

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

jointly with

COMMITTEE ON FIRE AND EMERGENCY  
MANAGEMENT

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November 20, 2019  
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HELD AT: Council Chambers - City Hall

B E F O R E: Robert E. Cornegy, Jr.  
Chairperson

COUNCIL MEMBERS: Robert E. Cornegy, Jr.  
Margaret S. Chin  
Carlina Rivera  
Helen K. Rosenthal  
Bill Perkins  
Mark Gjonaj  
Fernando Cabrera  
Ritchie J. Torres  
Barry S. Grodenchik  
Rafael L. Espinal, Jr.  
Farah Louis

Joseph C. Borelli  
Fernando Cabrera  
Justin Brannan

Alan N. Maisel  
Chaim M. Deutsch

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

Melanie La Rocca  
Commissioner  
New York City Department of Buildings

Gus Siraks  
First Deputy Commissioner  
New York City Department of Buildings

Joseph Jordan  
Chief  
Bureau of Fire Prevention  
New York City Fire Department



STEVEN SIDOWSKI: Microphone check,  
microphone check. Today's date is November 20, 2019,  
on the Committee on Housing and Buildings jointly  
with Fire and Emergency Management, recorded by  
Steven Sidowski.

CHAIRPERSON CORNEGY: Good morning,  
everyone, I'm Council Member Robert Cornegy, Jr.,  
chair of the Committee on Housing and Buildings, and  
I'm joined today by Council Member Borelli, chair of  
the Committee on Fire and Emergency Management. I'd  
like to thank Chair Borelli and other committee  
members for joining this hearing on the  
implementation of automatic sprinkler requirements in  
commercial buildings, as required by Local Law 26 for  
year 2004. Following the devastation of the  
September 11 attacks, the Department of Buildings  
conveyed, convened the World Trade Center Code Task  
Force. Task force membership included a diverse  
array of stakeholders from the city, state, and  
federal governments, the real estate industry, family  
members of September 11 victims, and design  
professionals. The purpose of this task force was to  
identify ways to improve New York City building  
safety. The task force eventually issued 21

recommends, including requiring more robust evacuation plans, illuminated egress path markings, enhanced fire department communications, and stronger design standards. The task force also recommended that all high-rise commercial buildings over 100 feet be retrofitted with automatic sprinkler systems within 15 years, which, among other recommendations, was incorporated into Local Law 26 for the year 2004. We are here today to discuss the compliance with the automatic sprinkler system requirement. Under Local Law 26, buildings were required to have automatic sprinkler systems installed by July 1, 2019. Local Law 26 also required that building owners submit periodic status reports in 2011 and in 2018. In the 15-year period following the enactment of Local Law 26, compliance has been minimal. There are 1232 buildings covered by Local Law 26 and as of May of this year and mere months before the compliance deadline only 71 had sprinklers. Even more disturbing, of the 1232 covered buildings, only 262 submitted the interim status reports required under this law. Today we're here to discuss why compliance with the automatic sprinkler requirement of Local Law 26 has been lacking, how DOB has tried to promote

1 COMMITTEE ON HOUSING AND BUILDINGS

6

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 compliance, and how the safety of workers in existing  
4 office buildings can be protected. I'd like to thank  
5 Council Member Louis for joining us today and I'd  
6 like to pass it on to hear from my cochair, Chair  
7 Borelli.

8 CHAIR BORELLI: Thank you, Council Member  
9 Cornegy. I'm Council Member Joseph Borelli and I'm  
10 chair of the Committee on Fire and Emergency  
11 Management, and I want to thank the chair for holding  
12 this hearing today and those members of the public in  
13 attendance. I'd also like to acknowledge the Fire  
14 and Emergency Management committee members who are  
15 present, of which there are none because they sleep  
16 late, apparently. As mentioned earlier, we're here  
17 to discuss the city's implementation of automatic  
18 sprinkler requirements in commercial buildings. As  
19 chair of the Committee on Fire and Emergency  
20 Management I'm interested in learning more how DOB  
21 and FDNY coordinate on the issue of automatic  
22 sprinkler systems. The efficiency of automatic  
23 sprinkler systems is largely dependent on the proper  
24 installation and maintenance of such systems, which  
25 include the standards for installation, testing,  
maintenance, and maintenance of automatic systems.

1 COMMITTEE ON HOUSING AND BUILDINGS

7

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 The committees are also interested in examining how

4 the FD's Bureau of Fire Prevention supervises and

5 conducts the many required tests of sprinkler

6 systems. We look forward to their testimony, and we

7 also expect to hear testimony on issues that property

8 owners have encountered in complying with Local Law

9 26, and we certainly welcome those folks to testify

10 as well, and I'd like to turn the floor back over to

11 Chair Cornegy, and note that we have been joined by

12 Council Member Barry Grodenchik.

13 CHAIR CORNEGY: Actually, Barry from the

14 great borough of Queens is in the building. I'd like

15 to remind everyone who would like to testify today to

16 please fill out a card with the sergeant. We will be

17 sticking to a two-minute clock for public testimony.

