments its  
4 about 6,000 apartments. So, we are seeing repeat  
5 offenses within a building and repeat offenses within  
6 an apartment.

7 COUNCIL MEMBER MENCHACA: And, and... so,  
8 you're saying repeat, yes definitely and, and so tell  
9 us a little bit about how, how this bill will help,  
10 help you... articulate it yourself how, how this bill  
11 will help you really bring that enforcement necessary  
12 to address some of those repeat incidents?

13 VITO MUSTUCIUOLO: Sure, so I'm going to  
14 start and I'll hand off to my colleagues at DOH. I  
15 think some of the, the important differences here are  
16 is that this Intro lays out a remediation guideline  
17 and so as I mentioned in my testimony we write  
18 violations now and there is not much with respect to  
19 instructing an owner as to how to properly address  
20 the violation. Also by allowing 21 days to correct,  
21 to put into place an integrated pest management plan  
22 it is... well in, in my opinion long term going to see  
23 better results than telling an owner they have 24  
24 hours to, to eradicate mice and roaches, right and  
25 even in the best buildings that might be difficult. I

1  
2 think, you know just again what's important is  
3 especially with respect to mold and I want to thank  
4 Councilman Mendez again to codify mold and to put it  
5 into the housing maintenance code is a tremendous  
6 help to the agency, I mean currently mold is not  
7 very... is not specifically mentioned in the HMC so to  
8 actually codify it and to put remediation practices  
9 in place is going to really be effective for us in  
10 the future. And I'll turn it over to DOH.

11 DEB NAGIN: Good morning or afternoon, I  
12 don't know what we are. So, so I, I think the only  
13 thing to add to what Vito has said is that I think  
14 our experience in going into homes is that it, its...  
15 if you... if you really want to address a problem and  
16 get it fixed and sometimes it's a matter of bringing  
17 the plumber in, you know fixing the holes, getting  
18 the... if you have to use extermination, all of those  
19 things and you also have to coordinate that with a  
20 family, a family with very busy lives. So, rather  
21 than just a band aide that really isn't fixing the  
22 problem and then it's going to come back I think just  
23 realistically you're talking about you need time to  
24 really get that done and get it done in the way that  
25 it should be done. So, I think in, in that... in that

1  
2 instance relative to the issue of 21 days it seems  
3 like practically that's about the kind of amount of  
4 time that you'd need to do this kind of work because  
5 its coordinating a lot of different things.

6 COUNCIL MEMBER MENCHACA: Thank you for  
7 that and, and I think the, the kind of final question  
8 and before I ask the final question this, this is in,  
9 in... this bill is in companion really to another bill  
10 that we've been hearing around mold out of a  
11 different committee in really kind of addressing a  
12 standard where there are a trained labor force that  
13 is really going to address and eradicate some of  
14 these issues so I'm glad that, that we're kind of  
15 talking about this as, as a wholistic approach with  
16 the other... with the mold bill but the last question I  
17 want to leave to all of you is, is how, how are we  
18 prepared as the city of New York after we pass this  
19 bill to really get the word out to our immigrant  
20 communities and making sure that, that there's a plan  
21 to engage and really empower people to come out, this  
22 is going to really require folks to still make those,  
23 those, those complaints and, and really drive a kind  
24 of new enforcement because the law will, will have  
25 changed the ability for the... for, for... not the

1  
2 ability but the, the requirement for the landlord to  
3 respond within the time frame so, tell us a little  
4 bit about your response to a, a kind of outreach plan  
5 that will hit immigrant communities in our city?

6 VITO MUSTUCIUOLO: So, I will start and  
7 then again hand off. So, for HPD as you know tomorrow  
8 in your district we are hosting summer hours... [cross-  
9 talk]

10 COUNCIL MEMBER MENCHACA: Thank you for  
11 that by the way...

12 VITO MUSTUCIUOLO: No, thank you, thank  
13 you for your cooperation with us and to Chair  
14 Williams for supporting this. It's a new initiative,  
15 it's us bringing our resources to the council  
16 district offices where we can sit down with property  
17 owners and with tenants and talk about new  
18 legislative proposals, to talk about existing laws,  
19 so for us it's also helpful to get feedback from the  
20 community. Also, this summer and unfortunately it may  
21 later in the summer we will have several community  
22 outreach vans, right, that we will be using for  
23 purposes such as disseminating information in, in  
24 neighborhoods that it's difficult for tenants and  
25 property owners to get to our office or for us to get

1  
2 to them. So, we're, we're, we're purchasing several  
3 vans and we will be using them for, for outreach  
4 programs similar to this. We also have the ability to  
5 do robocalls, right and so we can use information  
6 from our multiple dwelling registration data base to  
7 call property owners so, we will be putting messages  
8 on... through... on robocalls and to the extent that we  
9 can reach out to tenants using information that  
10 they've provided for complaints, we'd like to try to  
11 do the same thing.

12 CHAIRPERSON WILLIAMS: Thank you very  
13 much and thank you HPD for, for your testimony, we do  
14 have some additional questions that we'll send to you  
15 again just... we apologize to you and the... actually I'm  
16 the sponsor and the, the, the folks who are here we  
17 actually thought the first two bills were going to be  
18 less contentious and take less time so we tried to  
19 put them a little quickly, apparently we  
20 miscalculated but we do appreciate everyone staying  
21 and thank you for working with us and actually it  
22 shows how important the bill actually is and the  
23 importance of the folks who remain here. So, here's  
24 what we're going to do now, we have the panel that  
25 was originally going to go; Ken Fisher, Justin

1  
2 Pascone, Stuart O'Brien, Ryan Baxter, Donald Ranshte  
3 from BTEA they're going to testify on 1307A then  
4 we're going to have IBO; Sarah Stefanski who's going  
5 to testify on 385B then we're going to go to the rest  
6 of the public; the first panel if they're still here  
7 will be Jeffrey Bohn, Rajiv Jaswa, Jason Wu, Benjamin  
8 Canet, and Ruth Berdah-Canet, Daniel Carpenter Gold,  
9 and Matthew Chachere. So, on this panel also in the  
10 interest of time we're doing both pro and con, the  
11 last panel did it very well hopefully you will as  
12 well, we'll do the pro first and the con after,  
13 anybody who's going to testify please raise your  
14 right hand. Do you affirm to tell the truth, the  
15 whole truth and nothing but the truth in your  
16 testimony before this committee and to respond  
17 honestly to council member questions? You have two  
18 minutes each to give your testimony.

19 STEWART O'BRIEN: Do, do you want to  
20 start with me?

21 CHAIRPERSON WILLIAMS: Sure, go ahead.

22 STEWART O'BRIEN: Pro first. Okay and  
23 then I'll go. I'm Stewart O'Brien, the Executive  
24 Director of the Plumbing Foundation and I'm here not  
25 only in... behalf of the Plumbing Foundation but in...

1  
2 also by the... in testifying for the Fire Sprinkler  
3 Council and, and the MCA. I've handed out the  
4 testimony so I'm going to go off script and just make  
5 a, a few comments. The first is I'm reading from  
6 DOB's testimony on 1307, of the 325,000 inspections  
7 there were those that required significant technical  
8 knowledge of our codes and related to high risk work  
9 such as cranes, supported excavation, demolition, and  
10 gas piping I would add electrical and sprinkler work  
11 as well. Alternatively, there are tens of thousands  
12 of inspections we perform, meaning DOB each year that  
13 are simpler and more administrative in nature, this  
14 would include inspections of curb cuts, decks, and  
15 fencing and checking on the status of vacate and stop  
16 work orders. So, the, the problem is the... DOB lays  
17 out there are very technical safety ones and then  
18 there are administrative kind of inspections. The  
19 problem with this bill is it treats all, all  
20 inspections the same and it reduces the  
21 qualifications from five years to two years for all  
22 types of inspections. We think that's an, an error,  
23 we're supportive of the DOB reducing the inspections  
24 but not across the board. For example, in plumbing,  
25 what a plumber needs to know. There are four areas of

1  
2 plumbing; service work, repair and maintenance,  
3 alteration moving piping from here to there to  
4 reconstruction... redo a building and new construction.  
5 The types of work; gas piping, medical gas piping,  
6 welding, water distribution, sanitary, storm water  
7 drainage, etcetera. The types of buildings you work  
8 in; one and two families, multiple dwellings, office  
9 buildings, high rise residential, hospitals,  
10 institutional, and so on. You can't get exposure for  
11 the plumbing work and the safety work and the gas  
12 piping and the welding and the medical gassing in two  
13 years, right so we think the solution is very simple.  
14 The bill is good but just carve out on the safety  
15 inspections, the high rise that DOB points out, yes,  
16 these are the ones we do, carve them out and, and so  
17 to amend the bill to... and that... I think that's a  
18 fairly easy thing to do, lay out plumbing inspections  
19 which cover plumbing, gas piping, and sprinkler work,  
20 electrical inspectors and crane inspectors and I  
21 think the bill would, would, would help the city a  
22 lot.

23 CHAIRPERSON WILLIAMS: Thank you.

24 DONALD MATHESON: Good morning... good  
25 afternoon Chair Williams. Donald Ranshte, Senior Vice

1  
2 President at Building Trades Employers Association  
3 and we are here also to support the bill, 1307 which  
4 would change the qualifications for Buildings  
5 Department Inspectors. I, I'd like to reiterate some  
6 of the comments that were made and I won't go into  
7 the testimony because it, it'll be very similar. We  
8 also agree that as a longtime advocate for more  
9 resources for the Department of Buildings that the  
10 ability for them to hire from a wider and deeper  
11 breadth... a, a pool of talent is, is a great idea and  
12 also the Buildings Department has in recent years  
13 created what they call Buildings University, it's the  
14 internal, internal training module for inspectors.  
15 So, in addition to their outside experience which may  
16 or may not be useful to them once they become an  
17 inspector, Buildings University cross trains them in,  
18 in the multidiscipline that the building.. the  
19 Buildings Department Inspector's would go out and see  
20 in the field every day. Subsequent to that there's  
21 also another split inside of the Department where  
22 there are called the Development... I think my  
23 colleague used the word administrative inspections  
24 and then there's the enforcement inspections. So, not  
25 only does the Department of Buildings within its

1  
2 mission to, to enforce the building code and, and  
3 partially the zoning resolution need to have a, a  
4 more experienced person that they can recruit from in  
5 the workplace adding on the new disciplines of  
6 sustainability is a factor which is not called for in  
7 the... in the charter so we, we are very much in  
8 support of having the Buildings Department be able to  
9 pull from any of those groups that they feel  
10 necessary without being tied to the... all of the  
11 requirements that are currently in the charter and to  
12 just add in one thing further with all the  
13 legislation that the council has... is currently  
14 reviewing it... as put forth since January of this year  
15 including the, the worker safety training bill to  
16 have more Buildings Department Inspectors on the  
17 ground as quickly as possible is, is really just a  
18 great idea and I, I think that we should move forward  
19 with the bill. Thank you.

