

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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October 16, 2018  
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HELD AT: Council Chambers - City Hall

B E F O R E: ROBERT E. CORNEGY, JR  
Chairperson

COUNCIL MEMBERS: Fernando Cabrera  
Margaret S. Chin  
Rafael L. Espinal, Jr.  
Mark Gjonaj  
Barry S. Grodenchik  
Bill Perkins  
Carlina Rivera  
Helen K. Rosenthal  
Ritchie J. Torres  
Jumaane D. Williams

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

Ann Marie Santiago, Deputy Commissioner,  
Enforcement and Neighborhood Services, New York  
City Department of Housing, Preservation and  
Development, HPD

Mario Ferrigno, Assistant Commissioner, Code  
Enforcement, New York City Department of Housing,  
Preservation and Development, HPD

Patrick Whaley, Assistant Commissioner for External  
Affairs, Buildings Department

James Leyba, Director of Disposition, Housing,  
Preservation and Development, HPD

Noelle Francois, CEO, Heat Seek NYC

Anthony Drummond Appearing for:  
Eric Adams, Brooklyn Borough President

Frank Ricci, Director, Government Affairs  
Rent Stabilization Association

Matthew Chachere, Attorney, Northern Manhattan  
Improvement Corporation

Christine Appah, Senior Staff Attorney  
Environmental Justice Program, New York Lawyers for  
the Public Interest



2 [sound check] [pause]

3 CHAIRPERSON CORNEGY: Good morning

4 everyone. I'm Council Member Robert Cornegy, Chair  
5 of the Committee on Housing and Buildings, and I'm  
6 joined today by Barry Grodenchik. Today we'll hear  
7 testimony from the Department of Buildings, the  
8 Department Housing, Preservation and Department and  
9 Development, tenant advocates and members of the real  
10 estate industry, business owners and other interested  
11 members of the public on eight bills. Intro No 342  
12 sponsored by Council Member Rose will require  
13 building owners to post a sign that a portable ramp  
14 is available for access to the building at  
15 inaccessible building entrances where such a ramp  
16 exists. Intro 353 sponsored by Council Member  
17 Rosenthal would require DOB to allow users of its  
18 website to sign up to receive email updates whenever  
19 a change in status is recorded on certain  
20 construction projects filed with the department.  
21 Intro 358 also sponsored by Council Member Rosenthal  
22 would require multiple dwelling building owners to  
23 post a color photograph of the designated building  
24 janitor in addition to the contact information they  
25 already require to make available to all tenants.

2 Intro No. 585 sponsored by Council Member Williams  
3 will require the owner of a multiple dwelling to  
4 include a statement as to whether or not such  
5 multiple dwelling contains any rent regulated  
6 apartments in their annual registration statement.  
7 It would also require such owners to post a sign in  
8 such multiple dwelling indicating that the multiple  
9 dwelling contains one or more rent regulated  
10 apartments. Intro No. 780, sponsored by Council  
11 Member Rivera makes several changes to Local Law 55  
12 of 2018 including requiring landlords to make-to take  
13 measures to eradicate pests and remediate the  
14 existence of indoor allergen hazards and allow HPD to  
15 determine whether to perform the work to eradicate  
16 indoor allergen hazards. Intro 862 sponsored by  
17 Council Member Vallone will require DOB to issue stop  
18 work orders whenever notice to revoke a work permit  
19 is given. Intro No. 948 sponsored by Council Member  
20 Torres will require HPD to identify Class A multiple  
21 dwellings in the city with the highest ratios of  
22 temperature violations to dwelling units. Those  
23 buildings would then be required to install  
24 temperature reporting devices for a period of no less  
25 than four years. Finally, Intro No. 979 sponsored by

2 Council Member Richards would specify the conditions  
3 under which HPD is required to enter into a  
4 regulatory agreement with the community trust.  
5 Additionally, this bill also clarifies that HPD may  
6 renegotiate a 99-year ground lease agreement before  
7 the expiration of such ground lease and that the  
8 default for a regulatory agreement need not be 99  
9 years, and our sponsors haven't arrived yet. So,  
10 we'll move forward, and hear testimony from the  
11 administration.

12 LEGAL COUNSEL: Would you 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 Council Member questions?

17 DEPUTY COMMISSION SANTIAGO: Yes.

18 ASSISTANT COMMISSIONER FERRIGNO:

19 LEGAL COUNSEL: Thank you.

20 CHAIRPERSON CORNEGY: You can begin  
21 please.

22 DEPUTY COMMISSION SANTIAGO: Okay good  
23 morning.

24 CHAIRPERSON CORNEGY: Good morning.

2 DEPUTY COMMISSION SANTIAGO: Good morning  
3 Chair Cornegy and members of the Committee on Housing  
4 and Buildings. I am Anne Marie Santiago, Deputy  
5 Commissioner for Enforcement and Neighborhood  
6 Services at the New York City Department of Housing,  
7 Preservation and Development. I am joined today by  
8 Mario Ferrigno, Assistant Commissioner for Code  
9 Enforcement. I am pleased to be here today to testify  
10 on Introductions 358, 780, 979, 585 and 948. I would  
11 like to begin by talking about the work HPD does  
12 around our city's heat laws. HPD's top priority is  
13 the health and safety of New York City tenants and  
14 their homes. As many of you know, last Monday,  
15 October 1<sup>st</sup>, was the first day of heat season, which  
16 will last until the end of May 2019. Building owners  
17 are legally require to provide heat and hot water to  
18 their tenants during heat season if the outside  
19 temperature falls below 55 degrees. Between 10:00  
20 a.m. and 10:00 p.m., the inside temperature is  
21 required to be at least 68 degrees Fahrenheit.  
22 Between 10:00 p.m. and 6:00 a.m. the inside  
23 temperature is required to at least 62 degrees  
24 Fahrenheit. HPD aggressive responds to heat  
25 complaints and violations. In heat season of Fiscal

Year 18, HPD issued nearly 4,500 heat violations. We encourage all New York City residents living in homes that lack appropriate heat to first attempt to notify the building owner, managing agent or superintendent. If he does not restore, tenants should register an official complaint via 311. Then an HPD inspector will be dispatched to the location if a tenant does confirm that heat has been restored by phone. In order for HPD to issue a violation, and HPD inspector must conduct an inspection during which the inspector takes an outdoor temperature, and an indoor temperature in a room unaffected by auxiliary heat. The inspector uses the thermometer certified for accuracy by the city. HPD issues violations when the temperature is not meeting the legally required threshold, and if the owner does not make the necessary repair, our emergency repair program may take appropriate action to restore service. The cost of the repair plus an administrative fee is billed to the owner through the Department of Finance. In Fiscal Year 18, HPD spent over \$3.3 million and completed 40-1,469 heat and hot-and hot water work orders. Working together with the City Council we continue seeks ways to ensure owners provide adequate

1 heat. Focusing on buildings, which fail to provide  
2 heat on multiple occasions is the right direction.  
3  
4 In 2011, the civil penalty structure was changed so  
5 that buildings, which have multiple heat violations,  
6 which are subsequent violations of the same building  
7 that occurs within two consecutive heat seasons can  
8 be penalized more severely than buildings that  
9 experience a single heat outage. Collections on heat  
10 and hot water violations over the past five years  
11 have totaled more than \$8 million. In addition, HPD  
12 may impose an inspection fee of \$200 if a third or  
13 subsequent inspection within a heat season results in  
14 a third or subsequent heat violation, and if a third  
15 or subsequent inspection in the county results in a  
16 third or subsequent hot water violation. Both of  
17 these tools are being used by HPD to target and take  
18 action against properties, which may have repeated  
19 heat outages. Since Fiscal Year 2013, HPD had billed  
20 for \$1.3 million in heat and hot water inspection  
21 fees and recouped more than 80% of those fees most of  
22 which were hot water. I will now turn to the  
23 legislation being considered here today, and the bill  
24 specifically pertaining to heat. Intro 948 sponsored  
25 by Council Member Torres requires HPD to produce a

list of 150 Class-A multiple dwellings with a designated ratio of heat violations dwelling units. These buildings would be required to install and maintain Internet cable with temperature reporting devices in each living room of each dwelling unit in their building. While we appreciate and support the intent to add an addition to the city to be able to hold landlords accountable during heat season, we want to be clear that this requirement will not affect HPD Enforcement. As I detailed previously, HPD inspectors must take the indoor temperature of the dwelling unit and determine whether or not to issue a violation based on that reading. We are continuing look for ways to improve our response ensure that HPD is responsive to the needs of tenants. For example, within the last heat season we have started to ask tenants calling 311 to indicate if there are certain times in which the lack of heat is felt more acutely, and we tried to consider this information when dispatching an inspector. Tenants do not need to word for an automated system to advise that the temperature is below the required temperature to call 311. Although the system may provide useful data for a tenant who seeks to bring a