18 UNIDENTIFIED: Raise your hand, 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?

23 UNIDENTIFIED: Yes.

24 UNIDENTIFIED: Yes.

25 UNIDENTIFIED: Good morning, Chair

Cornegy, Chair Borelli, and members of the Committees

1 COMMITTEE ON HOUSING AND BUILDINGS

8

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 on Housing and Buildings and Fire and Emergency

4 Management. I'm Melanie La Rocca, commissioner of

5 the New York City Department of Buildings. I'm

6 joined today by Gus Sirakis, my first deputy

7 commissioner, and Joseph Jordan, chief of the New

8 York City Fire Department's Bureau of Fire

9 Prevention. We're pleased to be here today to

10 discuss the important issue of sprinkler systems in

11 high-rise office buildings. The benefits of

12 sprinkler systems are well known. They provide a

13 heightened level of fire protection for building

14 occupants. New York City through the New York City

15 Construction Codes, has a long history of requiring

16 sprinkler systems in high-rise buildings. Local Law

17 5 of 1973 required existing office buildings 100 feet

18 or more in height to install a sprinkler system or to

19 protect areas without sprinkler systems with fire-

20 rated separations. Further, Local Law 16 of 1984

21 required new office buildings 75 feet or more in

22 height to install sprinkler systems. Local Law 26 of

23 2004, which I'll discuss in further detail

24 momentarily, was intended to close the gap by

25 requiring all existing office buildings 100 feet or

more in height to install sprinkler systems. The



1 COMMITTEE ON HOUSING AND BUILDINGS

9

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 department established, as you noted, Chair, the

4 World Trade Center Building Code Task Force,

5 following the tragic September 11, 2001, terrorist

6 attack and collapse of the World Trade Center. The

7 task force was primarily established to ensure that

8 requirements, standards, and practices in the design

9 and construction of buildings provide safety for

10 occupants of high-rise buildings. The task force was

11 composed of an executive committee, which included

12 representation from the department, the New York City

13 Fire Department, as well as labor, design, and real

14 estate organizations. Additionally, the task force

15 was composed of five working groups - structural

16 strength, emergency evacuation, fire protection,

17 mechanical systems, and department operations. The

18 task force issued 21 recommendations in 2003, one of

19 which was requiring existing office buildings 100

20 feet or more in height without sprinkler systems to

21 install such systems throughout the building within

22 15 years. This recommendation later became Local Law

23 26, which also required that compliance reports in

24 years one, seven, and 14 be filed with the department

25 to demonstrate progress with the installation of

sprinkler systems. Installation was required to be

completed by July 1, 2019. Since the enactment of Local Law 26 the department has been primarily focused on providing education and outreach to building owners. To date, the department has done the following: Created a dedicated FAQ available on our website to provide guidance to building owners; created a dedicated portal where questions regarding the law could be posed by building owners; issued a building bulletin in July 2011 to clarify which buildings were exempt from the law's requirements; issued a building bulletin in December 2017 that provided additional background on the law and its applicability, as well as information regarding requesting an extension from the department for additional time to comply with the law; mailed a letter to building owners in early 2018, which informed them of the 14-year compliance report, which would be due come July of that year; issued a service notice in June of 2018 which informed building owners that the 14-year compliance report was due and reminded them about the opportunities to apply for an extension; issued a service notice in June of 2019 advising owners that the final certifications would be due in July of that year, and finally mailed a

1 COMMITTEE ON HOUSING AND BUILDINGS

11

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 letter to building owners in June of 2019 advising

4 them of such information. Now Local Law 26 applies

5 to 1308 office buildings, primarily located in

6 Manhattan. To date, 368 buildings have certified

7 compliance with Local Law 26, which means that they

8 have installed a sprinkler system in their building

9 or demonstrated that they were already in compliance.

10 Building owners were afforded the opportunity to

11 apply to the department for additional time to comply

12 with Local Law 26 and a few building owners have come

13 forward to apply for such an extension. The

14 department received 112 extension applications, of

15 which 22 were approved. Over the coming months the

16 department will be focused on bringing the remaining

17 buildings into compliance with this requirement by

18 performing heightened engagement with building owners

19 and by taking enforcement actions. The focus is on

20 bringing building owners into compliance and for

21 those owners who do not demonstrate that they are

22 taking steps to comply with Local Law 26 violations

23 will be issued and penalties will be levied. After

24 reviewing the final certifications that came in by

25 the July 1, 2019, compliance deadline the department

issued 1088 violations in September of 2019 to

1 COMMITTEE ON HOUSING AND BUILDINGS

12

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 building owners who were not in compliance. These

4 violations were DOB violations, which were not

5 accompanied by a monetary penalty but do include an

6 order to correct the condition for which the

7 violations are issued. On December 1, 2019, the

8 department will issue OATH summonses to building

9 owners who are not in compliance with Local Law 26.

10 The monetary penalties associated with these

11 violations can be waived if building owners certify

12 that they are in compliance with Local Law 26 within

13 60 days of the violations being issued. Further

14 enforcement actions will include issuing OATH

15 summonses with heightened penalties, which are not

16 subject to waiver, to building owners who are not in

17 compliance with Local Law 26. Additionally the

18 department will conduct an inspection every 60 days

19 to determine whether there had been compliance and

20 these inspections could result in additional

21 enforcement actions being taken by the department. I

22 want to thank you for your long-standing commitment

23 to this issue and we certainly look forward to

24 updating both committees on a regular basis as we

25 work to ensure compliance is achieved with Local Law

26. And I welcome any questions you may have.

1 COMMITTEE ON HOUSING AND BUILDINGS

13

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 CHAIR CORNEGY: Thank you so much,  
3 Commissioner, and I do now, as always, appreciate the  
4 brevity in your testimony. I don't know if I got the  
5 answer to this. You cited a great degree of numbers  
6 in terms of compliance, but as of how today how many  
7 buildings in New York City have automatic sprinkler  
8 systems? I didn't want to do the math, sorry.