20 RYAN BAXTER: Good afternoon, I'm Ryan  
21 Baxter, Vice President at the Real Estate Board of  
22 New York. I will be reading just a short selection of  
23 my colleague Carl Hum's testimony in support of 1307,  
24 I don't want to retread on the things that were  
25 already said by my colleagues here but to expound on

1  
2 some of the professional's DOB cannot currently  
3 consider. That includes licensed site safety  
4 managers, mastered plumbers, and electricians as well  
5 as crane operators and as we've discussed we believe  
6 that the charters minimum qualifications hinder DOB's  
7 ability to evolve with the industry. As Donald  
8 mentioned there's the training academy that provides  
9 12 weeks of in the class... on, on the job and in the  
10 field train... excuse me, in the classroom and on the  
11 job training over the 12-week period and we believe  
12 to remedy this circumvents permanently the inspector  
13 qualifications should be left to the determination of  
14 the Commissioner of the Department of Buildings as  
15 well as the Department of Citywide Administrative  
16 Services. We look forward to continuing our  
17 conversations and happy to answer any questions you  
18 may have. Thank you.

19 CHAIRPERSON WILLIAMS: Council Member.

20 KEN FISHER: Mr. Chairman, Ken Fisher on  
21 behalf of the American Council of Engineering  
22 Companies in opposition to 1307A in its present form.  
23 We've submitted our testimony for the record I just  
24 want to make three points to you quickly. One is I  
25 think inadvertently DOB created a, a misimpression.

1  
2 They actually have no requirement for any experience  
3 whatsoever for most of the new qualifications that  
4 they've established. So, a certification by who we  
5 don't know, how long, whatever 60 college credits,  
6 you never have to be on a construction site and under  
7 DOB's proposal that would be acceptable, we don't  
8 think that's a good idea and I think Mr. O'Brien who  
9 testified in favor of the bill agreed, agreed with me  
10 on that... on that. Secondly, you know for all  
11 practical purposes this bill because it's so ill-  
12 defined would leave it to the discretion of, of DOB  
13 and I have to say on behalf of ACEC we've worked very  
14 closely with Commissioner Chandler, we think he's  
15 doing a great job, 400 of our members donate  
16 thousands of hours a year working on technical  
17 committees to make sure that DOB gets it right. So,  
18 what would be wrong with that, well I've been around  
19 long enough to remember when we didn't have money and  
20 we had political influence, we had corruption at the  
21 DOB and as I said to my friends over there I trust  
22 you and I trust your successor but I don't trust your  
23 successor's successor and construction safety is just  
24 too important to leave wide open like that over the  
25 long term. And then lastly, we have a solution for

1  
2 you at least the starting place for a solution, I'm  
3 not sure why DOB never sat down with us to discuss it  
4 but this council has required developers to hire  
5 special inspectors to do 17 different kinds of  
6 inspections, it's in the building code now and the  
7 qualifications for each of them are laid out so I  
8 have a copy we can hand up to the... to the Chair, it  
9 sets up a matrix for the less serious inspections,  
10 the administrative ones less credentials, for the  
11 more serious ones more credentials and we don't see  
12 why any, any reason why they shouldn't be doing it,  
13 they can't take cuts... shortcuts with safety and I'm  
14 happy to hand this up.

15 CHAIRPERSON WILLIAMS: Do we have that?

16 KEN FISHER: It's in the building code  
17 but I mean... I... we haven't submitted this, I, I have a  
18 copy for... [cross-talk]

19 CHAIRPERSON WILLIAMS: Okay, thank you.

20 JUSTIN PASCONE: Thank you Chair. My name  
21 is Justin Pascone and I'm here on behalf of the  
22 American Institute of Architects, the New York  
23 Chapter. As a professional trade organization for  
24 architects we work side by side with the Buildings  
25 Department as an organization and our members work

1  
2 with them on a daily basis including our inspectors.  
3 We want to express our concern with the bill, I think  
4 you've heard I'm going to echo some of those  
5 concerns. The department needs more inspectors, we  
6 believe that, we think that's in the best interest of  
7 the department, of the public, of our profession but  
8 quantity of per inspectors is not a replacement for  
9 quality. We think the department needs more  
10 experienced qualified inspectors. We also acknowledge  
11 and you heard the administration and, and some of my  
12 colleagues as well, you know there are inspectors  
13 that we think lowering the qualifications makes  
14 sense, there's a... certain types of positions but  
15 specifically for inspectors that curtail construction  
16 work in, in performance quality and code compliance  
17 we think the current qualifications are sufficient  
18 and reasonable. Again, we applaud the work of  
19 Commissioner Chandler and his staff, we, we have a  
20 lot of faith that this bill would get carried out  
21 with the best of all intentions but we just want to  
22 make sure that his successor and successor's  
23 successors is able to do that as well. We're willing  
24 to work with this committee and the Department of  
25

1  
2 Buildings to, to sort of flush out what the  
3 difference is here.

4 CHAIRPERSON WILLIAMS: Thank you very  
5 much HPD for your testimony and appreciate your  
6 patience in staying to give it. Next, we have Sarah  
7 Stefanski, from the IBO who is going to give a... what  
8 the impact would be for the asthma bill; Miss  
9 Stefanski in the interest of time I'm going help put  
10 up a guide of five minutes to help her out with the  
11 testimony, we want to get to the good people who  
12 waited so long to testify as well. Please raise your  
13 right hand. Do you affirm to tell the truth, the  
14 whole truth and nothing but the truth in your  
15 testimony before this committee and to respond  
16 honestly to council member questions?

17 SARAH STEFANSKI: I do.

18 CHAIRPERSON WILLIAMS: You can begin.

19 SARAH STEFANSKI: Good afternoon Chair,  
20 Chairman Williams and members of the Committee on  
21 Housing and Buildings. My name is Sarah Stefanski and  
22 I'm the Housing Analyst at the New York City  
23 Independent Budget Office. I'm here to talk about  
24 Intro 385B that would set new rules for identifying  
25 and correcting instances of indoor allergen hazards

1  
2 specifically mold and pests in residential housing.  
3 In 2016 IBO prepared a cost estimate on this Intro at  
4 the request of Council Member Mendez. While our  
5 analysis for the Council Member and my comments today  
6 focus on the potential cost to the city of  
7 implementing the Intro rather than potential benefits  
8 of reduced exposure to mold, pests, and other  
9 allergens, it does not imply that the cost outweigh  
10 the benefits or that costs are the most important  
11 factor to consider. Intro 385B would increase HPD's  
12 cost in two ways; first the legislation would  
13 increase the agency's inspection and administrative  
14 costs. This is because going forward all new indoor  
15 allergen violations would have to be re-inspected to  
16 verify that violations have been corrected and  
17 because the legislation classifies more violations as  
18 class C compared with current rules. Class C  
19 violations are the most serious and require more  
20 administrative oversight than class A and B  
21 violations due to their emergency nature. Second, HPD  
22 is authorized to repair conditions causing class C  
23 violations through its emergency repair program if  
24 they remain unresolved by the building owners.  
25 Although Intro 385B does not require the city to do

1  
2 so. The extent to which this Intro increases HPD's  
3 budget largely depends on whether the agency chooses  
4 to make repairs for indoor allergen class C  
5 violations that are not corrected by building owners.  
6 The cost to HPD also depends on how much if at all  
7 the complaint... the number of complaints and therefor  
8 violations rise as the Intro increases public  
9 awareness of indoor allergen hazards. Although it is  
10 likely that the number of complaints would increase  
11 there is no relevant precedent on which to base an  
12 estimate of how much an increase would occur therefor  
13 an addition to an estimate of cost at current  
14 violation levels IBO conducted an incremental  
15 analysis that can be scaled up or down to model  
16 different scenarios of changes in the number of  
17 complaints. So, looking at the, the fiscal impact of  
18 Intro 385B at current violation levels. So, first IBO  
19 reviewed data for violations between 2011 through  
20 2015 and then modeled how mold and pest related  
21 violations would be reclassified under this proposed  
22 law, while IBO does not expect the Intro to result in  
23 a dramatic shift in the way mold violations are  
24 classified there would be a significant change in how  
25 pest violations are classified. Most pest violations

1  
2 are currently considered class A or B and the Intro  
3 would require all instances of pest infestations to  
4 be categorized as class C. holding indoor allergen  
5 complaints and violations study, IBO estimates if HPD  
6 chooses not to make repairs for the newly classified  
7 class C violations the annual cost to HPD would be  
8 1.6 million dollars in additional inspection and  
9 administrative expenses. In contrast if HPD makes  
10 emergency repairs at the rate it currently does for  
11 other class C violations IBO estimates that the  
12 additional cost of repairs would be 1.9 million which  
13 would bring the total expenditure to nearly 3.5  
14 million a year. When the city corrects an emergency  
15 violation however the cost of the repair with  
16 interest is billed to the building owner and if  
17 unpaid may become a lien against the property.  
18 Through the lien process part of the cost of repair  
19 is recouped by the city in subsequent years. So,  
20 we're adding cost if the city addresses repairs but  
21 then the city billed owner and recoups a portion of  
22 that cost. Assuming the city spends 1.9 million a  
23 year on repairs to remediate indoor allergens under  
24 385B IBO estimates that the city would recoup 910,000  
25 dollars within two years and just over 1.5 million

1  
2 within five years so this would bring the net annual  
3 cost of 385B at current complaint levels and repair  
4 rates to a total of 1.9 million after five years of  
5 emergency repair collections. HPD would also  
6 experience a onetime up-front cost of 100,000 dollars  
7 to update its violation tracking computer program to  
8 reflect changes in classifications and timelines  
9 under this bill. Now I'm going to discuss how an  
10 increase in complaints would have a fiscal impact. In  
11 2015 HPD received about 82,000 unique complaints  
12 about pests and mold. IBO estimates that 8,200  
13 additional complaints which would be a ten percent  
14 increase from current levels will lead to an  
15 additional annual cost to HPD of about 550,000  
16 dollars compared with the baseline complaint levels  
17 assuming no additional repairs are made. If HPD makes  
18 additional emergency repairs their annual cost would  
19 raise by nearly 900,000 dollars compared with the  
20 baseline level. In the latter case, some of these  
21 costs again would be recouped from building owners.  
22 Within two years IBO estimates that 170,000 dollars  
23 would be collected by the city and within five years  
24 an estimated 280,000 dollars would be collected back.  
25 Therefore, the net annual cost for each 8,200

1  
2 complaints assuming HPD makes it... emergency repairs  
3 would be about 620,000 dollars after five years of  
4 collections. There's also a fiscal impact for the  
5 Department of Health and Mental Hygiene. DOHMH would  
6 incur expenses for preparing pamphlets and training  
7 materials, investigating the presence of indoor  
8 allergen hazards in cases where the housing  
9 maintenance code enforce through HPD would not apply  
10 and for implementing a referral system for physicians  
11 to arrange for household inspections for patients  
12 with respiratory illness. IBO estimates a total of  
13 520,000 in upfront costs and 430,000 annually  
14 thereafter for DOHMH with an additional 14,000 a year  
15 for an increase if we had a ten percent increase in  
16 complaints. Two cost related considerations were  
17 outside the scope of the IBO analysis. We did not  
18 estimate costs associated with an increase in housing  
19 litigation, if this bill increases the number of  
20 violations it may also increase the cost to HPD's  
21 housing litigation division. We also did not estimate  
22 how this bill may impact housing code violations in  
23 residential units within the New York City Housing  
24 Authority which HPD does not inspect. Thank you for  
25

1  
2 your time and I would be happy to answer any  
3 questions.