1 tenant action, HPD litigation will rely on the  
2 inspections conducted by HPD to verify the existence  
3 of a condition. We always appreciate the Council's  
4 partnership in educating New Yorkers how to contact  
5 311, and are happy to work with all of you to  
6 continue increasing awareness. We are open to  
7 discussing this legislation and other methods with  
8 the Council and the bill's sponsor with an eye  
9 towards effective enhancing our enforcement efforts.  
10 Last year we partnered with Council Member Torres to  
11 enact a groundbreaking new tool that uses sales  
12 transaction data to predict potential for tenant  
13 harassment, and we look forward to building on that  
14 template of collaboration in further efforts to  
15 legislate the use of data in housing policy. Intro  
16 585 sponsored by Council Member Williams owners of  
17 multiple dwellings that contain one or more unit  
18 subject to rent regulation to post a sign that states  
19 that the building contains one or more units that are  
20 subject to rent regulation. The bill also requires  
21 owners to indicate the number of such rent regulated  
22 units when they register these properties with HPD.  
23 It is our understanding that the intent of Intro 585  
24 is to inform tenants or prospective tenants of the  
25

possibility that their unit is rent regulated. The New York State Division of Housing and Community Renewal is the agency that is authorized and mandated to enforce rent regulations throughout the state including New York City. Because state law requires owners of residential units that are subject to rent regulation to file annual rent registrations with HCR we would encourage the Council to work with the State Bar on this to discuss how HCR can be helpful in increasing awareness about the rent regulated status of buildings. We would welcome participation in that conversation, and are happy to explore additional methods of educating tenants about regulations and their associated protections. Keeping tenants safe is not only about keeping them safe for maintenance conditions. Intro 358 sponsored by Council Member Rosenthal seeks to improve tenant safety by requiring a picture of the janitor to be posted at the building. The Housing Maintenance Code currently requires landlords to post information about the name and contact number for the building's janitor or janitorial service. HPD does not believe that this requirement will provide the desired security as owners may use a janitorial service or contract out

2 for many repair. We are happy to work with Council  
3 to educate tenants that they should direct any  
4 concerns about an individual's identify, prior to  
5 entrance to their apartment. Whether that person  
6 claims to be a janitor or other building staff or  
7 contractors hired by the property owner to make  
8 repairs to the property's managing agent or building  
9 owner, requiring the posting of pictures may also  
10 have privacy implications, which require further  
11 exploration. HPD strongly supports the other two  
12 bills pertaining to HPD being heard here today, and  
13 appreciate the collaborative efforts with the Council  
14 in making improvements and corrections to the  
15 legislation passed in 2017. HPD supports Intro 780  
16 sponsored by Council Member Rivera regarding  
17 clarifying responsibilities of owners and HPD to  
18 address indoor asthma allergen hazards as codified by  
19 Chapter—I'm sorry, by Local Law 55 of 2018. HPD also  
20 supports Intro 878 by Council Member Richards  
21 regarding community land trusts as captured in Local  
22 Law 67 of 2018. Again, thank you for your  
23 partnership in making these corrections. Thank you  
24 again for the opportunity to testify on these bills.

2 I will turn it over to the Department of Buildings  
3 for their testimony.

4 ASSISTANT COMMISSIONER WHALEY: Good  
5 morning Chair Cornegy and members of the Housing and  
6 Buildings Committee. I am Patrick Whaley, Assistant  
7 Commissioner for External Affairs at the Buildings  
8 Department. I am please to be her to offer testimony  
9 on three of the bills before the committee this-  
10 today, Introductory Nos. 342, 353 and 862.  
11 Introductory No. 342, would require that a sign be  
12 posted at inaccessible building entrances indicating  
13 that a portable ramp is available when such a ramp  
14 exists. There are many circumstances where portable  
15 ramps would not meet legal requirements for providing  
16 accessibility to buildings. For example, the  
17 Building Code requires that all public entrances of  
18 new buildings be permanently accessible to persons  
19 with physical disabilities and that entrances of  
20 buildings be made accessible when they are renovated.  
21 The Americans with Disabilities Act provides that  
22 when certain areas of a building are renovated, a  
23 portion of the budget must be spent on making the  
24 path of travel to the renovated area including the  
25 entrance to the building accessible. The ADA also

2 requires that places of public accommodation remove  
3 barriers to access even when no other renovations to  
4 such places are planned. While creating a permanent  
5 means of access to places of public accommodation  
6 should be the goal, when the requirement just  
7 described are not applicable, the department is  
8 supportive of any measure that would make it easier  
9 for persons with disabilities to access buildings.  
10 In the limited instances where portable ramps are  
11 permitted, any such portable ramps should be safe the  
12 user, and shall allow for independent access where  
13 feasible. The department supports this bill and  
14 suggest this bill be amended to specify that the  
15 requirements of the bill only apply to buildings that  
16 are not otherwise required by the code or any other  
17 applicable law or rule to have accessible entrances.  
18 Introductory No. 353 would require the department to  
19 allow users of its website to sign up t receive email  
20 updates whenever there is a change in status for a  
21 construction project filed with the department. New  
22 Yorkers live in a built environment, which must be  
23 maintained, built, and sometimes rebuilt through  
24 construction work. Give the significant impact  
25 construction can have on New Yorkers, the department

2 recognizes the importance of sharing information with  
3 the public. As such, the department has made  
4 enormous strides in improving the public's access to  
5 our data with the goal of every building construction  
6 project having clear and transparent status.

7 Building on my Block, which is a searchable online  
8 database that is organized by community board for  
9 easy reference provides information on all new  
10 buildings, major alterations and full demolition  
11 applications filed with the department. Users can  
12 search by property address or community boards to  
13 find major projects near them. The Building  
14 Information System or BID or the DOB now public  
15 portal allows users to see the latest developments at  
16 construction sites of interest including complaint  
17 violation application and permit information. In  
18 accordance with the Open Data Law, we are also  
19 publishing daily updates to all job applications and  
20 permits on the New York City Open Data Portal, which  
21 allows users to access the latest status of any  
22 construction project or group of projects.