9 COMMISSIONER LA ROCCA: Four, and I don't  
10 have the exact number, but I can say this. For the  
11 last 35 years this city has required office buildings  
12 greater than 75 feet in height to have sprinkler  
13 systems, so I certainly will be able to follow up  
14 with an exact number.

15 CHAIR CORNEGY: Oh, I just want to also  
16 note for the record we've been joined by Council  
17 Member Perkins from the great village of Harlem. Can  
18 you provide us with a breakdown, well, obviously you  
19 can't, but I'd also like a breakdown on how many of  
20 these buildings are commercial spaces, multi-family,  
21 hotels, and manufacturing. That's important for me  
22 in the Housing and Buildings Committee to know so  
23 that we could do a more targeted look at, you know,  
24 who's compliant and who is not compliant, and if  
25 there is an industry standard in some designs.

1 COMMITTEE ON HOUSING AND BUILDINGS 14  
2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 COMMISSIONER LA ROCCA: Sure.

4 CHAIR CORNEGY: And now with the problems  
5 that we're having around landlords, warehousing  
6 spaces for AirBNB and those types of things.

7 COMMISSIONER LA ROCCA: Certainly.

8 CHAIR CORNEGY: I think it's important to  
9 know who's in compliance to avert a potential  
10 disaster in the future.

11 COMMISSIONER LA ROCCA: Certainly, and we  
12 will provide all of that information to the council.  
13 I do also just want to note that in addition to the  
14 Local Law that I mentioned in my testimony of 1984,  
15 through our code development process, which is an  
16 inclusive process, including owners, industry  
17 representatives, as well as manufacturers and  
18 contractors, in addition to the design  
19 representatives as well and our city agencies, we do  
20 periodically go through a very lengthy process to  
21 ensure that our building codes continue to remain at  
22 the forefront of design and construction in the city.  
23 So certainly we will follow up with you on that  
24 information.

25 CHAIR CORNEGY: Ah, thank you. So just  
before I go to my cochair, the last question I have

1 COMMITTEE ON HOUSING AND BUILDINGS

15

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 in this round is can DOB walk us through what the  
4 permit requirements would be to install an automatic  
5 sprinkler systems?

6 COMMISSIONER LA ROCCA: It depends on  
7 what work is being done as well. So in cases where  
8 the individual owner may also be doing gut renovation  
9 in addition to the sprinklers, the sprinklers would  
10 be a component of that. If it were just a stand-  
11 alone sprinkler application they would file it as  
12 such. So I do want to also just mention here with  
13 respect to this population of buildings, the 1308  
14 buildings that were affected by Local Law 26, this  
15 entity has been, this department has ensured that our  
16 staff resources have been made available to the  
17 targeted population to ensure that whether it be a  
18 simple question of how to come into compliance, as  
19 you've asked, Council Member, on the technical  
20 permitting, or if it is a more in-depth question in  
21 order to ensure that an owner can actually get across  
22 the finish line, my department has ensured that staff  
23 resources are available to guide owners towards  
24 compliance.

25 CHAIR CORNEGY: Thank you. I'm curious as  
to, I don't want to assume but it seems obvious that

1 COMMITTEE ON HOUSING AND BUILDINGS

16

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 new buildings have this requirement already built in,  
4 if you're building anything new it has to have a  
5 sprinkler system built in, in compliance with Local  
6 Law 26.

7 COMMISSIONER LA ROCCA: Correct, so any  
8 building in the city, commercial building, in excess  
9 of 75 feet, 75 feet or greater, since 1984 has been  
10 required to have sprinklers and that number is  
11 actually 1022 office buildings that were constructed  
12 after 1984. So, yes, that is true for that  
13 population. And, again, as through our code process  
14 we have taken that opportunity to further refine and  
15 strengthen and include additional tools in the fire  
16 prevention and suppression field, and so for a number  
17 of years now sprinkler systems have been required for  
18 buildings, typically speaking, 75 feet or higher,  
19 regardless of their occupancy class.

20 CHAIR CORNEGY: And just for the record,  
21 75 feet is how many, roughly, how many stories?

22 COMMISSIONER LA ROCCA: Typically that  
23 would be a seven-story building.

24 CHAIR CORNEGY: Thank you. We've been  
25 joined by Council Member Rafael Espinal, Council  
Member Chaim M. Deutsch, Council Member Ritchie



1 COMMITTEE ON HOUSING AND BUILDINGS

17

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 Torres, and Council Member Fernando Cabrera. I'd  
4 like to now, obviously hear from cochair, Council  
5 Member Borelli.

6 CHAIR BORELLI: Thank you very much.  
7 Commissioner, for the buildings which, which  
8 constitutes the bulk actually of those who would be  
9 forced to comply, for those that have not yet  
10 complied with the law or sent any applications for  
11 extensions or whatever, or have in any way  
12 acknowledged to your agency, what is the strategy  
13 going forward to increase the compliance, if you  
14 could break that down?

15 COMMISSIONER LA ROCCA: Sure. So let me  
16 start with in compliance. So to date there are 368  
17 office buildings in this population that are in  
18 compliance. So that is nearly 30% of the entire  
19 universe. Additionally, there are some 198 office  
20 buildings, so about 15% of the population, that are,  
21 that have certified completion to the department and  
22 we are working with that universe to ensure that they  
23 are in compliance. So that universe is on a path to  
24 compliance. So that is nearly 45% of the entire  
25 universe. Now, in the course of the last 15 years we  
have through our engagement and in response from the

1 COMMITTEE ON HOUSING AND BUILDINGS

18

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 periodic reporting, have heard from all but 94  
4 buildings. So that's nearly 95% of the population  
5 that we've heard from directly. And additionally  
6 through the porta we've had direct engagement with  
7 900 different buildings. So we think and feel very  
8 confident that the information is out there and,  
9 again, if the goal is compliance, which it is, we've  
10 already levied DOB violations. We will be issuing  
11 further violations come December 1, and we will  
12 continue to ratchet that up because certainly  
13 enforcement is a tool to ensure people come into  
14 compliance, and that is the goal at the end of the  
15 day.