4 CHAIRPERSON WILLIAMS: Thank you for your  
5 testimony, Council Member Mendez do you have any  
6 questions? Thank you very much for your testimony.  
7 Jeffrey Bohn, Rajiv Jaswa, Jason Wu, Benjamin Canet,  
8 Ruth Berdah Canet, Daniel Carpenter Gold and Matthew  
9 Chachere. And I'm going to call the panel that's  
10 scheduled after them, everybody who was signed up  
11 will have an opportunity to testify. Rolando Guzman,  
12 Margarita Luna, Fabian Bravo from Sunset Park and  
13 Kelli Espinal will be following this panel. Jeffrey  
14 Bohn? Is Jeffrey Bohn here? Rajiv Jaswa, Jason Wu,  
15 Benjamin Canet and Ruth Berdah Canet, Daniel  
16 Carpenter Gold and Matthew Chachere?. Can you please  
17 each raise your right hand? Do you affirm to tell the  
18 truth, the whole truth and nothing but the truth in  
19 your testimony before this committee and to respond  
20 honestly to council member questions?

21 [affirmatives from the panel]

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

1  
2                   MATTHEW CHACHERE: Thank you to the  
3 committee. My name is Matthew Chachere, I'm an  
4 Attorney with Northern Manhattan Improvement  
5 Corporation in Washington Heights in, in the Bronx. I  
6 appreciate your invitation to testify today.  
7 According to the Health Department's data, Washington  
8 Heights has the second highest incidents of reported  
9 mold problems in homes, highest incidents of water  
10 leaks and cockroaches and we're the highest  
11 incidences of mice, of holes that permit vermin  
12 ingress and not surprisingly very high levels of  
13 asthma. I've been a practicing attorney in, in  
14 housing for over 30 years and much of my work is  
15 focused on this intersection between housing and  
16 health and as a member of this coalition I've worked  
17 very closely with Council Member Mendez's office and  
18 others to help develop this proposal. This bill is an  
19 effort to craft a meaningful response to the chronic  
20 asthma triggers in private rental housing in what has  
21 been up till now a lesson effect of code enforcement  
22 regime. For example, while the Health Department  
23 since 1993 has had recommendations and guidelines for  
24 the control and remediation of mold and these  
25 guidelines are considered to be state of the art by

1  
2 other jurisdictions they've remained just guidelines  
3 and I can tell you as a tenant attorney that if you  
4 take this to the court and try to get the landlords  
5 to follow the guidelines the judges are going to say,  
6 counselor they're just guidelines, same thing in  
7 terms of, of pests. An integration pest management is  
8 well recognized as beneficial in, in having  
9 meaningful control of, of pests as an asthma trigger  
10 and in fact since 2005 it's been mandated under Local  
11 Law 37 for use in city owned buildings but not in  
12 private dwellings. Unfortunately, the, the current  
13 housing code doesn't require that as a result we see  
14 the same pest conditions and mold conditions return  
15 again and again and again and again without effect of  
16 correction. It is an exceedingly poor use of code  
17 enforcement, resources, attorney resources, court  
18 resources, frustrating to tenants and health care  
19 providers alike and in the long run makes a residence  
20 less healthy. We know that poor housing conditions  
21 have a significant adverse impact on public health  
22 and we know that effective code enforcement can have  
23 a tremendously positive impact as our law has shown.  
24 The same progress could be achieved here so I urge  
25 that this bill after ten years of kicking around the

1  
2 council be finally moved into law. I understand  
3 there... that the HPD yet again has concerns about some  
4 of the details and wants to make further amendments  
5 to this law, I just would urge that we keep our eye  
6 on the prize here and that if the bill gets watered  
7 down much more we end up with something that really  
8 doesn't do anything meaningful. Thank you.

9           JEFFREY BOHN: Good afternoon. My name is  
10 Jeffrey Bohn and I'm a Paralegal at MFY Legal  
11 Services. MFY Legal Services' mission is to achieve  
12 social justice by prioritizing the needs of people  
13 who are low income, disenfranchised, or have  
14 disabilities and I work in MFY's housing project  
15 which is, is at MFY to prevent homelessness and to  
16 hope... help preserve affordable housing in New York  
17 City. This afternoon I'd like to tell you a story of  
18 a client of mine, let's call her Mrs. E. Every day  
19 Mrs. E takes the hand of her three small children who  
20 are asthmatic and dreads going back to her third  
21 story apartment. A persistent mold infestation has  
22 taken over the walls of her bathroom and her kitchen.  
23 On countless occasions Mrs. E has attempted to  
24 remediate this, this mold infestation by swabbing  
25 with a streak of bleach but this quick fix only lasts

1  
2 a few weeks. As a recent immigrant with limited  
3 English proficiency and extremely limited resources  
4 Mrs. E fears the consequences of speaking up and  
5 exerting her rights for a safe and decent apartment  
6 for her and her family. Mrs. E feels trapped within  
7 the confines of two undesirable choices; either  
8 continue living in a hazardous and dangerous  
9 apartment with her and her family or, or risk joining  
10 the roughly 60,000 homeless individuals in New York  
11 City. Unfortunately, Mrs. E's story is not uncommon,  
12 hundreds of tenants are placed at a heightened risk  
13 of contracting or experiencing height... exacerbated  
14 symptoms of asthma simply based upon the zip code  
15 that they call home. Quite frankly this is what's  
16 defined as environmental racism, poor housing  
17 conditions disproportionately effect low income  
18 communities and communities of color. The Bronx has  
19 six of the highest poverty-stricken neighborhoods in  
20 New York City and in addition sees the highest rates  
21 of both asthma hospitalizations and deaths. Three  
22 times more households in high poverty areas report  
23 three more repair issues as compared to households  
24 that are classified as more affluent. Systematic  
25 building repairs in shoddy building conditions are an

1  
2 accomplice to staggering asthma rates in low income  
3 communities like the Bronx. Despite the fact that six  
4 percent of Americans suffer from asthma, nearly one  
5 in four children in some low-income communities in  
6 New York City suffer from asthma that is why MFY  
7 Legal Services strongly passes... supports the passage  
8 of Intro 385B and believes that it is crucial  
9 legislation which will support a decent quality of  
10 life for children at risk for and already affected by  
11 asthma as a result of mold and pest infested  
12 environments. Thank you.

13 RAJIV JASWA: Gook afternoon, thank you  
14 to the Chair and Council Member Mendez. My name is  
15 Rajiv Jaswa, I'm an Attorney at the Urban Justice  
16 Center's Community Development Project. Each year we  
17 represent hundreds of tenants who slip through the  
18 cracks of an aging code enforcement system and live  
19 with recurring leaks and mold despite the best  
20 efforts of their attorney's, advocates, and city  
21 enforcement officials. The city's housing maintenance  
22 code was enacted in 1967 and it established a basic  
23 requirement that landlords must maintain apartments  
24 in quote, "good repair" but it didn't say anything  
25 about mold and today 40 years later when an HPD

1  
2 inspector responds to a mold complaint the inspector  
3 still acts under the imprecise authority of the  
4 housing maintenance codes general good repair  
5 language. Since 1967 we have come a long way in our  
6 understanding of the relationship between building  
7 dampness, indoor mold growth, and adverse health  
8 outcomes. We know that roughly 4.6 million reported  
9 asthma cases in the United States are attributable to  
10 dampness and mold exposure in the home. We know that  
11 dampness and indoor mold exposure is a particularly  
12 serious health issue in New York City and one that  
13 cuts right down the lines of racial and economic  
14 inequality. These disparities appear most starkly  
15 when looking at adjacent neighborhoods. For example,  
16 children in East Harlem make nearly 13 times as many  
17 asthma related emergency room visits as their  
18 neighbors in the Upper East Side. But today we also  
19 know how... much more about how to solve the problem  
20 through code revisions that require proven mold  
21 remediation approaches like addressing the underlying  
22 conditions supporting mold growth and providing  
23 occupants and workers with affective protection. The  
24 community development project strongly supports Intro  
25 385B because we believe it's time for our laws to

1  
2 catch up with what we know and that's exactly what  
3 this legislation does. Thank you.

4 JASON WU: Good afternoon Chair, thank  
5 you Chair Williams, Council Member Mendez and the  
6 Committee on Housing and Buildings for the  
7 opportunity to provide testimony today on behalf of  
8 the Legal Aid Society. The Legal Aid Society is the  
9 oldest and largest legal services provider serving  
10 the indigent. We have three major practices; civil,  
11 criminal, and juvenile rights. Within our civil  
12 practice we handle more than 47,500 individual cases  
13 involving immigration, domestic violence, housing  
14 among many other practice areas. I am a Staff  
15 Attorney in the Legal Aid Society's Housing  
16 Development Unit located in the Harlem Community Law  
17 Office. I represent ten associations including  
18 Affirmative Litigation to help tenants get repairs  
19 and essential services among, among a range of other  
20 issues regarding landlord harassment. Our experience  
21 in representing housing clients confirm that the  
22 existence of indoor allergens is a significant issue  
23 for many New York City tenants, an issue that HPD and  
24 the courts to date have not dealt with effectively.  
25 Due to factors including a lack of expertise and a

1  
2 dearth of clear standards for dealing with these  
3 issues. The proposed bill addresses these problems by  
4 providing clear technical standards and guidelines  
5 for remediation with greater focus on underlying  
6 causes requiring greater information sharing and  
7 clarifying HPD's obligation in this area. It is no  
8 secret there are landlords who neglect units occupied  
9 by long term tenants as, as part of broader strategy  
10 its increased turnover and displacement. Due to  
11 loopholes in the rent laws landlords receive a  
12 windfall every time that an apartment becomes vacant  
13 therefor the incentive to harass long term tenants  
14 out of their homes by ignoring housing code  
15 violations has only increased over the last decade.  
16 Many tenants are forced to endure hazardous  
17 conditions in their apartments and buildings for  
18 years. However, some tenants do abandon their  
19 apartments and become homeless and struggle to find  
20 safe and stable housing. And while there are  
21 complaint options available for tenants through HPD  
22 or in housing court there remain many challenges for  
23 tenants effectively enforcing those rights. First  
24 most tenants do not know their rights or what options  
25 and resources are available to them. second many

1  
2 tenants find the prospect of legal action to be  
3 extremely difficult for a number of, of reasons;  
4 language access, landlord intimidation, time and  
5 effort needed to participate in litigation, and  
6 financial cost. Third, underlying conditions that  
7 create indoor allergens are especially difficult to  
8 address through HPD complaints or in housing court  
9 even with litigation tenants may find the conditions  
10 such as mold and leaks recurring after the... after the  
11 owner made cosmetic repairs just sufficient to lift  
12 the most recent violation. Introduction 385B  
13 appropriately addresses these issues and in my  
14 written testimony I give two case studies; one is an  
15 example where if Mrs. P was protected under  
16 Introduction 385B she might still be in her... in her  
17 home, she may still have her section... [cross-talk]

18 CHAIRPERSON WILLIAMS: I'm going to have  
19 to ask you... [cross-talk]

20 JASON WU: ...eight voucher... [cross-talk]

21 CHAIRPERSON WILLIAMS: ...to give a closing  
22 sentence.

23 JASON WU: And the second example is a  
24 tenant that I represented for the past two years and  
25 prior to my representation he had been struggling for

1  
2 decades to get the mold and mice infestation  
3 remediated properly.