23 Additionally, the department is for the first time  
24 publishing online data driven tools that provide the  
25 public with a wealth of information presented in a

2 manner easy to understand with much of it being  
3 sortable and updated in real time. Examples include  
4 a quarterly data rich dashboard of all construction  
5 activity in every neighborhood throughout the city.  
6 A real time interactive map of map of major  
7 construction products throughout the city. An  
8 elevator report including data driven maps and  
9 animated graphics showing the history, status, and  
10 vital statistics of the city's more than 84,000  
11 elevator devices. A real time interactive map  
12 showing the exact location of permitted sidewalk  
13 shows throughout the city. Reporting on the  
14 condition of the facades of buildings throughout the  
15 city greater than six stories in height and a monthly  
16 enforcement report, which details the actions the  
17 department has taken against bad actors in the  
18 construction industry. The capstone of our effort to  
19 improve transparency is through our implementation of  
20 DOB Now, and Online filing platform the department is  
21 building that when complete will replace BIZ. Not  
22 only can users access specific job application and  
23 permit information through the DOB Now public portal,  
24 but as we migrate services from BIZ and DOB Now, we  
25 are also releasing the data onto the New York City

2 Open Data Portal. DOB Now represents a massive  
3 streamlining of our existing processes, and it will  
4 allow for the tracking of every action the department  
5 takes often in real time including the ability to  
6 receive alerts. Alerts will be limited to the  
7 processes in the department's purview, and include-  
8 could include the status of applications file for the  
9 department, plan examination updates and permit  
10 information. The department supports the intent of  
11 this legislation and is working toward implementation  
12 in a manner that is keeping with our continued  
13 rollout of DOB Now and our broader information  
14 technology priorities. Finally, Introductory No. 862  
15 would require the department to issue a stop work  
16 order along with a notice of intent to revoke a  
17 permit. The has the ability revoke any permit for  
18 failure to comply with the provision of the  
19 Construction Codes, Zoning Resolution, or any other  
20 applicable laws or rules. Before revoking a permit  
21 the department must notify the permit holder of the  
22 reasons for the proposed revocation and inform that  
23 permit holder that they have a right to present to  
24 the department with information as to why the permit  
25 should not be revoked. Borough commissioners

1 typically commence the permit revocation process,  
2 have the discretion to issue a stop work order based  
3 on the nature of the objections to the permit that  
4 has been issued. For example, a stop work order  
5 would accompany a notice of intent to revoke a permit  
6 if the safety of the public workers or property is in  
7 peril, or when the potential exists for construction  
8 work to occur in excess of what is permissible by  
9 law. In most cases, objections raised by the  
10 department are administrative in nature or easily  
11 correctable, and permit holders work with the  
12 department to address for the proposed revocation and  
13 work within the unit in a safe and compliant manner.  
14 If the basis for the proposed revocation is not  
15 addressed in a timely manner, a permit revocation  
16 letter is sent to the permit holder among others, and  
17 such letter contains a stop work order. In 2017, the  
18 department issued nearly 1,000 notices of intent to  
19 revoke a permit, and ultimately revoked 10% of such  
20 permits, which means that in most cases permit  
21 holders work with the department to resolve all the  
22 department's objections. The law currently afford  
23 the department the appropriate discretion to  
24 determine when a stop work order should accompany a  
25

2 notice of to intent to revoke a permit. Issuing stop  
3 work orders can result in undesirable outcomes  
4 including prolonged disruption to the community  
5 through construction, worker furloughs and lost  
6 financing. Additionally, issuing stop work orders  
7 with every notice of intent to revoke a permit would  
8 strain the department's resources. Before lifting a  
9 stop work order a permit holder must prove to the  
10 department all the violating conditions have been  
11 corrected, and inspection must take place. As such,  
12 stop work orders should not be issued as a matter of  
13 course, but only when necessary to ensure safety and  
14 prevent work in excess of what the law allows. The  
15 department does not support this bill as issuing  
16 stop—a stop work order with every letter of intent to  
17 revoke a permit could unnecessarily stop construction  
18 work that otherwise continue a safe and compliant  
19 manner. Thank you for your attention and the  
20 opportunity to testify before you today and I, of  
21 course, welcome any questions you may have. [pause]

22 CHAIRPERSON CORNEGY: Thank you for your  
23 testimony. We've been joined by Council Member  
24 Margaret Chin. I'll begin with a series questions.  
25 Most of them are very simple and straightforward, and

2 then I'll have my colleagues chime in with any  
3 questions they may have. I'll start with Intro 342  
4 in relation to requiring a sign at accessible  
5 building entrances indicating that a portable ramp is  
6 available when such ramps exist. The first question  
7 I have is, is there an amount of units that trigger  
8 the ADA law to be in place? Like is it—is it four  
9 units and above? Is it three units and above? Do we  
10 know the answer to that?

11 ASSISTANT COMMISSIONER WHALEY: There is  
12 not. So, the way the law works is basically since  
13 the 2008 Code went into effect, any new building that  
14 is constructed or any renovation of the building is  
15 required to be made accessible. In addition to that,  
16 those buildings that provide sort of public  
17 accommodation places like movie theaters and such,  
18 they're required to be accessible as well, but  
19 there's nothing in the law that says based on the  
20 number of units that building needs to be made  
21 accessible.

22 CHAIRPERSON CORNEGY: So, I wonder how  
23 you—what the—what the general feeling on that is.  
24 So, if there are smaller buildings like in my  
25 district there is three units and under that

2 predominate the landscape, and where land—where  
3 they're—so—so there's a different requirement where  
4 landmarks are required. I understand that. Do you  
5 know the law as it relates to landmarks?

6 ASSISTANT COMMISSIONER WHALEY: I'm not  
7 familiar with the law as it relates to landmarks, but  
8 concerning the type of building structure that you're  
9 mentioning only if that building was constructed  
10 after 2008 or if that building has undergone a  
11 renovation that's the point in time in which the  
12 accessibility requirements kick in.

13 CHAIRPERSON CORNEGY: And do you know  
14 what degree of ren—ren—of renovations trigger that?

15 ASSISTANT COMMISSIONER WHALEY: So, if  
16 the value of the work, the renovation work is 50% or  
17 greater, that triggers that that building be made  
18 accessible. If it's less than 50%, then only those  
19 portions of the building that are being renovated,  
20 those portions require that they be made accessible.

21 CHAIRPERSON CORNEGY: Okay, and thank  
22 you. That clears it up. So, the Administration  
23 support 342?

24 ASSISTANT COMMISSIONER WHALEY: Correct.

2 CHAIRPERSON CORNEGY: Does DOB keep track  
3 of buildings that have affordable rents?

4 ASSISTANT COMMISSIONER WHALEY: We do  
5 not. No.

6 CHAIRPERSON CORNEGY: Does DOB track-keep  
7 track of buildings that have inaccessible building  
8 entrances?

9 ASSISTANT COMMISSIONER WHALEY: We do  
10 not, no.

11 CHAIRPERSON CORNEGY: Does anybody.  
12 Does—is—is that information gathered from any agency  
13 or do we know how we track that?

14 ASSISTANT COMMISSIONER WHALEY: Not that  
15 I'm aware of. No. So, I mean the law between Local  
16 Law and Federal Law has established requirements in  
17 terms of what kinds of buildings can be accessible.  
18 For those buildings that are not captured under the  
19 law, they have the opportunity of installing a  
20 portable ramp, and this bill would require that in  
21 that event signage be provided directing folks to  
22 where the ramp and, you know, the department is  
23 supportive of that—of that proposal.

24 CHAIRPERSON CORNEGY: And lastly, on 342,  
25 how many reasonable accommodation complaints have

2 been made to the city due to a building or a public  
3 space being inaccessible to people with disabilities?

4 ASSISTANT COMMISSIONER WHALEY: I don't  
5 have that number handy, but I'm happy to check.

6 CHAIRPERSON CORNEGY: But there is  
7 somewhere where that information is collected when  
8 someone makes a report whether it's 311 or whether  
9 through--

10 ASSISTANT COMMISSIONER WHALEY: Cost  
11 Overrun Report

12 CHAIRPERSON CORNEGY: --we--we collect  
13 that?

14 ASSISTANT COMMISSIONER WHALEY: It  
15 wouldn't be with the Buildings Department. I believe  
16 it's with the Commission on Human Rights, and I'm  
17 happy to look into that and provide it.

18 CHAIRPERSON CORNEGY: Okay, that--that  
19 would make sense. If you could coordinate an answer  
20 on behalf of human rights, if you guys could just--I  
21 would--I'm really curious as the chair what that  
22 number--what that number is.