16 CHAIR BORELLI: So can you give us an  
17 idea of the penalty structure? Roughly, what gets,  
18 what has already gotten levied? I mean, this is  
19 something, for some buildings, you know, 18 years  
20 old, what is the penalty structure and what could it  
21 possibly get ratcheted up to?

22 COMMISSIONER LA ROCCA: So Department of  
23 Buildings violations have been levied. Those are  
24 non-monetary violations. The second round of  
25 violations will be Class 2 violations. Those are  
curable, should you prove that you are in compliance

1 COMMITTEE ON HOUSING AND BUILDINGS 19  
2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 within 60 days of the issuance of that violation.

4 From there you will see additional steps, so  
5 aggravated violations being issued and should we get  
6 to the point where we have not heard from all owners,  
7 certainly Class 1 violations would be acceptable, and  
8 that does require a reinspection on a 60-day period  
9 with additional penalties being levied. So there are  
10 some very serious financial, ah, monetary penalties  
11 that can be levied should owners choose to continue  
12 to not be in compliance since the July 1 date.

13 CHAIR BORELLI: But no one, correct me,  
14 so this went into effect 2002.

15 COMMISSIONER LA ROCCA: The compliance  
16 date was July 1 of this year...

17 CHAIR BORELLI: Of this year, OK.

18 COMMISSIONER LA ROCCA: Correct, and the  
19 law was passed, as you noted.

20 CHAIR BORELLI: So what is the max  
21 penalty an owner can face?

22 COMMISSIONER LA ROCCA: So on a yearly  
23 basis we're looking in excess of \$50,000 in  
24 penalties. Again, if compliance is not demonstrated.  
25 Our goal is to get owners there.

1 COMMITTEE ON HOUSING AND BUILDINGS

20

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 CHAIR BORELLI: Is that, I'm just frankly  
4 asking you, is that enough money? I mean, my, you  
5 can look it up in your system. My grandpop put in a  
6 bathroom in their house in, you know, 1972 and I  
7 think, I think their violation was like \$5000, and  
8 it's a small house. I mean, we're talking a high-  
9 rise building.

10 COMMISSIONER LA ROCCA: I do believe that  
11 our approach to ensuring compliance and since, again,  
12 since July 1 when compliance was required to be in  
13 place we've seen some 45% of the total population  
14 either in compliance or on the road to compliance.  
15 And so I certainly believe that we will be exercising  
16 all of our potential enforcement options to get  
17 owners to come into compliance.

18 CHAIR BORELLI: And what are some of the  
19 reasons that an owner would give for not complying  
20 with the law? Are there technical reasons or is it  
21 cost, or is it both?

22 COMMISSIONER LA ROCCA: It can be both.  
23 It can be certainly an issue with, ah, you know,  
24 we're talking about a commercial building and so  
25 typically you have commercial tenants who have  
longer-term leases and so there can be a logistical

1 COMMITTEE ON HOUSING AND BUILDINGS

21

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 issue of gaining access, so in order to sprinkler an

4 entire building you're not only doing base building

5 work, you also do have to include branches through

6 tenanted space and so that can be problematic. And

7 certainly owners may choose to wait until the space

8 is vacant in order to do that work. But on top of

9 that there are also certain technical challenges,

10 like potentially created a new dedicated water

11 source, which may be a requirement. There may be

12 challenges with water pressure, so requiring

13 additional mechanical systems in order to ensure that

14 the pressure is what is required of the system, as

15 well as just finding the space within the building to

16 do this. So there are certainly some challenges. I

17 would not consider them obstacles.

18 CHAIR BORELLI: But it sounds like you

19 are working with, as long as an owner is making the

20 effort to follow the rules, you are very helpful and

21 generous in accommodating their specific needs.

22 COMMISSIONER LA ROCCA: Again, we want

23 compliance. And so the name of the game for us is

24 getting owners to the place of that, and so we've

25 made over the course of the last 15 years staff

available in order to, you know, answer the simple

1 COMMITTEE ON HOUSING AND BUILDINGS

22

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 question or do a more in-depth on how you get there.

4 So we've made that commitment, and additionally we've  
5 committed to continuing the education, as we've done,  
6 and outreach, as we've done.

7 CHAIR BORELLI: And what information does  
8 DOB collect in terms of hardship? What form does the  
9 hardship application actually take?

10 COMMISSIONER LA ROCCA: So the extension  
11 request, of which there are 112 that were submitted,  
12 and I should note the committee that reviewed those  
13 extension requests included not only my department  
14 but the Fire Department as well as Revenue. So this  
15 truly was a collaborative committee of owner,  
16 representative, and city stakeholders to determine  
17 whether there was rationale for such. And we did  
18 approve 22, and I'm happy to give you the breakout of  
19 those 22 buildings and what the individual request  
20 was granted on.

21 CHAIR BORELLI: Can you tell me about the  
22 interim reports? Were, was a failure to file an  
23 interim report also considered noncompliance, and at  
24 that point could you issue violations and did DOB?