4 CHAIRPERSON WILLIAMS: Thank you.

5 JASON WU: Thank you.

6 RUTH BERDAH-CANET: Thank you for your  
7 time today, I'm Ruth Berdah Canet.

8 BENJAMIN CANET: And I'm Benjamin Canet.

9 We moved from France to New York in 2003 and have  
10 been permanent residents here for five years. Ruth is  
11 a filmmaker and I'm an Investment Professional at a  
12 Hedge fund. Our son, Noah has just turned two and has  
13 been poisoned with mold for a year because of our  
14 management company's negligence. We do not have a  
15 long time to speak today so we'll get straight to the  
16 core of the issue. We're fortunate... we're fortunate  
17 enough to earn fairly high incomes which means we  
18 have the financial means to fight our management  
19 company, pay medical bills, find a new apartment,  
20 move out, and soon hire legal counsel but most New  
21 Yorkers especially New Yorkers who are confronted  
22 with mold issues are usually not as financially  
23 comfortable as we are. This is... this is why we  
24 believe it is crucial for us to testify today.

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RUTH BERDAH-CANET: Our story started in March of 2016. We lived on the 27<sup>th</sup> floor of a doorman building at 345 East 80<sup>th</sup> Street and the leak soaked the hallway carpets right outside our apartment. We told the super and the management company about this but they claimed they couldn't find the source of the leak. After a few months, a nasty white stain started to appear on the carpet and spread out producing a foul smell. We asked them if this could be mold but they dismissed it without even investigating, they made fun of us and did nothing.

BENJAMIN CANET: Over the same period our then one year old baby was suffering from severe and constant breathing issues that led to very serious asthma flares and even hospitalization. We were constantly running from doctors to doctors, even the slightest cold would morph into terrible asthma flares. His treatment was very heavy with both albuterol's and steroids around the clock but to our dismay we never saw much improvement.

RUTH BERDAH-CANET: Despite reporting our son's issue to the super and management company for a month they just did not want to take that problem seriously. So, three months ago we decided to hire

1  
2 one of the best inspection company in the city and  
3 the results were terrifying. We had spore... mold spore  
4 levels more than a hundred times normal levels and  
5 one of two worst kinds of mold causing asthma and  
6 skin lesions and the recommendation to leave the  
7 premises immediately. Despite this evidence and  
8 detailed recommendation, the management company  
9 refused to do appropriate remediation leaving us no  
10 other choice but to move out permanently.

11 BENJAMIN CANET: Within days after we  
12 moved Noah's condition improved drastically but the  
13 doctors are not sure about long term consequences of  
14 such a high and prolonged mold exposure. Needless to  
15 say, that Ruth and I still live in fear every time  
16 Noah catches a cold and as you can imagine it happens  
17 a lot with a two-year-old.

18 RUTH BERDAH-CANET: Management companies  
19 and supers do not take mold seriously partially  
20 because its silent and often invisible. Imagine if we  
21 had the same amount of cockroaches per cubic square  
22 as we did with those mold spores for sure they would  
23 have dedicated their whole day to find the source of  
24 the nest but the super and the management company did  
25 nothing and if knowing that a baby was critically

1  
2 sick for a year did not coerce the management company  
3 to act quickly and efficiently we hope that the power  
4 of the law will. We place our trust in our policy  
5 makers today to invite other families and often less  
6 fortunate to have to go through the same hell we just  
7 escaped from. Thank you for your time.

8 CHAIRPERSON WILLIAMS: Thank you.

9 DANIEL CARPENTER-GOLD: Good afternoon.  
10 Thank you very much to the Chair, Council Woman  
11 Mendez and the committee. My name is Daniel  
12 Carpenter-Gold, I am the Healthy Housing Legal Fellow  
13 with New York Lawyers for the Public Interest or  
14 NYLPI. NYLPI is very pleased to be here today in  
15 support of 385B because this bill addresses issues at  
16 the nexus of our three programmatic areas; disability  
17 justice, health justice, and environmental justice  
18 and I might add that we run an environmental and  
19 health literacy campaign encouraging people to report  
20 issues like this to 311 and through that to HPD and  
21 therefor to make sure that these issues get  
22 remediated. So, Intro 385B directly addresses the  
23 needs that our clients and communities have seen by  
24 implementing reforms in three key areas. First the  
25 bill creates an affirmative duty and effective

1  
2 process for landlords to inspect and abate mold and,  
3 and other vermin problems and remediate it once they  
4 find it. Under the current process tenants must wait  
5 until they can basically prove either to the landlord  
6 or the court that they have a mold or vermin  
7 infestation, 385B would effectively put the owners on  
8 the landlord to seek out and correct these problems,  
9 this solves the problem more rapidly and cheaply and  
10 prevents unnecessary litigation and it helps preserve  
11 New York City's precious affordable housing stock.  
12 Second the bill strengthens HPD's role in the  
13 process, the agency has immense expertise and  
14 practical experience in correcting poor housing  
15 conditions and this bill would empower them to do  
16 even more to inspect more thoroughly and to issue  
17 stiffer penalties. Third, 385B creates a pathway for  
18 tenant's doctors who have both the training to know  
19 when asthma may be exacerbated by indoor air quality  
20 and, and the close connection with their patients to  
21 know when they need help. To... it empowers them to  
22 initiate this process of inspection in remediation.  
23 This radically expands the opportunities for  
24 effective intervention in the process so that even  
25 tenants who do not themselves realize they might be

1  
2 at risk can be helped. So, thank you very much for  
3 your time and we urge you to support this bill.

4 CHAIRPERSON WILLIAMS: Thank you all, all  
5 for your testimony, the work that you're doing. Mrs.  
6 Berdah-Canet and Mr. Canet thank you for your, your  
7 personal testimony obviously from your own  
8 description you didn't necessarily have to but I  
9 appreciate you taking up the fight and I'm sorry for  
10 butchering your name. Council Member.

11 COUNCIL MEMBER MENDEZ: I want to thank  
12 this panel for their testimony for the attorney's on  
13 this panel I'd like to know of the cases that you've...  
14 have represented tenants that have had mold and how  
15 many percentage of the cases do the landlord actually  
16 do the repair, if they do the repair and abate it and  
17 what percentage of the cases does the mold come back  
18 and in the cases where they've abated the mold and it  
19 did not come back how long did it take the landlord  
20 to do the repair, we could start from this side and  
21 go back?

22 MATTHEW CHACHERE: Council Member I, I  
23 don't have with me empirical data however I can tell  
24 you that it... and if you'll see in my written  
25 testimony I have a photograph there of one of my

1  
2 client's apartments and that picture shows that's the  
3 intersection of the ceiling and wall so you can see  
4 there's about 20, 30 square feet that was a couple of  
5 months after the landlord had abated quote unquote  
6 the mold and those are precisely the kinds of  
7 recurrent chronic conditions that we're trying to get  
8 at with, with this legislation precisely because  
9 there is no required methodology in treating the  
10 underlying condition so often what happens is the  
11 landlord throws bleach on the surface which as  
12 professionals in the environmental toxicology field  
13 have explained to me is sort of like giving crack to  
14 the mold because its full of water and that's what  
15 the mold feeds on so... you know bleach has water in  
16 it, you're just exacerbating the problem. So, as I  
17 said I don't have empirical numbers but I can tell  
18 you from practical experience that the problems are  
19 often not remedied and they just keep coming back and  
20 back and back and back and eventually the tenants get  
21 just disgusted with the whole process of taking time  
22 off from work and going to housing court where a  
23 judge just says okay, get rid of it and as long as  
24 the problem isn't visible anymore HPD's fine and  
25 crosses the violation off the list but the underlying

1  
2 condition hasn't been corrected and that's what we're  
3 trying to get at.

4           RAJIV JASWA: I wish I could say I have  
5 worked on cases where I knew for sure that my work  
6 had effectively addressed the issue but I, I don't  
7 know of any cases I've worked on like that, like I, I  
8 consider it a victory if I know that some structural  
9 change took place, if I can get the landlord to, to  
10 fix the ventilation system or fix the roof that's a  
11 huge victory because that's not usually what we're  
12 able to achieve and, and the biggest difficulty we  
13 have is that... you know when a tenant calls 311 the  
14 landlord gets a notification before the inspector  
15 shows up and its really difficult to get HPD to come  
16 back and reinspect and issue like an aggravated  
17 violation because it's usually patched up before they  
18 come back which deprives us of most of the  
19 enforcement tools or legal mechanisms we have to  
20 really bring about structural change and, and that's  
21 the number one thing I think that's there in this  
22 bill is that it focuses on the process as opposed to,  
23 to a visual inspection outcome. So, the cases where I  
24 feel like I've achieved something is when there's  
25 documentation of what the landlord actually did. And

1  
2 Intro 385 would make sure that that happens every  
3 single time there's a mold violation and that's a  
4 huge deal.

5 JASON WU: So, I, I don't think every,  
6 every case is different and so sometimes you have  
7 landlords who will cooperate especially if there's a  
8 legal service provider on, on the case and they'll do  
9 the work and the clients don't come back but that,  
10 that doesn't always happen and that usually doesn't  
11 happen. So, when, when I have a, a case where there  
12 is recurring mold or recurring pest infestation it  
13 may take a year, two years of litigation, contempt  
14 motions, trial, repeated requests from the courts to  
15 reinspect the conditions and this can be very, very  
16 taxing on the families that we represent. This... our  
17 clients are mothers with children, do they... do they  
18 have to... do they have child care to come to court, do  
19 they bring their child to court, our clients are  
20 disabled, they're seniors, are they going to come...  
21 commute from Washington Heights to Center Street  
22 every time there's a court appearance and so while  
23 there are complaint processes in place through HPD  
24 and through the housing court system they're  
25 insufficient and with Introduction 385B it would

1

2 provide additional protections and enforcement  
3 mechanisms from the very beginning when HPD goes out  
4 to inspect and so for me and my... I... while it would  
5 definitely benefit legal service providers like the  
6 Legal Aid Society to have Intro 385B it would.. it  
7 would help alleviate some of the, the resource strain  
8 that goes into fighting enforcement cases like this.  
9 I think for unrepresented tenants they're the ones  
10 who are really, really struggling and most of them  
11 will never access an attorney to represent them.

12 DANIEL CARPENTER-GOLD: I'll just add  
13 that among the clients and callers that we've had  
14 I've never seen one who hasn't first asked for some  
15 sort of repair from their landlord or their  
16 management company and in general they don't always  
17 know what to ask for, they might know... realize that's  
18 there's a problem but not actually know what specific  
19 repair to ask for but they definitely have tried that  
20 route and it has not been successful because of  
21 resistance by the management company or the landlord  
22 or potentially some part of that staff.

23 COUNCIL MEMBER MENDEZ: For Ruth and  
24 Benjamin are you still living in another apartment or  
25 have you returned to your home?

1  
2 RUTH BERDAH-CANET: No, we found another  
3 apartment and we moved out. Basically, when we got  
4 the report from the mold company advising us to leave  
5 the premises immediately we packed a bag and within  
6 two hours we were gone. I had a phone call within  
7 minutes of receiving the email with the mold report  
8 with one of their lab experts and he told me that  
9 every hour I was spending in, in this apartment would  
10 continue to weaken our baby's immune system to the  
11 point where skin lesions started to appear and this  
12 had just happened a couple of weeks ago and he said  
13 that it was the last phase when the body just cannot  
14 handle things anymore just... you know some cracking of  
15 the skin. Go ahead.