23 ASSISTANT COMMISSIONER WHALEY: We'd be  
24 happy to do that.

2 CHAIRPERSON CORNEGY: Thank you. Any  
3 questions from my colleagues?

4 COUNCIL MEMBER GRODENCHIK: [off mic] I  
5 do want to ask—

6 CHAIRPERSON CORNEGY: Please.

7 COUNCIL MEMBER GRODENCHIK: I do want to  
8 ask the Deputy Commissioner a question. You take all  
9 the heat complaints in the city. Is that correct?

10 DEPUTY COMMISSION SANTIAGO: For  
11 privately owned houses.

12 COUNCIL MEMBER GRODENCHIK: For privately  
13 owned. So, if someone in NYCHA calls you what  
14 happens then?

15 DEPUTY COMMISSION SANTIAGO: The call  
16 gets diverted a 311 over to NYCHA.

17 COUNCIL MEMBER GRODENCHIK: Okay, thank  
18 you very much—

19 DEPUTY COMMISSION SANTIAGO:  
20 [interposing] You're welcome.

21 COUNCIL MEMBER GRODENCHIK: --Mr. Chair.  
22 Thank you.

23 CHAIRPERSON CORNEGY: Council Member  
24 Chin.

2 COUNCIL MEMBER CHIN: Thank you. I  
3 wanted to follow up on Intro 862 about stop work  
4 order. So, in your testimony that in—in 2017 that  
5 the department issued nearly 1,000 notice of intent  
6 to revoke a permit—and but ultimately only revoked  
7 10% of such permits. How many of the stop work order  
8 was issued? So, did you issue only stop work order  
9 to 10%, to 10% of the department or were they--

10 ASSISTANT COMMISSIONER WHALEY: The  
11 number of stop work orders that were issued in 2017  
12 related to those notice of intent to work was 14%.

13 COUNCIL MEMBER CHIN: 14?

14 ASSISTANT COMMISSIONER WHALEY: Yeah, and  
15 that's correct and ultimately of that full number  
16 about 10% actually had revocation of the permits.

17 COUNCIL MEMBER CHIN: Okay, does the  
18 Administration have suggestions about this bill? So,  
19 you think that it should not be connected together  
20 issuing the revoke and stop work order?

21 ASSISTANT COMMISSIONER WHALEY: Often  
22 times they are connected. I think how the department  
23 is the department should have the discretion as to  
24 what as to the point in time on whether to issue a  
25 stop work order or to actually go ahead and revoke

1 the permits. When there is a safety issue, we issued  
2 a stop work order. When the plans that were  
3 previously approved by the department include a scope  
4 a work that's in excess of what the law requires,  
5 then we'll, of course, issue a stop work order. But  
6 many of the time say when we audit applications that  
7 were professionally certified, and we uncover  
8 objections, more often than not, those objections are  
9 administrative in nature, and the kinds of things  
10 that can be easily corrected, and are actually not in  
11 violation of the law, and so, therefore, we feel like  
12 stop work order should not be issued in conjunction  
13 with that.

14  
15 COUNCIL MEMBER CHIN: So how many stop  
16 work order did you issue in 2017?

17 ASSISTANT COMMISSIONER WHALEY: I don't  
18 unfortunately have the number of total stop work  
19 orders that we issued. It's a rather high number,  
20 but stop work orders issued in connection with these  
21 notices of intent to revoke of the 967 that were  
22 issued in 2017, 14 of those accompanied a stop work  
23 order.

2 COUNCIL MEMBER CHIN: Okay, also would  
3 the administration anticipate any additional costs if  
4 this bill was to be enacted?

5 ASSISTANT COMMISSIONER WHALEY:  
6 Certainly, yes. The cost to the department if we're  
7 issuing additional stop work order that would require  
8 resources from the department to follow up with  
9 inspections of those stop work orders. So that would  
10 certainly be a resource concern and then, of course,  
11 there would be resource concerns that would born  
12 upon, you know, owners and applicants themselves as  
13 well.

14 COUNCIL MEMBER CHIN: Okay, well thank  
15 you. Thank you, Chair.

16 CHAIRPERSON CORNEGY: I just want to  
17 remind the public if you'd like to sign up to  
18 testify, the time is now. Please fill out a white  
19 card. I see that it's going around. I'm going to  
20 jump around just a little bit. Intro 979 in  
21 relationship to the Community Land Trust. That's  
22 important for communities like mine who find  
23 themselves under the crunch of gentrification. How  
24 many community land trusts are in New York City  
25 currently?

2 DEPUTY COMMISSION SANTIAGO: Okay, I'm  
3 going to turn this over to my colleague who is in our  
4 Office of Development.

5 CHAIRPERSON CORNEGY: I just ask that you  
6 identify yourself when you-before you testify.

7 JAMES LEYBA: Good morning. My name is-

8 CHAIRPERSON CORNEGY: [interposing] Wait.  
9 I'm sorry. We have to actually swear you in as well.

10 JAMES LEYBA: Oh, okay, excellent.

11 LEGAL COUNSEL: Can you raise your right  
12 hand. Do you swear to tell the truth, the whole  
13 truth and nothing but the truth and to respond  
14 honestly Council Members' questions?

15 JAMES LEYBA: Yes, I do.

16 LEGAL COUNSEL: Thank you.

17 JAMES LEYBA: My name is James Leyba.  
18 Good morning. I work for HPD. I'm a Director of  
19 Disposition and have been involved with a community  
20 land trust in the capacity of being on our taskforce,  
21 and also working varying community land trust  
22 initiatives within the agency.

23 CHAIRPERSON CORNEGY: So, thank you. So,  
24 the question was how many community land trusts are  
25 in New York City currently?

2 JAMES LEYBA: There are—I believe we're  
3 at two established community land trusts. Today,  
4 there's Cooper Square Community Land Trust, which is  
5 well established, and has run a number of years.  
6 Just recently Interborough Community Land Trust  
7 Incorporated this spring. There are a couple of  
8 other interested non-profits that are applying for  
9 the certificate of incorporation.

10 CHAIRPERSON CORNEGY: Well, the second  
11 one, where is it located?

12 JAMES LEYBA: It's a citywide community  
13 land trust.

14 CHAIRPERSON CORNEGY: How does the  
15 citywide—how does citywide work?

16 JAMES LEYBA: It's—it's the Interborough  
17 Community Land Trust is formed by four non-profits,  
18 and these non-profits are like I said have  
19 incorporated and they are in the process of  
20 establishing governance structure and such. But I—I,  
21 you know, they would have to ask-answer that question  
22 as to how they, you know, operate.

23 CHAIRPERSON CORNEGY: And so I'd like to  
24 get their information, but that's a very interesting  
25 concept--

2 JAMES LEYBA: [interposing] Yeah they--

3 CHAIRPERSON CORNEGY: --a citywide  
4 community land trust. Have city--have CLTs helped to  
5 preserve affordable housing in your opinion?

6 JAMES LEYBA: I-I, you know, I-I think  
7 that I-I've--in regards to our opinion around  
8 community land trust, I think that we're in a spot  
9 where through--through the funds that have been  
10 provided to a number of community land trusts in the  
11 city, which was \$1.65 million just last year, we're  
12 actually exploring the value that they can be--that  
13 they present to the city.

14 CHAIRPERSON CORNEGY: Okay, what are your  
15 thoughts on CLTs have managed the properties that  
16 they have been assigned?

17 JAMES LEYBA: My thoughts are on they've--  
18 I'm sorry. Can you ask that again?

19 CHAIRPERSON CORNEGY: Your thoughts on  
20 how they've managed properties.

21 JAMES LEYBA: I would--I'd be happy to get  
22 into like how HPD views the effectiveness of  
23 community land trust, but in regards to this bill, I  
24 believe that it's a technical amendment, and I'd  
25 rather--[pause] You know, it's so--sorry about that

2 pause. You know, the—the partnership that we have  
3 in place with Enterprise Community Partners where  
4 we've actually provided this funding to these varying  
5 community land trust, it's affording us the  
6 opportunity to—to ascertain that very question. We're  
7 very interested in being able to measure the  
8 effectiveness as well.