25 COMMISSIONER LA ROCCA: So for the year  
one report we had 810 submittals. The year seven

1 COMMITTEE ON HOUSING AND BUILDINGS

23

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 report, 563, and for the year 14, 798. And final

4 compliance, as I noted, was 368 buildings that were

5 certified by the department to be in final

6 compliance. So, again, that represents all but 94 of

7 the buildings. The department at the time did not

8 choose to levy violations, whether they be DOB

9 violations or otherwise. But, again, we've seen that

10 of this population nearly 95% have been in

11 communication through the reporting process with the

12 department and additionally some, at least 900 direct

13 interactions with owners, separate from that

14 reporting process.

15 CHAIR BORELLI: OK. I'll turn it over

16 now to Council Member Grodenchik.

17 COUNCIL MEMBER GRODENCHIK: Thank you,

18 chairs. Good morning, Commissioner. How are you?

19 COMMISSIONER LA ROCCA: Good morning.

20 COUNCIL MEMBER GRODENCHIK: Always good

21 to see a commissioner from Queens. The compliance

22 rate here, if my math is correct, and it's usually

23 correct, is 28%, which I think we would all agree is

24 really, to be generous, a disappointment. And I

25 understand, and I'm following up on some of what

Chair Borelli said, that we obviously would prefer

1 COMMITTEE ON HOUSING AND BUILDINGS

24

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 that people follow the law as opposed to be penalized  
4 by the law. How long does it take to, I mean, you  
5 have a big building, it's going to take a long time,  
6 it's not going to happen in 60 days. So what are  
7 your plans for getting people into compliance? I  
8 know, I occasionally visit the building where Karen  
9 Koslowitz's district office is and they have been  
10 working in that building for quite some time. So I  
11 just, a typical building of 20 stories, how long  
12 would it take to get this done?

13 COMMISSIONER LA ROCCA: It would very  
14 much depend, honestly, on what the conditions are of  
15 the building. But I also do just want to note that  
16 for owners who have yet to certify compliance there  
17 is certainly an opportunity for them to do such and  
18 they may already be in compliance. It may be a  
19 matter of submitting to the department that they are  
20 fully sprinklered, and so what we've seen is an  
21 increase in communication from owners as a result of  
22 our enforcement action. So since we've issued our  
23 DOB violations we've had a steady stream of owners  
24 come in to ask or help figure out with them whether  
25 they are in compliance and what they need to do.  
Now, with respect to the timeframe, certainly I would



1 COMMITTEE ON HOUSING AND BUILDINGS

25

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 say it would depend on whether the space is tenanted  
4 or not. Certainly an unoccupied space...

5 COUNCIL MEMBER GRODENCHIK: Much faster.

6 COMMISSIONER LA ROCCA: The construction  
7 phasing is an easier space to work in. So I don't  
8 want to assume to know all the conditions of each  
9 building and give you a timeframe, but I can  
10 certainly expect that it would take potentially some  
11 time.

12 COUNCIL MEMBER GRODENCHIK: And what's  
13 your sense from, you mentioned that you've had a  
14 steady stream of responses from owners. What's your  
15 sense that most people are trying to comply with  
16 this? Have you heard that it's too onerous, or?

17 COMMISSIONER LA ROCCA: No, from the  
18 population we've heard from, and, again, over the  
19 course of 15 years we've heard from all but 94  
20 buildings, and that is a, that is a strong showing so  
21 that to me demonstrates the availability of  
22 information about this particular law and that it was  
23 coming into effect. And certainly we've had  
24 conversations with industry representatives as well.  
25 The population we are speaking of in this universe is  
a small universe, 1308 buildings, and we're only

1 COMMITTEE ON HOUSING AND BUILDINGS

26

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 dealing with commercial spaces. So I think everybody  
4 is fully aware, and, again, we are seeking  
5 compliance. We will use our enforcement tools to  
6 help get us there. But at the end of the day we want  
7 compliance with the law.

8 COUNCIL MEMBER GRODENCHIK: I appreciate  
9 that, and hopefully soon we'll be dealing with  
10 residential spaces as well, because I've introduced a  
11 bill with Chair Cornegy to require above 40 feet, to  
12 save lives, obviously. So I thank you for your  
13 testimony and I turn it back to the chairs.

14 COMMISSIONER LA ROCCA: Thank you.

15 CHAIR CORNEGY: So before we go on to any  
16 of my colleagues' questions, I do have two more  
17 questions. How many employees work at FDNY's Bureau  
18 of Fire Prevention?

19 JOSEPH JORDAN: We currently have near 600  
20 employees within the Bureau of Fire Prevention.

21 CHAIR CORNEGY: So I'd like, if you  
22 could, provide us with a breakdown of the roles and  
23 responsibilities of that rather large employee base,  
24 and does BFP need more employees to meet these  
25 requirements? So you're, we're asking more and is

1 COMMITTEE ON HOUSING AND BUILDINGS

27

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 that the right amount of employees to be, to help  
4 keep the city safe?