16 BENJAMIN CANET: No, basically we moved  
17 out immediately but we left them the chance to  
18 remediate, right because we were in a temporary  
19 apartment, the report it was very detailed in giving  
20 the steps that needed to be taken not only to find  
21 and fix the source of the leak but then all the steps  
22 to, you know repair the walls and the surfaces,  
23 right, so honestly we thought that with a report like  
24 that the management company would do the work but  
25 after more than a month of basically doing nothing

1  
2 and back and forth and yelling on the phone and I  
3 don't know if you can tell we can fight. We decided  
4 that we had to find a, a permanent apartment and so  
5 again we had the means to find an apartment quickly  
6 and move just a block away from our previous  
7 apartment but again most people don't have that luck.  
8 It's quite amazing to see that despite a report like  
9 that and we attached some, you know pictures of the  
10 condition of our child, you could definitely tell  
11 that the management company did not feel the urge to  
12 do anything and we hope that this law is going to  
13 solve that issue.

14 COUNCIL MEMBER MENDEZ: Thank you very  
15 much. So, can anyone on the panel of the attorneys  
16 tell me if you've had cases where as in this case  
17 they have moved out and a new tenant has come into  
18 the same apartment and it's the same condition?

19 BENJAMIN CANET: What I can say is for  
20 our case is that they haven't fixed the issue yet...  
21 [cross-talk]

22 COUNCIL MEMBER MENDEZ: Uh-huh... [cross-  
23 talk]

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2 BENJAMIN CANET: ...they did very cosmetic  
3 repairs and now I think they are looking for new  
4 tenants.

5 COUNCIL MEMBER MENDEZ: Okay.

6 RAJIV JASWA: Yeah, I can... the, the  
7 closest example I have is one of my clients in  
8 addition to doing an HP action we also did a  
9 reasonable accommodation request and due to his  
10 advocacy like he's very involved in the... in the  
11 organizing group we work with, we got the owner to  
12 agree to pay for an industrial hygienist to, to do a  
13 full assessment of his apartment and the owner agreed  
14 to transfer him to another apartment and the owner  
15 had basically offered a one month abatement to anyone  
16 else in the building who would agree to switch  
17 apartments with him. So, the owner wasn't going to  
18 actually fix up the other apartment they were just  
19 going to shuffle people around the problem is the  
20 entire building has these structural problems and all  
21 of the apartments I went to with my client as, as  
22 potential transfer options also had leaks. So, no  
23 transfer ended up happening but it sort of speaks to  
24 the problem I think you were getting at.

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2 COUNCIL MEMBER MENDEZ: Thank you very  
3 much. Thank you Mr. Chair.

4 CHAIRPERSON WILLIAMS: Thank you very  
5 much for all the testimonies. Rolando Guzman, St.  
6 Nicks Alliance, is Rolando Guzman here? Margarita I  
7 think its Long, Luna, Margarita Luna? Fabian Bravo,  
8 is Fabian Bravo here? Kelly Espinal, is that.. she's  
9 outside. Genesis Miranda, Make the Road, Genesis  
10 Miranda? Rolando Guzman is here, Rolando Guzman,  
11 Fabian Bravo, Kelly Espinal, that's Kelly Espinal?  
12 Margarita Luna? Genesis Miranda, is Genesis here? So,  
13 we have... so we have Rolando Guzman and Fabian Bravo,  
14 Kelly Espinal, Margarita Luna. Yeah, but they have to  
15 translate... is everybody... everybody testifying has a  
16 translator? Just two. Alright, let me go through this  
17 again; Rolando Guzman, Fabian Bravo, Kelly Espinal,  
18 that's you and do you have a translator? Okay and  
19 Margarita Luna. You... okay. I'm not... I'm not  
20 understanding what you... that's Margarita Luna,  
21 correct? That's Margarita Luna? There's no Margarita  
22 Luna? Yes and, and you're translating for her? And  
23 who are you translating for? And so, this gentleman  
24 with her... I see, so there are four people testifying  
25 right now? Okay, Genesis is not here... who's Genesis?

1  
2 Genesis Miranda, okay. So, there are five people  
3 testifying and two translators? Okay, can everybody  
4 please raise their right hand? Do you affirm to tell  
5 the truth, the whole truth and nothing but the truth  
6 in your testimony before this committee and to  
7 respond honestly to council member questions? So,  
8 you'll each have two minutes to testify, if you have  
9 a translator they have two minutes plus two minutes  
10 for the translator. You can begin in the order of  
11 your preference.

12 ROLANDO GUZMAN: Good afternoon Chair  
13 Williams and Council Member Mendez. My name is  
14 Rolando Guzman, I'm the Deputy Director for Community  
15 Preservation at St. Nicks Alliance. We are here also  
16 as a member of the coalition against legal hotels and  
17 we are here just to testify touching two bills but  
18 we're going to start with Intro 1589. First, we have  
19 some concerns about this bill. North Brooklyn is a  
20 mix of housing, we have multifamily buildings from  
21 six all the way to hundred plus units mostly rent  
22 stabilized and also, we have a large number of two  
23 family homes in our community. At the same time,  
24 North Brooklyn is one of the epicenters of  
25 displacement in the city of New York. Tenants are

1  
2 being pushed out not only from the rent stabilized  
3 units but also from the two-family homes in our  
4 community. And we have a big push for high paying  
5 tenants moving in and the... pretty much the greed of  
6 landlords and homeowners trying to multiply their  
7 building income. We see that this legislation as it  
8 is right now kind of opens a door for more  
9 displacement in our two-family homes in the  
10 community. I want to say though that we as an  
11 organization we support the small business, we  
12 support legal B and B's and... but we have certain  
13 concerns with this... the nature of this legislation.  
14 We look forward to working with you on that and, and  
15 again we're looking forward that... a legislation that  
16 can protect its small businesses but at the same time  
17 can keep available the housing in our community.  
18 Second real quick we also support Intro 385B, the  
19 mold is an issue that we have in our community that  
20 is affecting the housing conditions of our tenants  
21 and it needs to be regulated, a lot of our clients  
22 come to our, our office complaining about mold and  
23 like many people say before landlords sometimes they  
24 just put bleach and... or paint it over and weeks later  
25

1  
2 the problem is again so I think regulation on those  
3 two items is timely. Thank you so much.

4 FABIAN BRAVO: [Spanish dialogue]

5 TRANSLATOR FOR FABIAN BRAVO: Good  
6 afternoon, my name is Fabian Bravo and I live on 61<sup>st</sup>  
7 Brooklyn in Sunset Park. I'm in... I'm in a  
8 neighborhood group that helps assist other neighbors.  
9 My daughter Samantha suffers from asthma, I'm always  
10 taking her to the doctors' appointments, getting her  
11 medications and in addition asthma prevents her from  
12 doing many physical activities. One night my daughter  
13 had a very severe asthma attack, the images of the  
14 attack, the panic, and anxiety still haunt me until  
15 this day. That night I made a decision to fight  
16 against the owner of the building who neglected to  
17 make the proper repairs, who neglected to remove the  
18 mold, the roaches, and eh current conditions which  
19 have been living... which we have been living with for  
20 the last 15 years. Since 2015 the judge and the city  
21 agencies have ordered the building owner to make the  
22 necessary repairs. This has not been enough, simply  
23 put these repairs have simply been ignored. She  
24 ignores the order of the court and the city agencies  
25 given we still have the same issues and conditions

1  
2 and just like the owner of my building there exists  
3 many owners who simply ignore and disregard the order  
4 of the courts. The owners of these buildings know the  
5 laws that, that exist do not put enough pressure on  
6 them to maintain these apartments. It is not fair  
7 that the... that there still exists an increase in  
8 asthma related cases in children and within the city  
9 of New York. today we ask the council members present  
10 for their support in the new law called 385. We need  
11 this new law to obligate the owners of buildings and  
12 to take adequate measures to maintain the cleanliness  
13 of these buildings. We need to make sure that  
14 building owners stop evading the law. My hope is that  
15 we have change from today's decision, the lives of  
16 many children depend on this. Thank you and I trust  
17 in your support.

18 MARGARITA LUNA: [Spanish dialogue]

19 TRANSLATOR FOR MARGARITA LUNA: My name  
20 is Margarita Luna and I am part of the group of  
21 Neighbors Helping Neighbors. I live at 275 46<sup>th</sup>  
22 Street Sunset Park, Brooklyn. I've been living in  
23 that apartment for 14 years and I've been asking the  
24 landlord to take care of the mold in the window areas  
25 and in the bathroom, I also... and also the damp walls

1  
2 and the leaks whenever it rains, mice and roaches in  
3 the kitchen area and holes and bedbugs in the floors  
4 and walls. I've requested the landlord to do the  
5 repairs several times but he didn't do anything. I  
6 also sent letters many times then I went to court but  
7 he would always postpone the case which lasted two  
8 years since he sold the building in the middle of the  
9 trials so a new case had to be started. I also  
10 contacted 311 several times, the building accumulated  
11 many violations. During these years my whole family's  
12 health especially my children were affected. I  
13 constantly had to go to the ER for allergies, asthma,  
14 and bronchitis, there were many nights without sleep  
15 because I had to be giving asthma medication with a  
16 nebulizer machine. Because of these issues and  
17 others, we ask the council that please pass law 385  
18 to protect our children and the community. Law 385  
19 will improve our children's health and will order the  
20 landlords to take care of the repairs properly in  
21 time... in a timely manner. Even though my landlord  
22 removed the mold it comes back every three months  
23 around walls and windows and in the bathroom. The  
24 current law only requires the landlord to remove mold  
25 using bleach and paint but not to remove the problem

1  
2 from the source whether it might be a broken pipe or  
3 broken ceilings or both. Thank you for your attention  
4 and for protecting the tenants.

5 KELLI ESPINAL: [Spanish dialogue]

6 TRANSLATOR FOR KELLI ESPINAL: I'll read  
7 it in English now. Good afternoon, thank you to  
8 Speaker Melissa Mark-Viverito, Committee Chair  
9 Jumaane Williams, Council Member Rosie Mendez and all  
10 of the Council Members here today for your leadership  
11 on this critical issue. I'm here today to support  
12 Intro 385B. My name is Kelli Espinal and I'm a member  
13 of Make the Road New York, both my sons have asthma.  
14 I have lived in Bushwick, Brooklyn for more than 12  
15 years. When I first moved to Bushwick I lived in a  
16 private house with my two sons, Willington who is 14  
17 years old and Jadeel who is nine years old. In our  
18 first home leaks and mold were present on walls of  
19 bathroom and bed, bedrooms. Jadeel began to suffer  
20 from asthma at a very early age, at just eight months  
21 old doctors diagnosed him with asthma and ever since  
22 it has been our family's nightmare. Today I live in a  
23 rent stabilized building on Halsey Street in  
24 Bushwick, Brooklyn. The conditions in our apartment  
25 are that our landlord won't fix are the main issues..