9 CHAIRPERSON CORNEGY: So, quite frankly I  
10 was cheating a little trying not to have a whole  
11 hearing on CLT, and get as much as I could right  
12 here. So we can—we can circle back because I'm not  
13 trying to put you on skewer at this point, but there  
14 are serious questions like communities of—of color  
15 and communities like the community I represent who  
16 are interested in the whole idea and proposal of—of  
17 CLTs. So, we can—we can revisit that. I'll—I'll let  
18 you off the hook. [laughter] But we—we will be  
19 coming back to talk with HPD about the community land  
20 trust not only because a considerable amount of funds  
21 have been allocated towards that, but it's a—it's a  
22 premise that, you know, obviously we believe as a  
23 Council--

24 JAMES LEYBA: [interposing] Uh-hm.

2 CHAIRPERSON CORNEGY: --would--would be  
3 helpful in--in managing properties, you know, in--in  
4 the--in extenuating circumstances. So, so thank you  
5 for your testimony.

6 JAMES LEYBA: I appreciate that. Council  
7 Member Chin.

8 COUNCIL MEMBER CHIN: Thank you, Chair.  
9 I don't want to let him get away. I do have a  
10 question about community land trust, and I think it  
11 really deserves another hearing because there's so  
12 much interest. I guess relating to this bill that in  
13 my district I have property owners who want to  
14 preserve their building. They are providing  
15 affordable housing. I mean these are tenement  
16 buildings that's been around. A lot of them 100  
17 years or more, and a lot of these buildings are not  
18 owned by individuals. They are either owned by what  
19 we call family associations based on the part--part of  
20 China they're from or the last name, and a lot of  
21 these associations when they first started they were  
22 able to, you know, bring everybody together, and they  
23 chipped in, and they bought a building. So, this is  
24 certainly a number of buildings in the community that  
25 they're not going to sell these buildings, and--but

2 they are also confronted with a lot of issues in  
3 terms of repair. Also high property tax. So, we've  
4 been convening some of these groups to look at what  
5 can the government do to help them in terms of  
6 supports or repair or upgrade a building, but also  
7 looking at this whole property tax issue. On one hand  
8 they're providing affordable housing, but they're  
9 not, you know, they don't know how to navigate the  
10 government system, and then also we have small  
11 property owners who are—who own buildings from their  
12 family, and they don't want to sell, but everyday  
13 they get, you know, calls from a speculator. Oh, do  
14 you want to sell your building, and they're like  
15 trying to buy their building for a very low price.  
16 So, they want to be able to band together, and so the  
17 idea of a community land trust is something that we  
18 want to explore to see how we can pull all these  
19 buildings together in a community, and to be able to  
20 take advantage of programs that the city offer, and  
21 to be able to help them generate needed revenue so  
22 they can continue to upgrade their building, and so  
23 that it could last for the next 100 year. So, that's  
24 why I think the whole concept of community land trust

2 is something we should really invest in and-and help  
3 different community to explore this.

4 JAMES LEYBA: I appreciate those  
5 comments, Council Member. I-I would agree that  
6 there's viability in exploring this concept, and I'd  
7 be very happy, and we would be very happy to engage  
8 in in that conversation.

9 COUNCIL MEMBER CHIN: Yeah, and we also  
10 have been getting some help from Cooper Square  
11 Committee because of their positive model that they  
12 were able to accomplish, and the differences that a  
13 lot of the buildings were once owned by the city, and  
14 they were able to convert them from TIL buildings  
15 into affordable HDFC then. So, it's-the synergy is  
16 there to kind of pull them together, but the unique  
17 situation in my district and maybe in other districts  
18 is that these are private property owners, but if  
19 they are not flipping their building so there's to be  
20 ways that we can look at how to help them preserve.  
21 I am looking at legislation that can help some of  
22 these owners defer property tax so that they can use  
23 that revenue to upgrade their building and to  
24 preserve the affordable units that they have in there  
25 because they are not getting any kind of property tax

2 relief and we have to find ways to give them some of  
3 that relief so that they can upgrade their building  
4 and continue to provide affordable housing that we so  
5 desperately need in the city. So I would look  
6 forward to working with HPD and really explore this  
7 concept and see how we can make it happen. Thank  
8 you. Thank you, Chair.

9 CHAIRPERSON CORNEGY: Thank you. So, in  
10 regards to Intro 780 in relation to clarifying  
11 responsibilities of owners and the Department of  
12 Housing and Preservation and Development to address  
13 indoor asthma outage and hazards. So, obviously  
14 there's a lot of issues around mold and indoor  
15 allergy and hazardous-hazardous allergens. Does the  
16 Administration support Intro 780.

17 DEPUTY COMMISSION SANTIAGO: Yes, we do.  
18 We worked with the Council Member in the last session  
19 to get Local Law 55 passed and that was the primary  
20 bill. This is just the technical amendments to that  
21 bill.

22 CHAIRPERSON CORNEGY: Thank you. Proposed  
23 Intro 358-A in relation to requiring a color  
24 photograph of designated building janitors in  
25

2 building and multiple dwellings. Does the  
3 Administration support Proposed Intro 358-A?

4 DEPUTY COMMISSION SANTIAGO: We would  
5 like to continue conversations with the—with the  
6 sponsor of that bill to make sure that we're  
7 understanding her purpose and to see if there's  
8 another way. I—what we understand is that she's  
9 concerned about tenant safety as we are, and so we'd  
10 just like to speak with her further on the details of  
11 that bill.

12 CHAIRPERSON CORNEGY: Have many  
13 violations has the city issued to property owners for  
14 not providing janitorial services?

15 DEPUTY COMMISSION SANTIAGO: We issue  
16 violations for not providing janitorial services and  
17 then for not posting the information about janitorial  
18 services. I believe we do have numbers from last  
19 fiscal year. Just give me one second. In Fiscal year  
20 18 we issued 394 violations for failure to provide  
21 janitorial service, and we issued over 3,000  
22 violations for failing to post the signage.

23 CHAIRPERSON CORNEGY: Thank you. Are you  
24 aware of any cases where a person impersonated a  
25 building's janitor for any reason?

2 DEPUTY COMMISSION SANTIAGO: I am not  
3 personally aware of that, sir.

4 CHAIRPERSON CORNEGY: Thank you. Intro  
5 585 in relation to position certain information to  
6 multiple dwellings containing rent regulated units.  
7 Council Member William's bill. Does the  
8 administration support that bill?

9 DEPUTY COMMISSION SANTIAGO: We believe  
10 that more work should be done with HCR to improve  
11 tenants' knowledge about whether their building is  
12 rent regulated. As you may know, we provide some  
13 information on our website about that. If you go and  
14 you look up a building, and our A-B-Cs of housing  
15 provides a lot of information to tenants on how to  
16 obtain that information directly from HCR.

17 CHAIRPERSON CORNEGY: So, I take that to  
18 say that you have concerns with the bill?

19 DEPUTY COMMISSION SANTIAGO: They're the  
20 holders of the information. So, the landlords are  
21 required to file rent regulation information with  
22 HCR, and it seems more appropriate to go to the  
23 source for that information.

24

25

2 CHAIRPERSON CORNEGY: How does HPD  
3 collect the information from HCR regarding units  
4 subject to rent regulation currently?

5 DEPUTY COMMISSION SANTIAGO: So, for  
6 enforcement purposes, we do not obtain that. For, I  
7 believe for reporting purposes, there is an agreement  
8 with HCR about data, but there are, you know, serious  
9 limitations to the use of the data.