5                   JOSEPH JORDAN: So I'm going to try to  
6 recall our work chart by memory, but we've broken  
7 down the Bureau of Fire Prevention into, if I  
8 remember correctly, 13 units. The largest among them  
9 is what we refer to as our district office  
10 organization and I believe we have roughly 180 fire  
11 protection inspectors assigned to the district office  
12 organization, and there are 10 offices, 10 district  
13 offices within that unit that cover the city. And  
14 their role is to conduct on a day-to-day basis  
15 account-based inspections in buildings around the  
16 city of all occupancy and use types. Then, trying to  
17 kind of work my way numbers-wise, if I can do it that  
18 way. So that's the largest segment of our bureau.  
19 We have a fire alarm inspection unit with roughly,  
20 and I almost hate to hazard a guess, Council Member,  
21 but in the ballpark of 35 folks currently, including  
22 inspectors and clerical personnel, and their role is  
23 to conduct acceptance inspections of newly installed  
24 fire alarms in buildings. They are complemented in  
25 the fire alarm inspection process by our technology  
management unit, which is composed of engineers and

plans reviewers. They're the folks that review fire alarms when there are fire alarm plans when they're initially submitted. And, you know, again, I'm hazarding a guess as to a total number, ah, including, ah, folks that were authorized just this past year or in 2018, Local Law 195 authorized the hiring of an additional, I believe, it was 26 personnel for facilitating fire alarm acceptance and review, based on the fact that we had just transferred that responsibility from the Department of Buildings to the Fire Department. And we're in the process of continuing to try to fill those additional positions that were authorized relative to that law. We have a hazardous controls group that regulates things like hazardous substances in laboratories, pipelines throughout the city, hazardous cargo transported through the city, and I'm not certain of their size. Again, I would guess in the ballpark of 30 folks. We have an explosives unit whose role is to oversee any blasting and explosives activities within New York City, but also they regulate pyrotechnics displays as well as transport of. They also regulate the use of special effects and they are generally engaged heavily with film and

1 COMMITTEE ON HOUSING AND BUILDINGS

29

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 movie production in New York City and the effects

4 related therein. Who else am I forgetting here, ah,

5 many folks. We have a licensed place of public

6 assembly unit whose role is to do just that, regulate

7 what goes on in places of assembly in New York City,

8 a high-rise unit specific to this conversation whose

9 role is to conduct annual inspections of what are

10 designated high-rise buildings as well as do on-site

11 testing, to issue certificates of fitness to fire and

12 life safety director personnel whose staff, ah, who

13 staff those buildings. Certainly, administrative

14 personnel to complement all the inspectors, fire

15 alarm inspectors and fire protection inspectors. And

16 we have a robust certifications unit who is

17 responsible for all the permit and certification of

18 fitness, a certificate of fitness testing that goes

19 on within the fire department. I think part of your

20 question was can we use more personnel. We have an

21 ask in. We did put a new needs request in, in

22 January of '19 for FY20 that did ask for additional

23 personnel to complement our fire alarm review and

24 inspection process. And some of that ask was also to

25 upgrade our explosives unit capabilities. So we, we

did make those asks back in January of '19.

1 COMMITTEE ON HOUSING AND BUILDINGS 30  
2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 CHAIR CORNEGY: Can you tell me what or  
4 maybe the Commissioner, can you tell me what triggers  
5 an inspection?

6 JOSEPH JORDAN: Can I just ask you,  
7 Council Member, to be more specific? What type of an  
8 inspection?

9 CHAIR CORNEGY: So the inspections that  
10 we're talking about now, the sprinkler system  
11 inspections. Are they triggered by 311 calls? Are  
12 they triggered by a list and priority? How are the  
13 inspections triggered?

14 COMMISSIONER LA ROCCA: So the department  
15 continues to be a department that is complaint-driven  
16 for the, for a large volume of our work. So for all  
17 311 complaints or complaints received through any  
18 other means, we do respond to each and every single  
19 one of them. Separate from that, we do, as we've  
20 discussed, have a proactive team that does  
21 construction safety compliance. But with respect to  
22 these, it is upon the issuance of a Class 1 violation  
23 which the state law requires that we must reinspect  
24 on a 60-day cycle. And that is true for all Class 1  
25 violations that are written.

1 COMMITTEE ON HOUSING AND BUILDINGS

31

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 CHAIR CORNEGY: So if you had to classify  
3 the percentages of triggered inspections, would you  
4 say 30% are triggered by 311, 30% by...

5 COMMISSIONER LA ROCCA: No, the vast, the  
6 vast number of our, our inspections are complaint-  
7 driven, and I'll certainly, I don't have the number  
8 but we'll look at a breakout.

9 CHAIR CORNEGY: I mean, just saying the  
10 vast majority is enough for me. That's not something  
11 you have to dig into. I'm just curious as we're, and  
12 you've demonstrated a propensity for being more  
13 proactive, I'm just curious as to where we're going  
14 to ultimately wind up in the long term.

15 COMMISSIONER LA ROCCA: Well, the long  
16 term for the department I think is a more proactive  
17 department. But, again, with respect to this topic,  
18 you will see a reinspection at a 60-day cycle, which  
19 is required by state law, upon the issuance of a  
20 Class 1.

21 CHAIR CORNEGY: Thank you. I don't have  
22 any more questions.

23 CHAIR BORELLI: I just have one. How  
24 many high-rise fires does the city see per year? Do  
25

1 COMMITTEE ON HOUSING AND BUILDINGS

32

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 you guys classify fires in high-rise buildings

4 differently, and if so how many per year are there?

5 GUS SIRAKS: Council Member, I don't have  
6 that number at hand. It certainly doesn't represent  
7 the majority of our response. The majority of our  
8 responses, of course, are in much more conventionally  
9 sized buildings, one- and two-family dwellings, as  
10 well as six-story or below multiple-family dwellings.  
11 So I can't say that we have high response numbers to  
12 high-rise buildings, although we do respond regularly  
13 to reports of fires in high-rise buildings.

14 CHAIR BORELLI: Would you say that the  
15 likelihood of death is higher or lower in a high-rise  
16 building versus a one- and two-family home?

