

**TESTIMONY FROM NYCHA CHAIR & CEO GREG RUSS**  
**NYCHA'S WINTER PREPAREDNESS**  
**COMMITTEE ON PUBLIC HOUSING**  
**WEDNESDAY, JANUARY 15, 2020 – 1:00 PM**  
**COUNCIL CHAMBERS, CITY HALL, NEW YORK, NY**

Chair Alicka Ampry-Samuel, members of the Committee on Public Housing, and other distinguished members of the City Council: good afternoon. I am Greg Russ, NYCHA's Chair and CEO. I am pleased to be joined by Joey Koch, Chief of Staff; Brian Honan, Vice President of Intergovernmental Relations; and other members of NYCHA's team. Thank you for inviting me here today; I am grateful for this opportunity to testify before this esteemed body for the first time. It's been an honor to meet members of the Council, and I look forward to a productive relationship. I would also like to acknowledge our collaboration with the federal monitor Bart Schwartz and his team, and Regional Administrator Lynne Patton and her team at HUD.

I've spent my entire career in public housing – about half a century – because I believe in its ability to transform lives and communities. In cities such as Chicago, Detroit, and Philadelphia, I helped turn around struggling public housing authorities and deliver to residents the improved quality of life they deserve. I also led public housing authorities in Minneapolis and Cambridge, Massachusetts. I joined NYCHA because I want to make a lasting difference for New Yorkers and this organization. In the past five months, I've appreciated getting feedback from residents, employees, elected officials, and other community stakeholders on how NYCHA can transform, for today's residents and the generations to come. I look forward to speaking more with you about my vision for the Authority.

Delivering basic services to residents such as heat and hot water is at the core of our responsibilities as a landlord, and we know how impactful heating outages can be for residents. As part of our long-term plan, *NYCHA 2.0*, we are embarking on a significant transformation to improve our operations and better serve residents, in partnership with the federal monitor. Thank you for the

opportunity to discuss some of this work in the area of heating services. As a result of our efforts, we've reduced the time it takes to restore heat outages by 73 percent (from 30 hours in 2017-2018 to 8 hours in 2018-2019) and brought down substantially the number of outages.

## **The Foundation for Transformation**

The foundation for NYCHA's transformation is the HUD agreement signed last January, our partnership with the federal monitor and others in the community, and Mayor de Blasio's support.

On December 5, the monitor, Bart Schwartz, approved our heating action plan, which we developed in partnership with his team and in accordance with the requirements of the HUD agreement. The action plan outlines the procedures and protocols we'll follow to prevent and respond to outages in our aging heating plants. It also details how we will communicate with residents about outages and repairs, provide warming centers in certain scenarios, and investigate outages that cannot be restored within 12 hours. The action plan is posted on our website; we will inform resident leaders about it at cluster meetings in February and are currently training staff on it.

We are also creating individual heating action plans for every development. Action plans for the 20 developments with the most heating issues have been posted online and provided to residents, and we're on track to complete action plans for the rest of our portfolio by the end of January. These individual plans acknowledge that each development has its own unique challenges that need to be addressed. For instance, Baruch Houses is in a flood zone and susceptible to constant flooding, and its boilers have exceeded their life expectancy, requiring frequent welding; this development is getting a new steam heating plant that's elevated nearly 15 feet above sea level, and other improvements. It should be noted that many of Baruch's outages last year were planned for construction-related work, and that the rate of outages there has declined this year. As another

example, the action plan for Whitman Houses details how it's currently a mobile boiler site that's getting a new boiler plant, instantaneous hot water heaters, and vacuum tanks.

Per the agreement, we are required to restore outages within an average of 12 hours, with 85 percent of outages having to be resolved within 24 hours. In the last heating season, we met this requirement by resolving 96 percent of total heat outages within 24 hours (1,169 outages). Fewer than 1 percent of outages last year (49 outages) lasted longer than 24 hours. As of January 12, we are resolving over 95 percent of outages within 24 hours this heating season (370 out of 387 outages). No heating outages have lasted more than 48 hours this season, compared to 352 such outages in the 2017-2018 season.

### **Heating Improvements**

Our heating operation is vast: At our nearly 2,300 buildings across the city, we have more than 1,700 boilers, about 1,500 vacuum tanks, and over 800 instantaneous water heaters. Our approximately 550 full-time heating staff include heating plant technicians, maintenance workers, plumbers, oil burner specialists, and their supervisors; they maintain systems that span boiler plants, heat distribution pipes, and apartment radiators.

NYCHA's buildings and infrastructure are old, so it's an unfortunate reality that there will be breakdowns in our heating equipment and systems. But in focusing on preventative maintenance and repairs and implementing operational improvements, we've been able to reduce the number of outages: for the period of October 1 to January 12, the number of total heat outages decreased from 1,188 in 2017-2018, to 601 in 2018-2019, to 387 this year – a 67 percent reduction.

We introduced planned outages scheduled for warmer days in the 2018-2019 heat season, so that we could do necessary repairs to improve the heating system's performance and prevent unplanned outages when the weather is

colder. As of January 12, there have been 106 planned heat outages this season, and they're restored within an average of 8 hours.

Our intense focus on responding to outages has reduced the length of outages significantly. From the 2017-2018 heating season to last year's heating season, we brought down the average time to restore total outages by 73 percent, from 30 hours to 8 hours. We're maintaining that average this season; it's well below the 12-hour restoration target, and we want to bring it down even more.