1  
2 are the main cause of my son's persistent asthma. As  
3 I sit here today leaks are streaming water down the  
4 walls of our kitchen, mold is growing in our  
5 bathroom, our whole apartment is humid and damp.  
6 These conditions continue to exacerbate Jadeel's  
7 asthma, every time Jadeel passes by my kitchen he  
8 becomes short of breath, it is... it is a daunting  
9 feeling as a parent as I stay to fight for my rent  
10 stabilized apartment where the last frontiers of  
11 affordable housing I do so at the risk of my son  
12 getting sicker because my landlord refuses to fix. My  
13 son's doctors have tried many types of medicine even  
14 considering stronger medicines that may not be  
15 suitable for a child my son's age. I've spent many  
16 days and nights in the hospital sometimes rushing out  
17 of my apartment at odd hours of the night to seek  
18 care for my boy. The constant medical attention has  
19 put me in a difficult place at work, I've had many  
20 absences due to doctors' visits or my son's school  
21 calling me and... calling me in because he's having  
22 trouble breathing. In one year, I can say that I have  
23 visited a hospital around 150 times in a single year.  
24 As you can see my son's asthma affects every aspect  
25 of our lives; school, work, health, and safety. I'm

1  
2 here because my story is not an isolated one, doctors  
3 and health experts many of whom are here today point  
4 to poor housing conditions like pests and mold being  
5 triggers of asthma. If we had additional protections  
6 for tenants that moved bad actor landlords to  
7 remediate these health and safety concerns my son  
8 would be able to spend more time in his classroom  
9 rather than the emergency room. I have demanded  
10 repairs countless times but my landlord seems more  
11 interested in getting us out so that he can see a  
12 rent increase. His profits are more important than  
13 the health and wellbeing of a nine-year-old child.  
14 With no other choice, we've worked with Make the Road  
15 New York to facilitate joint legal action against our  
16 landlord. As we await the outcome leaks and mold  
17 persist. I'm here to urge you, the New York City  
18 Council to pass this asthma free housing act. With  
19 almost every council member already on board we need  
20 to call a vote and start implementation immediately.  
21 Too many landlords like my own are using the lack of  
22 repair as a tool to get tenants to self-evict. Any  
23 tool that the city council can push forward to  
24 prevent this kind of abuse is needed in this growing  
25 city where rents continue to rise leaving families

1  
2 like me nowhere else to go. Thank you again to  
3 Speaker Mark... Melissa Mark-Viverito, Council Member  
4 Mendez, Committee Chair Williams and all the New York  
5 City Council Members for standing up for the tenants'  
6 rights, we need you.

7 GENESIS MIRANDA: Good afternoon. My name  
8 is Genesis Miranda and I am a Staff Attorney at Make  
9 the Road New York, a not for profit organization  
10 based in the communities of Bushwick, Brooklyn,  
11 Jackson Heights, Queens, Port Richmond, Staten  
12 Island, and Brentwood, Long Island. Make the Road  
13 builds the power of immigrant and working-class  
14 communities to achieve dignity and justice through  
15 organizing, polish... policy initiative... innovation,  
16 transformative education, and survival services which  
17 includes legal services. Our organization consists of  
18 more than 19,000 members most of whom are immigrants  
19 and many of whom are living in substandard living.  
20 Make the Road New York supports Intro 385B, which  
21 provides a critical update to strengthen enforcement  
22 of housing standards relating to asthma, a condition  
23 that disproportionately effects low income families  
24 and communities of color. Nationally one in eleven  
25 children have asthma though in low income New York

1  
2 City areas the rate is only... is one in four. Mold  
3 growth is cited as being significant... a significant  
4 environmental exposure factor associated to provoking  
5 asthma attacks. Importantly the economic impact on  
6 low income families with asthmatic children is great,  
7 medical expenses average 618 dollars a year for a  
8 child without asthma versus 1,042 dollars for a child  
9 with asthma. This legislation recognizes that asthma  
10 triggering conditions will reoccur again and again  
11 unless they are repaired in an effective way and puts  
12 landlords on notice that a bare minimum patch job is  
13 not enough. By implementing work practices for pests  
14 and mold remediation landlords can no longer default  
15 to doing shoddy work for the sake of avoiding HPD  
16 violations. Landlords must now follow proper work  
17 practices to eradicate pest infestation and mold.  
18 Furthermore, landlords are required to eliminate the  
19 underlying source of the condition such as a water  
20 leak that consistently causes mold. By requiring  
21 landlords to adhere to specific work practices under  
22 Intro 385B tenants will no longer have to deal with  
23 reoccurring conditions. For instance, Maura Frerie,  
24 one of my clients and a long-term tenant of Bushwick  
25 has a ten-year-old son who suffers from severe

1  
2 asthma. Over the years my client has made several 311  
3 complaints regarding holes throughout her apartment  
4 and rodent infestation. Currently there are... several  
5 open violations for the severe vermin infestation in  
6 my client's apartment. One violation is as old as  
7 2013. Despite the multiple complaints and ensuing  
8 violations her landlord has failed to permanently  
9 eradicate the vermin infestation that exists in her  
10 apartment. Even when the landlord attempts to repair  
11 the condition her landlord sends unlicensed persons  
12 to spread highly toxic pesticides that in effect only  
13 serves to exacerbate her son's asthma. Intro 385B  
14 would help my client and other families like hers to  
15 finally get to what often is underlying cause of  
16 persistent asthma. By enforcing effective and safe  
17 work... by enforcing effective and safe work practices  
18 for removing pests and mold conditions families like  
19 Miss Frerie will not have to continue to put up with  
20 ineffective repairs that exasperate asthma attacks.  
21 In addition to outlining specific work... [cross-talk]

22 CHAIRPERSON WILLIAMS: If you can give a  
23 closing sentence.

24 GENESIS MIRANDA: Can I give two?

25 CHAIRPERSON WILLIAMS: Sure.

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GENESIS MIRANDA: However we urge the council to strengthen this bill by making it clear that tenants can seek the same relief in housing court by obtaining a court order that directs their landlord to address underlying defects and follow proper work practices to eradicate pest infestation and mold. In conclusion New York City residents deserve to live in homes with indoor... without indoor allergens that trigger asthma attacks. The city's passage of this bill continues to recognize the health hazard that is caused by pest infestation and mold growth and further strengthens the housing maintenance code. We thank the council for giving attention to the health on New York City tenants.

CHAIRPERSON WILLIAMS: Thank you.

COUNCIL MEMBER MENDEZ: Thank you Mr. Chair [Spanish dialogue] Genesis Miranda.

GENESIS MIRANDA: Yes.

COUNCIL MEMBER MENDEZ: In your testimony as you were reading you said that your client has had violations since 2013 but in your written testimony it says 2009 so I just want to clarification?

GENESIS MIRANDA: That was an error on my part, it's 2013.

1  
2 COUNCIL MEMBER MENDEZ: 2013... [cross-  
3 talk]

4 GENESIS MIRANDA: Yes.

5 COUNCIL MEMBER MENDEZ: Okay, thank you  
6 very much. I, I want to thank this panel for their  
7 testimony.

8 CHAIRPERSON WILLIAMS: Thank you all very  
9 much. The next panel; Nadia Marin Molina from NYCOSH,  
10 is she here Nadia? Is Nadia here? Lili Carina  
11 Higgens, Lili Carina Higgens, is she here? Yes, did  
12 somebody say yes? Lili Carina Higgens, David Evans  
13 from WE ACT, is David Evans here? Jule Jones WE ACT.  
14 I apologize in advance, Jessica Quiminabae, is  
15 Jessica here? I think its pronounced Quiminabae, it  
16 just says tenant Upper Manhattan. Lili Carina Higgens  
17 and Jessica Quiminabae are not here, correct? Doctor  
18 Frank proscia, Doctors Council, there's somebody  
19 testimony for the record, Doctor Frank Proscia  
20 somebody testimony for the record, Doctor Acklema  
21 Mohammad, Urban Health Plan, Doctor Acklema Mohammad.  
22 Is, is this Doctor Acklema?

23 ACKLEMA MOHAMMAD: Yes.

24 CHAIRPERSON WILLIAMS: Shoshana Brown?  
25 So, we have Nadia Marin Molina, David Evans, Jules

1

2 Jones, Doctor Acklema Mohammad, and Shoshana Brown,  
3 we got one more chair there let's try to get one more  
4 person up. Is Doctor Lauren Zojac here, Children's  
5 Environmental Health? There's another chair over  
6 here, Doctor you want a chair right.. thank you. Can  
7 you each raise your right hand please? Do you affirm  
8 to tell the truth, the whole truth and nothing but  
9 the truth in your testimony before this committee and  
10 to respond honestly to council member questions?

11 [affirmatives from the panel]

12 CHAIRPERSON WILLIAMS: And you each have  
13 two minutes, you can begin in the order of your  
14 preference.

15 NADIA MARIN MOLINA: Hello, thank you to  
16 all the council members for your initiative in  
17 protecting community members, workers, and families  
18 and thank you for having me at this hearing. I'm here  
19 today to speak in support of the asthma free homes  
20 bill on behalf of NYCOSH, the New York Committee for  
21 Occupational Safety and Health. NYCOSH is an  
22 independent non-profit coalition of labor unions,  
23 workers, and health and safety professionals. We  
24 provide workers, unions, employers, and community  
25 based organizations with technical assistance and

1  
2 safety and health training. Our mission is to secure  
3 every person's human right to a safe and healthy  
4 workplace. We have a long history of providing post  
5 disaster, mold awareness training and technical  
6 assistance to workers, volunteers, property owners  
7 and residents. Concern about indoor exposure to mold  
8 for workers has increased along with public awareness  
9 that exposure causes a variety of health effects and  
10 symptoms including allergic reactions which previous  
11 speakers have spoken about so I won't get into detail  
12 on it. In particular the symptoms that are caused by  
13 workplace exposure to mold usually occur or get, get  
14 worse at work and then get better when the workers  
15 are away from work, workplace exposure. The  
16 legislation is going to have a positive impact on  
17 both residents and workers alike, it requires the New  
18 York City Department of Health Inspections prompted  
19 by complaints and then will determine how the mold is  
20 restricted whether its restricted to the surface as  
21 to ascertain what the extent of the damage is. By  
22 requiring the Department to respond to concerns the  
23 legislation is empowering community members who need  
24 the city's support. The legislation also ensures that  
25 supervising personnel are trained for indoor allergen

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2 inspection which is important in ensuring that  
3 workers understand the risks associated with  
4 exposure. It also ensured the Department of Health  
5 promulgates rules and create a report outlining the  
6 implementation of the law which we see as a critical  
7 component of measuring the legislation's  
8 effectiveness as well as the fine structure. We  
9 support Intro 385 and urge the council to act swiftly  
10 to pass the legislation.