10 CHAIRPERSON CORNEGY: Is that  
11 relationship in the form of an MOU?

12 DEPUTY COMMISSION SANTIAGO: I do not  
13 personally know. We can get back to you with that  
14 information.

15 CHAIRPERSON CORNEGY: That's—that's  
16 important to know because one in the time—I've been  
17 here five years and time and time again interagency  
18 communication has come up over and over again. Now,  
19 I don't know whether or not interagencies should be  
20 forced to use an MOU. It seems a little  
21 counterintuitive that would be the case, but there  
22 has to be somehow that there's a communication stream  
23 between related agencies, to get information. It's  
24 in—it's in constituents' best interest to do that.

2 DEPUTY COMMISSION SANTIAGO: And I think,  
3 though, for this bill the important communication is  
4 about the tenants knowing whether they are—they are  
5 rent regulated or not. So, that should really happen  
6 between the tenant and the agency that's responsible  
7 for maintaining that information.

8 CHAIRPERSON CORNEGY: Okay, thank you.  
9 Almost lastly, so we had a—one of my—one of my  
10 colleagues asked a question about stop work orders or  
11 work permits, but I'm not sure whether or not the  
12 question as to whether or not you support Intro 862  
13 was answered.

14 ASSISTANT COMMISSIONER WHALEY: So the  
15 department does not support the bill as drafted  
16 because the department believes they should have the  
17 discretion to determine when to issue the stop work  
18 order, and should not be issuing a stop work order in  
19 every instance with a notice as a matter of course.  
20 But also back to the—Council Member Chin's question  
21 about the number of stop work orders that the  
22 department has issued, last year in 2017, the  
23 department issued 4,600 full stop work orders, and  
24 that' on top of roughly 7,000 partial stop work  
25 orders.

2 CHAIRPERSON CORNEGY: So, under what  
3 circumstances would DOB issue a stop work order, but  
4 not also revoke a job site's work permit? Because it  
5 seems—seems that they would go hand-in-hand, right.  
6 To a novice like myself it seems as though, you know,  
7 that one would trigger another or at the very least  
8 they would go hand in hand.

9 ASSISTANT COMMISSIONER WHALEY: So, not  
10 in every instance, but in many of the instances when  
11 we issue objections based on work, those objections  
12 are relatively administrative in nature. So, say for  
13 example—it could be any number of things, but let's  
14 just say we reviewed plans and the plan showed that  
15 handrails were not included on the plans. In that  
16 instance we issue an objection, and give the  
17 applicant a period of time to respond to that  
18 information, that objection and make that correction.  
19 We don't feel like in that instance as in many others  
20 it's an appropriate function to also stop the work.  
21 Only when there's a safety issue or only when that  
22 work that was previously approved is contrary to what  
23 the law allows. That in that instance certainly we'd  
24 issue a stop work order, but in most instances, these  
25 objections do not rise to that level.

2 CHAIRPERSON CORNEGY: We've been joined  
3 by my colleague from the Bronx Fernando—I mean Pastor  
4 Fernando Cabrera. Do you have any questions? So, I  
5 want to thank you all for your testimony. I look  
6 forward to continuing to work on the community land  
7 trust, that information as—as—as with my colleague  
8 Margaret Chin. We think that that's a very  
9 interesting prospect for particular communities, but  
10 for the city overall. So, thank you so much for  
11 always for your testimony.

12 ASSISTANT COMMISSIONER WHALEY: Thank  
13 you.

14 DEPUTY COMMISSION SANTIAGO: Thank you.

15 CHAIRPERSON CORNEGY: I will call the  
16 first panel as they retire to their seats: Noelle  
17 Francois, Anthony Drummond, Matthew Chachere. I'm so  
18 sorry and Frank Richie. [pause] Good afternoon. You  
19 can begin in any particular order. I as a gentleman  
20 would say that we defer, but—[pause]

21 NOELLE FRANCOIS: Can you hear me? Thank  
22 you. My name is Noelle Francois. I would like to  
23 take this opportunity to thank the Housing Committee  
24 especially Council Members Cornegy, Williams, Espinal  
25 and Rivera. I would also like to thank Council

2 Member Ritchie Torres for sponsoring this legislation  
3 and Brooklyn Borough President Eric Adams for his  
4 support of the bill, which 948. Sorry. Since our  
5 Open Data Law became—was—since our Open Data Law was  
6 passed in 2010, and make complaints available, each  
7 year there have been over 200,000 heat complaints  
8 made to 311 in New York City. During the winter  
9 months, heat is the number one complaint that comes  
10 into 311. Looking at the distribution of heating  
11 complaints across the city, we can clearly see that  
12 inadequate heat disproportionately impacts the low-  
13 income renters living in gentrifying neighborhoods  
14 and neighborhoods that have historically faced  
15 disinvestment. Unlike other housing maintenance  
16 issues, a lack of heat isn't visible. It's not  
17 something you can take a photo of to prove it exists.  
18 This makes it uniquely difficult to prove. As we  
19 know, when someone calls 311 to report a heating  
20 outage, the complaint is put in the queue for an HPD  
21 inspection, and if the problem isn't resolved  
22 quickly, an HPD inspector will visit the home to  
23 investigate. Prior to visiting the home, however,  
24 HPD notifies the landlord that a complaint has been  
25 has been made. This gives good landlords the

2 opportunity to fix the problem, but it also gives  
3 unscrupulous landlords a heads up that a complaint  
4 has been made, and an inspector will soon—an  
5 inspection will soon happen. With that information a  
6 landlord can simply turn off the heat until they are  
7 sure the inspection has happened, and the lower it  
8 again once they are sure they won't get caught.  
9 Tenants with unscrupulous landlords can get stuck in  
10 the cycle for months or even years. Our current  
11 system is designed to give responsible landlords  
12 every opportunity to get back into compliance, and  
13 this is a good thing. However, it is not effective  
14 at holding bad landlords accountable. It is not  
15 designed to address the tactics of predatory  
16 landlords who have no desire to get back into  
17 compliance because they'd rather wait until all of  
18 their rent stabilized tenants leave. At the end of  
19 the day an under heated apartment isn't just  
20 unhealthy and uncomfortable, it's unlivable, and  
21 predatory landlords are withholding heat as a means  
22 of informal eviction. To them the violations Housing  
23 Court appearances are simply the cost of doing  
24 business. This a harassment tactic we can put an end  
25 to right now using 21<sup>st</sup> Century tools available to

1 us, continuous monitoring with the indoor temperature  
2 in the worst within the buildings is the way to do  
3 that. There is no reason why we should continue to  
4 guess what the temperature is or rely on he said/she  
5 said arguments or hope that an HPD inspector arrives  
6 at exactly the right time to perform an inspection  
7 and catch an outage. It's ineffective and not a  
8 particularly good use of resources. Intro 948 allows  
9 for a new tool, web connected temperature sensors so  
10 that we can monitor the temperature in known heat  
11 offender landlord's buildings 24/7. These are  
12 landlords who have already demonstrated bad behavior.  
13 Continuous monitoring gets tenants, lawyers,  
14 community advocates and HPD the data they need to  
15 know exactly when the temperature—what the  
16 temperature is inside an apartment. With simple low-  
17 cost technology, tenants, landlords, advocates and  
18 city officials can do live temperature data for any  
19 apartment in the city that has a sensor installed.  
20 There will be no more question as to what the  
21 temperature is inside the apartment because everyone  
22 will know. Heat Seek is a non-profit, my  
23 organization, Heat Seek is a non-profit civic  
24 technology organization and winner of the 2014 NYC  
25

2 Big Apps Competition. We support New York City  
3 tenants whose landlords are not providing adequate  
4 heat in the winter time by providing them with  
5 temperature sensors to document the temperature in  
6 their apartments over time. At Heat Seek we take a  
7 number of steps to ensure the data coming from our  
8 sensors is accurate, reliable and tamper proof. Any  
9 sensor provider could easily replicate these measures  
10 when the temp—this legislation takes effect. First,  
11 we use high quality temperature sensors, accurate to  
12 within plus or minus .5 degrees Celsius, the same  
13 degree of accuracy as the thermometers used by HPD  
14 inspectors. When installing our sensors, we follow  
15 HPD Guide—HPD guidelines for where to take a  
16 temperature reading, the coldest room in the house  
17 that is in a kitchen or a bathroom or a room with an  
18 obvious draft. We use tamper proof tape to ensure  
19 the sensor isn't opened or removed from its original  
20 installed location because the tape leaves a  
21 prominent residue if it is ripped off. Finally, we  
22 install sensors in more than one apartment throughout  
23 the building so if any one of them starts producing  
24 questionable data, we can compare with the other  
25 sensors in the building. While we're not suggesting

1 that everyone adopt Heat Seek's protocols, we do aim  
2 to demonstrate that there effective steps that can be  
3 taken to ensure the data is accurate Heat Seek data  
4 has been used successfully dozens of times over the  
5 past three years in landlord/tenant negotiations and  
6 in Housing Court. We've with the tenants at Legal  
7 Aid, Legal Services, the New York Legal Assistance  
8 Group and others who have all used the data  
9 successfully when representing their clients.