17 GUS SIRAKS: Well, statistically, I think  
18 you'd see that fire deaths generally occur in the  
19 home, in the residence of whatever type, whether it  
20 be one- and two-family dwelling or, or multiple-  
21 family dwelling of higher proportions. So I would  
22 have to track that with what our proportions are in  
23 the city. But I just know, keeping track of national  
24 trends, that more folks tend to die in the home than  
25 elsewhere.



1 COMMITTEE ON HOUSING AND BUILDINGS

33

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 CHAIR BORELLI: Thank you. And I'll turn  
3 it over to Council Member Deutsch.

4 COUNCIL MEMBER DEUTSCH: Thank you, thank  
5 you Chairs. Good morning, Commissioner, and Deputy  
6 Commissioners. And, Commissioner, I heard you're  
7 from Queens. Well, you're always welcome to move to  
8 Brooklyn.

9 COMMISSIONER LA ROCCA: [laughs]

10 COUNCIL MEMBER DEUTSCH: It's a great  
11 place, especially after I work with Joe Borelli to  
12 have Brooklyn secede, together with Staten Island,  
13 we'll make Brooklyn great again.

14 COMMISSIONER LA ROCCA: I'll keep  
15 [inaudible].

16 COUNCIL MEMBER DEUTSCH: [laughs] So I  
17 have two questions, two topics. One is that are  
18 high-rise buildings mandated to have smoke alarms in  
19 the common areas?

20 COMMISSIONER LA ROCCA: Yes. We'll come  
21 back to you definitively. But we believe they are.

22 COUNCIL MEMBER DEUTSCH: And is that all  
23 apartment buildings?

24 COMMISSIONER LA ROCCA: Say that again?

25

1 COMMITTEE ON HOUSING AND BUILDINGS

34

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 COUNCIL MEMBER DEUTSCH: Is that all like  
3 apartment buildings as well?

4 JOSEPH JORDAN: Smoke detectors and  
5 carbon monoxide detectors are required in apartment  
6 buildings.

7 COUNCIL MEMBER DEUTSCH: In hallways?

8 JOSEPH JORDAN: I have to check on the  
9 common area part. But I [inaudible] talking about  
10 office buildings.

11 COUNCIL MEMBER DEUTSCH: OK, all right.  
12 Because I wasn't sure. I think the common areas may  
13 not be like a law. But my question is now for the  
14 fire department. Is it beneficial to have smoke  
15 alarms and carbon monoxide detectors in common areas?  
16 This way it alerts, because I have a bill on this,  
17 this way it alerts the tenants living there before  
18 the fire actually gets to the door.

19 GUS SIRAKS: Your question is, is it  
20 beneficial to have smoke alarms in common areas?

21 COUNCIL MEMBER DEUTSCH: Yes, so the  
22 reason why I'm asking is that if a smoke alarm goes  
23 off, let's say in a hallway, right, so it alerts the  
24 tenant on that floor that there's a fire. This way  
25 they could call 911. But then I was looking at the

other, at the other part of it, is that that if someone hears a smoke alarm they may open the door into the hallway to see what's going on and then those flames could come in. So I was curious if it's safer for a building to have smoke alarms in the hallways and common areas.

GUS SIRAKS: Well, I think a reflection on the NFPA standard that oversees installation of smoke alarms, NFPA-72, if the entire building was required to be sprinklered it would suggest that you, ah, excuse me, detectored, I'm sorry, smoke detectored, you would detector in addition to the sleeping and living areas within the dwelling units. You would indeed detector the public corridors. However, very often the reference is simply to detectoring the dwelling units, which wouldn't mandate the, um, the protection or the coverage of, of corridors. In terms of being beneficial, ah, any time you can facilitate an early warning that's not a bad thing.

COUNCIL MEMBER DEUTSCH: OK, great, thank you so much. And I have one other question on one topic with the commissioner. So you're familiar with

1 COMMITTEE ON HOUSING AND BUILDINGS

36

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 all the people that got violations for the retaining  
4 walls near the subways?

5 COMMISSIONER LA ROCCA: Yes.

6 COUNCIL MEMBER DEUTSCH: Yeah, so on that  
7 issue, like I'll give you an example in my district.  
8 There is, there are like three homes that are row  
9 houses and then there's a common public, a common,  
10 um, I think it's a community parking spot, like  
11 parking area, and then there's another retaining  
12 wall. So DOB came down and gave violations to those  
13 three tenants to fix that retaining wall because it  
14 was coming down. DOB issued those violations not  
15 knowing that if that common wall belongs to those  
16 three homes or it belongs to the next block. But  
17 they issued the violations and now those home owners  
18 need to spend money to get a survey and to prove that  
19 either that it does not belong to them, that  
20 retaining wall, so why doesn't the DOB have like that  
21 type of access to find out exactly who that, who that  
22 retaining wall belongs to before issuing the  
23 violation and making people spend thousands of  
24 dollars at times?

25 COMMISSIONER LA ROCCA: Sure, so you  
raise a good point and I, and I am familiar with the

1 COMMITTEE ON HOUSING AND BUILDINGS

37

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 issue. Let me say this. The outreach we're doing

4 with respect to retaining walls is, stems from a

5 Local Law passed as a result of that catastrophic

6 failure we saw on the Henry Hudson Parkway some years

7 back. So the rationale is there. Now, with respect

8 to this specific case, I certain would be happy to

9 follow up with you on this specific issue. We

10 obviously are issuing violations where we believe are

11 appropriate and to the responsible party where we

12 have that information. So if there is a way to

13 further refine that we certainly would be open and

14 welcome any opportunity to do that. Obviously, we

15 want to ensure compliance again with, with a

16 legislative requirement and want to ensure that our

17 customers at the end of the day, residents in New

18 York City, are hearing from us at the most

19 appropriate time. So we certainly will look at that

20 case specifically and more broadly speaking.