11 CHAIRPERSON WILLIAMS: Thank you.

12 NADIA MARIN MOLINA: Thank you.

13 DAVID EVANS: Great, thank you very much  
14 for the opportunity to testify. My name is David  
15 Evans, I'm a Professor of Public Health at Columbia  
16 and I'm going to summarize the results of four  
17 studies that show that allergic reactions to  
18 cockroaches, mice, and rats and mold increase asthma  
19 symptoms and the use of health care services and  
20 that... also that integrated pest management is  
21 effective in controlling this problem. In the first  
22 David Rosenstreich at Albert Einstein College of  
23 Medicine studied 476 low income children with asthma  
24 and found that children who were both allergic to  
25 cockroaches and highly exposed to cockroach allergen

1  
2 in their homes were hospitalized three times more  
3 often than children who did not have both of these  
4 conditions, it's a huge difference. There are similar  
5 findings for mold. I work with the New York Academy  
6 of Medicine to study 149 kids with asthma who were  
7 enrolled in Head Start, families who said they saw  
8 mold or moisture, mildew on their ceilings, walls, or  
9 windows reported three times more wheezing episodes  
10 and three times more respiratory hospitalizations in  
11 the last year as well as twice as many nights wakened  
12 with respiratory symptoms in the last two weeks. For  
13 IPM Morgan studied over 900 children who were  
14 randomly assigned to get an IPM intervention or a no  
15 intervention control and he found that IPM group had  
16 20 percent fewer days with symptoms than controls  
17 over the two year follow up period as well as fewer  
18 days with limited play, fewer nights wakened for both  
19 children and parents and fewer missed school days,  
20 cockroach allergen was lowered in the IPM group and  
21 the decrease in allergen was associated with fewer  
22 symptoms of asthma and finally unscheduled visits for  
23 asthma to the ER or clinic declined significantly.  
24 Our research group also studied the effectiveness of  
25 IPM in a study we did with the Department of Health

1  
2 and NYCHA that compared IPM with traditional pest  
3 control which is bait traps with pesticide to control  
4 cockroaches in 280 NYCHA apartments, this was not a  
5 study of asthma patients. NYCHA pest control staff  
6 did the IPM which took three hours for two workers.  
7 We found that IPM apartments had 43 percent fewer  
8 cockroaches trapped by our staff and 60 percent less  
9 cockroach allergen in the bedroom and kitchen. And  
10 then finally poor housing conditions that allow pests  
11 to flourish occur most often in buildings and  
12 communities that are occupied by low income minority  
13 groups. We believe this is one of the major reasons  
14 why Department of Health statistics show that  
15 children age five to 14 in New York City from low  
16 income neighborhoods have 1.6 times the rate of  
17 asthma and 3.6 times the rate of asthma  
18 hospitalizations as children from high income  
19 neighborhoods. Thank you very much and I urge you to  
20 support the bill.

21 CHAIRPERSON WILLIAMS: Thank you.

22 LAUREN ZAJAC: Good afternoon. Thank you  
23 for the opportunity to testify in strong support of  
24 bill 385B. My name is Doctor Lauren Zajac and I'm a  
25 Pediatrician with special training in Environmental

1  
2 Health and I work at the Children's Environmental  
3 Health Center at Mount Sinai where we help families  
4 and communities are... who are concerned about how  
5 environmental exposures impact their children's  
6 health and some of the most common things I hear  
7 about from families are indoor hazards like mold and  
8 pests and families really worry about how these are  
9 hurting their kid's health and as a pediatrician this  
10 worries me a lot too and a key management strategies  
11 taking care of kids with asthma aside from the  
12 medication kind of the cornerstone is identifying and  
13 reducing the triggers that are making the asthma  
14 worse and a lot of times these triggers are found in  
15 the home and the families are often frustrated by the  
16 lack of timely, safe and permanent measures that  
17 eradicate these triggers especially in old buildings  
18 and this bill is really, really needed to help kids.  
19 Kids are vulnerable especially kids with asthma. The  
20 families who have kids with asthma face stress,  
21 missed work and school days, high health care costs,  
22 and you know we've seen kids who end up in the  
23 emergency room, the hospital, the ICU and there have  
24 been deaths from asthma, it's a very serious disease  
25 and that's why this bill is so important. And so, to

1  
2 address this serious asthma burden its critical to  
3 get rid of the underlying triggers rather than  
4 treating kids' day after day in hospitals and clinics  
5 with medication, it's a vicious cycle because then we  
6 send them home to place... to a place that could have  
7 something that's triggering their asthma again. And  
8 the evidence is clear as Doctor Evans very nicely  
9 summarized so I don't need to go through that again  
10 but really the studies that show that reducing these  
11 triggers in homes reduces asthma symptoms, it really  
12 confirms this common-sense approach. So, as a  
13 pediatrician, a mom, and a New Yorker I strongly  
14 support this bill. Thank you.

15 JULE JONES: Good afternoon. My name is  
16 Jule Jones. I... [cross-talk]

17 CHAIRPERSON WILLIAMS: Can you just push  
18 the button on your mic?

19 JULE JONES: Good afternoon, my name's  
20 Jule Jones. I'd like to thank the committee, Chair  
21 Williams and... especially Council Person Mendez. I  
22 actually live in East Harlem, I think there's been  
23 mention of the impact of asthma rates in East Harlem,  
24 the impact of disproportionate services that, that,  
25 that afflict East Harlem, the hospitalization rates

1  
2 of, of, of individuals, of children within... in terms  
3 of asthma in East Harlem. I personally do not suffer  
4 from asthma nor I... no... nor, nor do I know anyone that  
5 does, I don't have children, my residence is free of  
6 mold and pests... and pests and things of that nature.  
7 I, I actually sit here in support of this... of this  
8 bill as a proud member of WE ACT and also as a... an  
9 advocate in my community of East Harlem. The, the  
10 bill is important because obviously healthy homes are  
11 important, poor housing conditions can trigger or  
12 worsen respiratory health ill, illnesses especially  
13 in children. The asthma free housing act will require  
14 landlords to regularly, regularly inspect homes for  
15 asthma triggering allergen hazards such as mold and  
16 insect infestations and correct their underlying  
17 causes particularly in the homes of New York City's  
18 most success... susceptible residents and I mention  
19 again living in East Harlem. So, I urge the city  
20 council, I urge this committee, I urge them to  
21 support this bill, Intro 385, pass the asthma free  
22 housing act. Thank you very much.

23 CHAIRPERSON WILLIAMS: Thank you.

24 ACKLEMA MOHAMMAD: Hi, good morning. I'm  
25 Doctor Mohammad from a Community Health Center in the

1  
2 Bronx. In the past 20 years, we've seen lots of  
3 advancement in the management of asthma medically but  
4 when we looked at triggers not much has been done  
5 there. We have new medications coming out every year,  
6 we were try... we were... every... doctors are working with  
7 these new medications, there are patients who are  
8 taking their medicines. We, we educate them on the  
9 best way to take their medicine, how to take it, the  
10 best time to take it, before school, after school but  
11 still they come back to our offices with asthma  
12 exacerbations, ED visits. What we do... what do we do,  
13 what do we do next, the moms don't know what to do,  
14 moms are... they throw their arms up in the air says my  
15 child takes her medicine every day why is it that  
16 they're still having asthma, they sometimes don't  
17 know the mold is in the... in the house, they don't  
18 know the cockroach is causing the triggers of their  
19 asthma, they have reported... sometimes they've  
20 reported it so many times to the landlord but nothing  
21 is getting done and I'd like to share a story with  
22 you. One of my moms said to me, Doc my son has no  
23 place to sleep, he... the, the rats have eaten out the  
24 bed and the sofas and that's a sad story to hear from  
25 your mom who you've seen the child since he was a

1  
2 young baby and now he's 12 years old and has no place  
3 to sleep because of rats and... rat's infestation. So,  
4 I'm really asking for support in this bill and... so  
5 that our children and our parents can have a better  
6 life.

7 SHOSHANA BROWN: Good afternoon, my name  
8 is Shoshana Brown, I'm Executive Director of Air NYC  
9 where the AIR stands for Asthma Intervention and  
10 Relief. I'll just... our mission statement is to keep  
11 asthmatic children and adults healthy, active, and  
12 out of the hospital. We aim to improve the quality of  
13 life of asthmatic children and adults, helping  
14 families break the revolving cycle of poverty that is  
15 worsened by chronic disease. So, you've heard from  
16 some of my colleagues here at the panel, I thank you  
17 for sponsoring the bill first of all and also to  
18 other members of the coalition we act in particular  
19 for organizing all of this today. Air NYC has been  
20 working originally in Harlem and then later in the  
21 Bronx and in Brooklyn in the city's highest asthma  
22 burdened areas for 16 years. We are a program that  
23 sends community health workers into the homes of  
24 families who are struggling to keep asthma well  
25 controlled. This bill is very important and I can say

1  
2 as the Executive Director of Air NYC for the last  
3 eight years that I've seen firsthand the way poor  
4 housing conditions particularly rodents, roaches,  
5 mold have contributed to asthma being the number one  
6 reason that children are hospitalized and absent from  
7 school in New York City. Air NYC is here today  
8 speaking on behalf of the New Yorkers we serve who  
9 are members of, of the city's most vulnerable  
10 community to testify in support of this bill that  
11 will help us hold landlords accountable for keeping  
12 homes safe and healthy. Our addresses should not  
13 determine our destinies, we ask you to help all New  
14 Yorkers breath, thrive, and succeed by, by voting for  
15 this bill. Thank you.

16 CHAIRPERSON WILLIAMS: Thank you all very  
17 much for your testimony and I believe Council Member...  
18 do you have any... thank you very much for your  
19 testimony, I appreciate it. We have our last panel  
20 signed up, those of you who still haven't testified  
21 if you don't hear your name you can still fill out a  
22 slip with the Sergeant of Arms. Is Heidi Bayer here,  
23 Asthma Allergy Foundation, Heidi Bayer? Adriana  
24 Espinoza, Dr. David Evans... okay... Anthony Feliciano,  
25 CPHS, Anthony Feliciano, Ann Bore, Ann Bore. So, we

1  
2 have just Miss Espinoza and then... Espinoza to, to  
3 testify, so you've got the stage to yourself, look at  
4 that. Can you please raise your right hand? Do you  
5 have... affirm to tell the truth, the whole truth and  
6 nothing but the truth in your testimony before this  
7 committee and to respond honestly to council member  
8 questions? Can, can you hold one second, I think we  
9 have one more person.

10 CAM CLARK: Okay.

11 CHAIRPERSON WILLIAMS: Appreciate  
12 everybody time. What's your name?

13 CECIL CORBIN-MARK: Cecil Corbin-Mark.

14 CHAIRPERSON WILLIAMS: Did you fill out a  
15 slip?

16 CECIL CORBIN-MARK: Yes, there was one  
17 filled out for me.

18 CHAIRPERSON WILLIAMS: Okay, can you fill  
19 out another one?

20 CECIL CORBIN-MARK: Yes.

21 CHAIRPERSON WILLIAMS: Mrs. Espinoza  
22 you're going to have to share the stage, I apologize  
23 but just give us a second. And I appreciate  
24 everybody's patience, we did expect it probably  
25 running up against the length that we hoped but we

1  
2 did expect it was going to be some time so we  
3 appreciate everybody's patience and in testifying  
4 again showing how important the issue is. Thank you..  
5 That's Mrs. Cam Clark, BronxWorks Breath. And we have  
6 Mr. Cecil Corbin-Mark, is that correct?

7 CECIL CORBIN-MARK: Cecil.

8 CHAIRPERSON WILLIAMS: Cecil, I  
9 apologize. Can you please raise your right hand? Do  
10 you affirm to tell the truth, the whole truth and  
11 nothing but the truth in your testimony before this  
12 committee and to respond honestly to council member  
13 questions? Thank you and Miss Espinoza she affirmed  
14 twice, thank you. You each have two minutes to give  
15 your testimony and you can begin in the order of your  
16 preference. I don't know if your mic is on.