10 Inadequate heat is the number one problem facing New  
11 Yorkers in the winter time, and it is a solvable  
12 problem. We believe web connected temperature  
13 sensors and continuous monitoring are an effective  
14 way to hold bad landlords accountable, and ensure  
15 that all New Yorkers have a safe, healthy, heated  
16 apartments as the Housing Code requires. Thank you.

17 ANTHONY DRUMMOND: Thank you, Mr. Chair.

18 Anthony Drummond from Brooklyn Borough President Eric  
19 Adams's Office. I'll be reading testimony on his  
20 behalf. I want to thank the City Council, Chair  
21 Robert E. Cornegy, Jr. of the Committee on Housing  
22 and Buildings as well as Council Members Ritchie  
23 Torres, Jumaane Williams and Rafael Espinal for  
24 advancing legislation, which was introduced on my  
25

1 behalf to allow for the deployment of heat sensors in  
2 30 buildings in New York City and community. I would  
3 also like to thank the committed for giving me the  
4 opportunity to provide comments at this public  
5 hearing. I am submitting testimony in support of  
6 Intro 0948-2018 that will require the New York City  
7 Department of Housing Preservation and Development to  
8 identify multiple dwelling units with the highest  
9 ratio of temperature violations. It is time that we  
10 allow HPD to tackle 21<sup>st</sup> Century problems with 21<sup>st</sup>  
11 Century solutions. On December 1, 2016, I was joined  
12 by tenants and housing lawyers in announcing a  
13 lawsuit based on data from an expanding technology  
14 partnership to monitor heating related harassment in  
15 Brooklyn apartment buildings. The buildings where we  
16 announced this lawsuit 178 Rockaway Parkway in  
17 Brownsville was a property that has had 104 heat  
18 complaints through 311. My message to landlord  
19 across Brooklyn was that we're watching. Don't harm  
20 you tenants' quality of life all because of greed.  
21 Heating harassment is an issue that affects our  
22 quality of life. Nobody in the Borough of Brooklyn  
23 let alone in the city of New York should have to  
24 suffer during very cold winter months. I'm sorry.

2 Very cold winters with no intermediate heat. Bad  
3 acting landlords who continue to violate community's  
4 trust by cutting off heat to drive out rent  
5 stabilized and rent controlled tenants deserve hefty  
6 fines if the condition isn't corrected. During the  
7 past two years my office in collaboration with  
8 locally based non-profit Heat Seek NYC, a New York  
9 City Economic Development Corporation Big Apps  
10 Winners have been working with our Housing Court  
11 judges and local elected officials to help codify the  
12 city's ability to use remote temperature monitors to  
13 enforce heat standards. During the heating season my  
14 office received complaints about heat and hot water  
15 regularly. According to data from HPD there were  
16 117,767 heat related inspections last heat season  
17 along. Yet the same HPD inspectors only wrote 7,548  
18 heat related violations a less than 6.5% enforcement  
19 rate that has clearly impacted by how HPD currently  
20 investigates heating complaints. Currently,  
21 complaints, are received by HPD who in turn alert  
22 landlords to the complaint and inform them that  
23 inspectors will be visiting their location to check  
24 heating levels. In essence, HPD is giving a heads-up  
25 to landlords who then bring heating levels up to

2 legal limits in advance of the inspection. This  
3 situation is an unnecessary game of cat and mouse  
4 where the only losers are the tenants. The  
5 deployment of these temperature monitored devices  
6 will help us in this game of good by monitoring heat  
7 levels in real time, and move New York City  
8 government towards a more dynamic future. I want to  
9 thank all the hard-working advocates like Heat Seek  
10 NYC, Legal Aid Society and tenant organizers across  
11 New York City who have been at the forefront of this  
12 site for improved quality of life of our rent  
13 stabilized and rent controlled tenants. We as policy  
14 makers need to empower them with the tools to partner  
15 with HPD and make their jobs just a little easier. I  
16 look forward to working with HPD to refine this  
17 legislation and to ensure we can gather the best  
18 metrics to measure and plan for targeted deployment  
19 of these temperature monitoring devices. Thank you  
20 very much.

21 FRANK RICCI: I guess I'll go next.

22 Frank Ricci, Director of Government Affairs at the  
23 Rent Stabilization Association. I'm here today to  
24 give testimony on two bills: Intro 948, which the  
25 two previous speakers spoke of and Intro 780. We are

2 opposed to both. I'm not going to read my testimony  
3 since you have it in front of you, but I will  
4 summarize both. On Intro 948, we actually agree with  
5 HPD on this bill that there are already a number of  
6 remedies available to the city and—and to go after  
7 owners who don't provide heat. There's a Housing  
8 Litigation Bureau, there is the Emergency Repair  
9 Program and, of course, there is the alternative  
10 enforcement program. We think that the money that  
11 would have to be spent to put heat sensors in every  
12 apartment is a waste of money when that money could  
13 go back into the building and actually fix the system  
14 if it's all been decrepit. I know that the—the-one  
15 of the previous speakers talked about how they're  
16 tamper proof, but that doesn't preclude a tenant from  
17 ever opening a window, and just getting the apartment  
18 cold. We just think that the money is better spent  
19 giving the owner the opportunity to fix it. Insofar  
20 as the comments made about how HPD calls the owner  
21 first, a lot of tenants when they don't have heat,  
22 don't call the owner first or call the super. They  
23 call HPD. So, I think HPD years ago instituted this—  
24 this program of calling the owner to alert them  
25 because the owner is in the best position to fix the

2 system, and yes there are mechanical issues. There-  
3 there-things break. That's what happens when you  
4 have buildings where the average age is 75 years old.  
5 So, yes, it's-it's okay for HPD to call the owner.  
6 Often time an HPD inspector gets out there, and the  
7 owner already has mechanics out there working on the  
8 system to fix it. So, I think that's a good thing  
9 for tenants. You don't want them to go any longer  
10 than they have to without heat. Insofar as Intro 780  
11 goes, we're opposed to that one. The law that this  
12 would amend only went into effect in the past year.  
13 So there is absolutely no data whatsoever to suggest  
14 that the law is not working, but our problem with  
15 this is it puts absolute liability on an owner to  
16 correct conditions that may be-they have no power to  
17 correct. For instance and I'm-I was surprised that  
18 HPD actually supported this bill. HPD has problems  
19 with access to apartments just like owners do. So,  
20 if you have a tenant who is a hoarder, if you have a  
21 tenant who doesn't take their garbage out on a  
22 regular basis, and this is what's causing a problem  
23 in the building in terms of pests or rodents, which  
24 could lead to indoor allergens, the owner is often  
25 times powerless to do anything about it unless

2 there's a drawn out court situation. So, I think  
3 leaving the words "reasonable efforts" in the bill  
4 and giving it some time to work and see if there is a  
5 problem with that is a prudent way to go at this  
6 point in time. I'll turn it over to Mr. Chachere

7 MATTHEW CHACHERE: Thank you. My name is  
8 Matthew Chachere. I'm an attorney at Northern  
9 Manhattan Improvement Corporation. I didn't come  
10 with any prepared remarks, but I'm here to speak  
11 about Intro 780, and first I want to correct a  
12 central point made by Mr. Ricci. In fact, Local Law  
13 55 has not been in effect for a year. By its very  
14 language, it goes into effect a year after its  
15 enactment. It became law in January of this year.  
16 So, there is no data. The language changes in that  
17 bill are, in fact, just mere technical corrections,  
18 and as someone who was in the room in the final  
19 negotiations for the bill, there were certain changes  
20 that made in the bill as part of a compromise between  
21 advocates and HPD that somehow didn't go into the  
22 final language and that's the extent of what these  
23 changes are, and that was the compromise made, and it  
24 should be—it should be enacted. Thank you.