21 COUNCIL MEMBER DEUTSCH: OK. Can your

22 office like reach out to me after the hearing, if you

23 don't mind?

24 COMMISSIONER LA ROCCA: Sure, of course.

25 COUNCIL MEMBER DEUTSCH: OK, and also you

mentioned we believe, like when we believe that the

1 COMMITTEE ON HOUSING AND BUILDINGS

38

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 retaining wall belongs to a certain homeowner. So is  
4 there any way to like, like it shouldn't be we  
5 believe, that is should be like yes, it definitely  
6 belongs to the homeowner. And now you're getting a  
7 violation and you need to fix it.

8 COMMISSIONER LA ROCCA: Again, we're,  
9 we're issuing violations to the entity we believe is  
10 responsible. And certainly there are, certainly some  
11 instances where even within two owners there is a  
12 disputed ownership where you raise surveying as being  
13 a requirement needed. So, happy to talk to you about  
14 this specific issue further, and also, yes, we are  
15 looking at ways, obviously, always to refine our data  
16 to ensure that we have the appropriate and  
17 responsible party.

18 COUNCIL MEMBER DEUTSCH: I got it. So  
19 one other thing. With today's technology and a lot  
20 of things on public record, is there any way to  
21 definitely know that a retaining wall belongs to, who  
22 it belongs to? Is there any way for DOB to get that  
23 information?

24 COMMISSIONER LA ROCCA: I don't believe  
25 that with absent a survey in some cases that that  
information is readily available to the department.

1 COMMITTEE ON HOUSING AND BUILDINGS

39

2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

3 COUNCIL MEMBER DEUTSCH: So, like, I  
4 still don't understand. I understand your part, that  
5 you have to issue a violation because you want to  
6 make sure that that retaining wall or anything  
7 remains safe. But before, like when a violation is  
8 issued DOB should issue a violation, like if someone  
9 gets a parking ticket for parking at an expired  
10 meter, the traffic agent sees an expired meter and  
11 now you've got a ticket. So a traffic agent is not,  
12 ah, before they check if you have that ticket in the  
13 windshield they're not going to say, oh, you know, I  
14 believe that the meter is expired. So either, either  
15 that, either that retaining wall belongs to the  
16 homeowner or not. Because now they're spending  
17 thousands of dollars, and especially if you're  
18 issuing violations to multiple people who that  
19 retaining wall can belong to, and the other homes are  
20 not cooperating, right, maybe because of absentee  
21 landlord or whatever the case is, so now it falls on  
22 one person.

23 COMMISSIONER LA ROCCA: So, and again, as  
24 in the case with Local Law 26, on retaining walls the  
25 department issued a Department of Buildings  
violation, which does not come with an associated

monetary fine. In addition, for retaining wall

orders that were sent out we do ask any member of the

public if they believe that retaining wall is not on

their property and within their property to reach out

to the department, and we have staff available. My

staff have been communicating with individual

property owners, again, to ensure a) compliance with

the law and b) if they believe this is not on their

property that we are working together to ensure that

the department has that correct information.

COUNCIL MEMBER DEUTSCH: But they would

have to prove it. In order to prove it, it would

cost them money to prove it, and also the violation

you said is not monetary, right? But if you don't

respond then, then it becomes monetary. So you get

30 days, but then you have to spend the money to

prove that it doesn't belong to you. So I just don't

understand that why a person would get issued a

violation even if it's not monetary, but now they're

going to have to spend those thousands of dollars out

of their own pocket to prove that it doesn't belong

to them. So if it does belong to them, yes, they

should get a violation, and they need to fix it to

make everything safe. But if that wall does not



1 COMMITTEE ON HOUSING AND BUILDINGS

41

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 belong to them the DOB, when they issue that

3 violation, whether it's monetary or not, they need to

4 say no, this wall belongs to you, you're getting a

5 violation.

6 COMMISSIONER LA ROCCA: And again, I'm

7 happy to look into the individual case that you've

8 raised and certainly will look at any attempt to make

9 my department better.

10 COUNCIL MEMBER DEUTSCH: OK, um, OK.

11 Thank you.

12 CHAIR CORNEGY: Thank you, Council

13 Member. We've also been joined by Council Member

14 Carlina Rivera. Thank you so much. But also I just

15 didn't ask, Chief, for you to state your name for the

16 record and you did testify. If you could just state

17 your name, just for the record.

18 JOSEPH JORDAN: Sure, for the record,

19 Joseph Jordan, chief of the Bureau of Fire Prevention

20 at FDNY.

21 CHAIR CORNEGY: And Deputy Commissioner,

22 you did offer testimony as well. If you'd just state

23 your name for the record.

24 GUS SIRAKS: Sure. Gus Siraks, first

25 deputy commissioner of Department of Buildings.

1 COMMITTEE ON HOUSING AND BUILDINGS

42

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 CHAIR CORNEGY: Thank you so much for  
3 coming before the council on Housing and Buildings  
4 and Fire Safety and Prevention.

5 UNIDENTIFIED: And Emergency Management.

6 CHAIR CORNEGY: And Emergency Management,  
7 sorry. This hearing is 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 24, 2019