17 CAM CLARK: Thank you. Council Members  
18 and staff, good morning and thank you for the  
19 opportunity to speak about this proposed initiative  
20 and more broadly the subject of addressing the needs  
21 of numerous New York City residents who live with  
22 asthma. My name is Cam Clark and I am a Case Manager  
23 with the Breath Better Bronx Program at BronxWorks, a  
24 large multiservice non-profit operating in the Bronx.  
25 Since 1972 BronxWorks has fought for economic

1  
2 improvement and social betterment of the communities  
3 we serve in the Bronx. Over the course of the four  
4 decades that we have worked in the borough we have  
5 expanded the scope of our services to meet the  
6 various and diverse needs of our community members.  
7 Today BronxWorks runs a wide range of programs  
8 including after school programs, ESL classes,  
9 numerous benefits access programs, two health home  
10 programs, multiple family shelters, two drop in  
11 centers, and safe havens for single homeless adults.  
12 The scope of our agency services gives BronxWorks an  
13 intimate understanding of the issues facing our  
14 community. Moreover, it gives us a comprehensive  
15 understanding of how health and housing frequently  
16 overlaps when examining these issues. The Breath  
17 Better Bronx Program of which I am a part is our  
18 agency's asthma management and prevention program  
19 which focuses on addressing hazardous allergens and  
20 triggers in the household to assist our clients in  
21 managing their asthma. In few other counties in the  
22 United States is the potential impact for such a law  
23 so great. Moreover, in few counties outside the Bronx  
24 are the figures related to asthma so staggering. The  
25 asthma rate in the Bronx ranks one of the highest in

1  
2 the nation, hospitalization rates from asthma related  
3 causes is nearly twice as high in the Bronx compared  
4 to New York City national, national average. I do  
5 have more testimony left but I'll wrap it up if my  
6 time is ending. In... with BronxWorks Breath Better  
7 Bronx Programs we get our referrals mainly from the  
8 hospitals of Bronx Lebanon Urban Health Plan and  
9 ArchCare and working with them we have been able to  
10 identify the most severe asthma cases, children as  
11 young as two months to people as old as 86 years. So,  
12 our range is wide, we service what is called Asthma  
13 Alley in the Bronx so we're servicing the people with  
14 the most critical needs not only in New York City but  
15 nationwide. We are deeply and firmly in support of  
16 385B. Thank you... [cross-talk]

17 CHAIRPERSON WILLIAMS: Thank you.

18 BRENDA MESA: Good morning, my name is  
19 Brenda Mesa, I'm here representing the New York  
20 League of Conservation Voters and part of Adriana  
21 Espinoza. The NYLCV represents over 28,000 members in  
22 New York City and we are committed to advancing a  
23 sustainable agenda to make... that will make our  
24 people, neighborhoods, and economy healthier and more  
25 resilient. I'd like to thank Chair Williams and the

1  
2 members of the Committee for the opportunity to  
3 testify. The NYLCV strongly supports Intro 385B which  
4 establishes protocol for landlords and the Department  
5 of Health and Mental Hygiene to inspect, inform, and  
6 eliminate hazardous asthma inducing building  
7 conditions. Asthma is a chronic illness that often  
8 triggers by... that is often triggered by a person's  
9 environment exposure to allergens. Even more than  
10 outdoor quality, poor indoor air quality is the  
11 leading health threat for approximately one million  
12 New Yorkers including over 177,000 children diagnosed  
13 with asthma. Plenty of scientific literatures have  
14 shown that particles associated with mold, roach, and  
15 rat infestations are significant allergens known to  
16 trigger asthma attacks in adults and especially  
17 children. Intro 385B aims to address indoor air  
18 quality by providing a better accountability for  
19 landlords to fix asthma inducing housing conditions.  
20 The benefits of this bill are significant both  
21 economically and its impact on public health. Each  
22 year nationwide students and workers with asthma miss  
23 approximately 10.5 million school days and 14.2  
24 million work days respectively. Even occasional flare  
25 ups of asthma symptoms can have a ripple effect on

1  
2 the entire family, when asthma causes a... when asthma  
3 causes a child to miss school it impacts the child's  
4 education, increases the family's medical expenses  
5 and often the parent's ability to go to work. NYLCV  
6 is, is proud to have worked with the city council  
7 over the years on policies that have improved our  
8 outdoor air quality and we urge the Committee on  
9 Housing and Buildings to take the next step in  
10 addressing air, air quality indoors. Thank you for  
11 your time.

12 CHAIRPERSON WILLIAMS: Just for clarity,  
13 did you say you were giving testimony on behalf of  
14 Adriana?

15 DEBRA MESA: On behalf of Adriana  
16 Espinoza.

17 CHAIRPERSON WILLIAMS: Then what's your  
18 name?

19 DEBRA MESA: Debra Mesa.

20 CHAIRPERSON WILLIAMS: Can we get her to  
21 fill out another slip please?

22 COMMITTEE CLERK: Sure.

23 CHAIRPERSON WILLIAMS: Thank you very  
24 much.

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2 CECIL CORBIN-MARK: Good afternoon  
3 Chairman Williams, Council Member Mendez. I'm Cecil  
4 Corbin-Mark, I'm the Deputy Director of WE ACT  
5 Environmental Justice, a member of the Asthma Free  
6 Homes Coalition. I'm really happy today to be able to  
7 testify on support of Intro 385B. I especially want  
8 to acknowledge the efforts of the Chair to get us  
9 hearings on this bill early on and your patience as  
10 we attempted to work with the administration to  
11 address some of the concerns that they raised. WE  
12 ACT's mission is to build healthy communities by  
13 ensuring that people of color and low-income  
14 residents participate meaningfully in the creation of  
15 sound and fair environmental health and protection  
16 policies and practices. We are a membership  
17 organization and we've been in operation for 29  
18 years. On behalf of our board of directors and all of  
19 our members WE ACT is proud to declare our support  
20 for Intro 385B which sets forth owner's  
21 responsibilities in relation to indoor allergen  
22 hazards likewise the bill also establishes  
23 classifications of violations for indoor allergen  
24 hazards and date, dates of correction for each  
25 violation. Lastly, Intro 385B would also require the

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2 Department of Health and Mental Hygiene to report on  
3 activities to educate physicians and health care  
4 providers who treat persons with asthma about the  
5 role of indoor allergens and asthma exasperation and  
6 also requires the agency to take certain measures to  
7 educate persons about these indoor hazards and  
8 allergens. WE ACT supports... there's a lot of science  
9 obviously that clearly indicates the challenge that  
10 asthma and pests and rodent infestation causes  
11 opposes to the respiratory health of residents but we  
12 support this bill because if it is passed it would  
13 take away the ambiguity of what a landlord's  
14 responsibility is in dealing with mold and pest  
15 infestation, no longer will a landlord be able to  
16 paint over a problem or use toxic pesticides at high  
17 levels with high levels of steroids which also  
18 exasperate and trigger respiratory illnesses. When  
19 Intro 385B becomes law, the landlords will be  
20 required to deal with the underlying water conditions  
21 that are feeding the mold problem and to treat pest  
22 and rodent infestation with integrated pest  
23 management. In the long run, this will help both the  
24 residents of the city and yes, landlords save time  
25 and better protect the health of residents. We also

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2 support this bill because at the behest of Council  
3 Member Rosie Mendez the independent budget office  
4 says that it would only cost us about 1.6 million and  
5 3.5 million... between 1.6 and 3.5 million depending on  
6 how the city implements its repair program, we  
7 believe that's a cost well worth taking. And finally,  
8 just on the basis of justice and fairness, we are  
9 interested in making sure the policy's more  
10 accurately balance the level of power between tenants  
11 and their landlords and we believe similar to the  
12 lead law this would be one of those laws and we urge  
13 this committee to pass it. Thank you very much for  
14 your leadership and we're looking forward to working  
15 with you Chairman Williams.

16 CHAIRPERSON WILLIAMS: Thank you very  
17 much for the testimony, Council Member do you have  
18 any questions or last words you want to say?

19 COUNCIL MEMBER MENDEZ: My question is  
20 for Cecil, so you are the Chair of the Asthma Free  
21 Homes Coalition or...

22 CECIL CORBIN-MARK: I wouldn't call  
23 myself the Chair, we are... we share responsibilities  
24 and leadership but yes, we've taken on a role of  
25 helping to anchor the coalition and administration.

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COUNCIL MEMBER MENDEZ: Okay, so you've been there since the beginning, when did the coalition come together?

CECIL CORBIN-MARK: You know I'm bad with dates but we've been operating at least on Intro 385 for at least the last three years. Many of us who are part of the coalition have been engaged in this particular fight since the days of public advocate Betsy Gotbaum introduced the very first piece of legislation that we supported around it. We... one of our board members... we're deeply involved in this issue, one of our board members is the legal counsel for bias versus NYCHA so this is clearly important to us and our members this issue of mold in dwellings in New York City and how it exacerbates asthma. We work very closely with Columbia University around research, Doctor Dave Evans is a member of our board and we've worked with him and other researchers on sort of ground breaking national research around mold and its impact.

COUNCIL MEMBER MENDEZ: And how many organizations would you say are a part of this coalition?

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2 CECIL CORBIN-MARK: We've got at least 70  
3 at this particularly point. I... [cross-talk]

4 COUNCIL MEMBER MENDEZ: 70, 70?

5 CECIL CORBIN-MARK: 70.

6 COUNCIL MEMBER MENDEZ: Okay. Alright,  
7 thank you very much.

8 CECIL CORBIN-MARK: Alright, thank you.

9 COUNCIL MEMBER MENDEZ: Yes, Mr. Chair  
10 thank you.

11 CHAIRPERSON WILLIAMS: Thank you for your  
12 testimony, I appreciate it.

13 COUNCIL MEMBER MENDEZ: Thank you for  
14 giving me the opportunity to say a few last words  
15 before we end this hearing, you know this, this  
16 hearing has been a long time in coming, I want to  
17 thank everyone for their patience and taking the time  
18 to give their testimony by the way Mr. Chair we have  
19 several pieces of written testimony for the record  
20 that you should mention but you know its... the  
21 testimony went pretty smoothly today because I think  
22 it's very clear that asthma can get triggered by many  
23 things specifically by mold and pests and it does  
24 have a debilitating effect on individuals and you  
25 heard many parents here today talking about how heart

1  
2 wrenching it was them to see their children suffer  
3 from asthma and the cause of this being in different  
4 households either pest proliferation and or mold. So,  
5 I am looking forward, the administration was here  
6 today, they support the intent of this bill and most  
7 of the language and I am anxious to work on those  
8 little tweaks in the next few weeks and have this  
9 come up for a vote very soon. I want to thank  
10 everyone, the 70-odd member coalition for all of this  
11 work that they've done on this legislation for the  
12 last ten years and I'm looking forward to us being  
13 all together in the room for a bill signing very  
14 soon. Thank you.

15 CHAIRPERSON WILLIAMS: Thank you Council  
16 Member for your leadership on this issue for many  
17 years, please let me know what we can do to help move  
18 this along in, in the log jam, it's been classified  
19 as a... as a mold bill but clearly it's a lot of  
20 allergens that are included in, in this piece of  
21 legislation and also again I just want to reiterate  
22 very often when the hearings go long people leave,  
23 almost everyone stayed to make sure that their  
24 testimony was heard, we definitely appreciate that  
25 and it's not lost on the time commitment that people

1  
2 have to make to make sure that they gave their  
3 testimony again it just shows how important this  
4 issue is and how long everybody has been fighting to  
5 address it. For the record, we have the American  
6 Institute of Architects, the Plumbing Foundation, New  
7 York Electrical Contractors, REBNY, American Council  
8 of Engineering Companies, Elevated Industry  
9 Associates, RSA, 1199 SCIU, Hunts Point Alliance for  
10 Children, and the Doctors Council SCIU. With that we  
11 want to thank the Sergeants as well for their work  
12 and the hearing is now closed.

13 [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

July 8, 2017