2 CHAIRPERSON CORNEGY: Thank you for your  
3 testimony. Are there any questions from my  
4 colleagues? Oh, we've been joined by Council Member  
5 Mark Gjonaj. Thank you. [background comments,  
6 pause] Oh, I'm sorry. Yeah.

7 COUNCIL MEMBER CABRERA: Just a quick  
8 question because I really don't know the answer to  
9 the question we're about to ask. How much would it  
10 cost to have the sensors? Does anybody know? In a  
11 building, temperature?

12 NOELLE FRANCOIS: I think it depends on  
13 the sensor model, anywhere from I think 100 to 300 or  
14 500 dollars. You don't need a sensor necessarily in  
15 every single apartment. You just need enough overlap  
16 to be able to see when there are sort of outliers in  
17 the data.

18 COUNCIL MEMBER CABRERA: So, it wouldn't  
19 be an entire—all of the apartments?

20 NOELLE FRANCOIS: I don't know what the  
21 bill requires, but I don't think so. It's not  
22 necessary to put them in all of the apartments  
23 necessarily.

24 COUNCIL MEMBER CABRERA: But how would  
25 they know if a particular apartment maybe—maybe the

2 heating is not getting there, the air is stuck. How  
3 would-I mean--

4 NOELLE FRANCOIS: I would imagine maybe  
5 when you're asking for access to the apartment, you  
6 would ask the tenant if they've experienced trouble  
7 with their heat or you could look at who has made the  
8 311 complaint.

9 COUNCIL MEMBER CABRERA: So, where would  
10 the sensors be at if it's not in all of the  
11 apartments like in the hallways? I'm just trying to  
12 visualize this.

13 NOELLE FRANCOIS: No, they would be  
14 inside the apartments just you would choose, you  
15 know, some number of apartments or a percentage of  
16 the apartments to put them. I think that they will  
17 require that they do in a living room.

18 COUNCIL MEMBER CABRERA: Okay. Frank, I  
19 think you want to say something.

20 FRANK RICCI: Yeah, I think if you read  
21 the bill it says every apartment. That's not per  
22 room. It said \$300 a shot for let's say 100-unit  
23 building that's quite a bit of money, and I think the  
24 money is much better spent working on the system to  
25

2 make sure it's reliable, but it is in every  
3 apartment. That's what the bill says.

4 COUNCIL MEMBER CABRERA: Okay, thank you.

5 CHAIRPERSON CORNEGY: Thank you all. So  
6 next panel consists of Christina Appah. This will be  
7 our final panel. So, if anyone has not signed up,  
8 please do so immediately. [pause] If you could just  
9 state your name for the record, probably pronounce it  
10 way more correctly than I did.

11 CHRISTINE APPAH: You actually did a  
12 great job. I'm Christine Appah. I'm a Senior Staff  
13 Attorney at New York Lawyer for the Public Interest  
14 where I work in the Environmental Justice Program.  
15 New Yorkers for the Public Interest is a social  
16 justice organization, and we serve New Yorkers  
17 through three program areas: Housing through—Sorry.  
18 Through Environmental Justice, Health Justice and  
19 Disability Justice. We are also members of the  
20 Asthma-Free Housing Coalition, and we work to lobby  
21 for the passage of this law. I'm here to testify in  
22 support of Intro 780. We believe that the technical  
23 fixes are necessary to ensure that there's a clear  
24 understanding of the obligations of landlords before  
25 this law goes into effect. As my colleague, Mr.

2 Chachere mentioned, there were less negotiations  
3 towards the ending when we are about to get this law  
4 passed, and we believe that it provides a structure.  
5 It provides enough information and enough clarity to  
6 ensure that landlords understand their obligations to  
7 tenants and tenants understand their rights. We are  
8 here just to say that we do support it and we've been  
9 looking forward to the implementation of this law for  
10 quite some time, and we're hopeful that having this  
11 in place. As I have previously practiced in Housing  
12 Court, there is often confusion about how mold  
13 abatement and the abatement of indoor allergens is  
14 supposed to go, and finally New Yorkers will have  
15 this standard to look to. So, we are testifying in  
16 support of this bill, and we hope that it does, in  
17 fact, go into effect. Thank you.

18 CHAIRPERSON CORNEGY: So, did I  
19 understand it that your organization was also at the  
20 table during the negotiations for the bill?

21 CHRISTINE APPAH: Personally, I wasn't  
22 but my colleague—my Program Director Rachel Spectrum  
23 (sic) is also working on it.

24 CHAIRPERSON CORNEGY: Okay, thank you so  
25 much for your testimony. Yes.

2 COUNCIL MEMBER GJONAJ: I just have a  
3 question, Chair. On both of these bills, are we  
4 going to hold NYCHA accountable to the same standing,  
5 which is are they, are they carved out of these  
6 bills?

7 CHAIRPERSON CORNEGY: So, to answer that  
8 question we've had their—I don't think the bills as  
9 they stand include NYCHA, but I've had an ongoing  
10 battle with the Chair Alicka Samuels about that, but  
11 I don't think the intent of the bill was to cover—as  
12 they stand, the bills as they stand I don't think  
13 their intent was to cover.

14 COUNCIL MEMBER GJONAJ: Chairman, can I  
15 ask that we incorporate NYCHA residents into both of  
16 these bills?

17 CHAIRPERSON CORNEGY: So, I will speak to  
18 both bill sponsors, and make that we can do it, but  
19 thank you for that suggestion.

20 COUNCIL MEMBER GJONAJ: Thank you.

21 CHAIRPERSON CORNEGY: Thank you so much  
22 for your testimony.

23 CHRISTINE APPAH: Thank you. Thank you  
24 for your time.

2 CHAIRPERSON CORNEGY: Council Member  
3 Williams is joining us. We discussed your bill. If  
4 you'd like to, though, speak on your bill before we  
5 leave that would be great. As the sponsor of 585.  
6 The bill's sponsor 585 is here, and willing to speak  
7 on the tenets of his bill.

8 COUNCIL MEMBER WILLIAMS: Thank you, Mr.  
9 Chair for allowing me the opportunity. I know we're  
10 waiting on me to close out. So, I have to be brief.  
11 I think 585, I like this whole package actually and  
12 585 in particular, and having been a tenant  
13 organizer, going into buildings where people had no  
14 idea that they were rent stabilized or what that  
15 meant. I remember being in a meeting, and someone  
16 asked why don't we just post something, and another  
17 person said well where were you when we were making  
18 the law. So, I decided to take that conversation and  
19 see what I can do about that, put it in this  
20 building. Hopefully we can get a pass. I know the  
21 administration had some questions and concerns. I'd  
22 like to hopefully speak with him sooner than later so  
23 we can get through. I think the information is  
24 particularly powerful. Thank you.

2 CHAIRPERSON CORNEGY: Thank you, Council  
3 Member. This hearing is now adjourned. [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 November 3, 2018