As outlined in the heating action plan, our efforts to improve heat service for residents include:

- Implementing a 24/7 staffing model for repair teams;
- Establishing a 24/7 Heat Desk that monitors potential service disruptions from various data and dispatches staff accordingly;
- Hiring 70 heating plant technicians, 12 full-time plumbing teams, and 8 temporary plumbing teams to support our enhanced staffing model;
- Activating a Situation Room, when necessary, to help coordinate the response to outages;
- Conducting a daily call to strategize on service issues;
- Performing annual summer inspections of heating equipment and making necessary repairs;
- Investing \$20 million in City operating funding to replace over 500 heating equipment components, such as hot water boiler replacements, heat control panels, and tanks;
- Bringing on third-party management of the heating plants at over 40 developments and utilizing contractors for specialized repairs across our portfolio;
- Staging high-demand heating parts in satellite storerooms in all five boroughs;
- Staging 62 mobile boilers across the city;

- Improving the tracking of outages and assets, and examining (with the monitor's team) the root cause of outages to prevent future occurrences; and
- Opening warming centers for residents when necessary.

As part of our transformation efforts, we're also enhancing our communication with residents. That includes:

- Ensuring that residents are notified of outages, or in advance of scheduled repairs, via building flyers and robocalls.
- Enabling residents to automatically let us know if they're still experiencing a service disruption when they receive robocalls alerting them of service restoration. This data helps us better address lingering issues.
- Improving the process for collecting resident data on outages in other ways, such as updating the questions residents are asked when submitting heat complaints through the Customer Contact Center (CCC) or MyNYCHA app. This facilitates issue diagnosis and repair staff deployment.
- Posting information about outages on our website, as well as apartment temperatures for the developments where we're installing indoor temperature sensors. Our website provides more transparency than ever, enhancements guided by our discussions with advocates and residents. We're also posting information about outages on social media.

In addition, we're rolling out an upgraded MyNYCHA app that will allow residents to receive notifications about outages on their smartphone. We do request that residents report issues through either the CCC or MyNYCHA system, as this enables us to most effectively respond to issues. MyNYCHA is available in Spanish, and our CCC representatives can connect callers to an interpreter who speaks their language.

## **Going Forward**

Of course, replacing aging, faulty infrastructure is critical to improving heat service for our residents. Over the next four years, we are replacing 310 boilers across 76 developments with \$930 million in City, State, and federal funding. Since 2018, we've installed 77 boilers as part of this pipeline. Through our PACT preservation initiative, we will also repair or replace another approximately 600 boilers.

However, outages are not always due to boiler failures – they are often due to issues with other parts of NYCHA's aging infrastructure, such as distribution systems and heating components. An example of this is the recent outage at Independence Towers, which was caused by a break in underground steam pipes. This is why we're taking a comprehensive approach to improving heat service, planning investments in heating systems as a whole: underground distribution systems, pipes in walls, heating components, and boilers. And we're not just replacing in kind, but are putting in place more effective systems. For instance, to improve hot water service, we're incorporating modern designs in our new heating plants, decoupling hot water equipment from heating equipment so that issues with one don't affect the other.

HUD's Energy Performance Contracting (EPC) program is enabling us to replace boilers and modernize heating systems with assistance from energy service companies, without spending capital dollars upfront (the improvements are funded by the cost savings from reduced energy consumption). Four EPCs are currently investing over \$271 million at 72 developments, and we are on track to exceed our total investment goal of \$300 million by next year, several years ahead of schedule. This work improves the distribution of heat throughout buildings, reduces overheating and underheating, and makes the heating system greener and more energy efficient. We hired three temporary staff to speed the resolution of heating complaints at developments with new indoor temperature-based heating controls, and will hire two additional temporary staff to investigate

potential heating issues. These new controls generally provide temperatures of 72-74 degrees, which may be lower than some residents are accustomed to.

Through the State's Weatherization Assistance Program, we plan to bring \$30 million in energy and water efficiency upgrades, including new boilers, to up to 8,000 apartments in 65 developments. To date, nearly \$12 million of work is underway or complete at 30 developments.

Last month, we released a design-build RFP to transition the heating system at eight developments to high-efficiency, clean electric heat pumps, enhancing the system's performance and residents' comfort. This month, we released an RFP seeking a team to retrofit a select building to achieve near net-zero energy performance by 2021. Together with our other energy-efficiency work, this trailblazing, first-of-its kind demonstration project will help the City meet its ambitious climate change goals, while improving residents' quality of life.

Other ways we will improve service to residents include issuing more user-friendly handhelds for staff, developing a plan to assist vulnerable residents in the event of a heat outage, creating a work order quality assurance program, and evaluating this heat season (once it concludes) as well as our resident communication systems. We will also continue to install apartment temperature sensors at a total of 58 developments, technology that enables us to better deploy staff and analyze data.

## **Conclusion**

We know that outages are very impactful to our residents, and providing reliable and comfortable heat is a top priority for NYCHA. We're committed to continued progress in this area, by making substantial improvements to our operations as well as strategic investments, from new heating plants and systems to an improved staffing model. These efforts are driven by a fundamental premise: Residents must be at the center of everything we do. While we have reduced the

time it takes to restore heat outages by 73 percent, and have significantly reduced the number of outages, there's much more work to be done.

Thank you for your partnership – we cannot transform NYCHA without you and our other stakeholders. We look forward to our continued collaboration, and are happy to answer any questions you may have.



TESTIMONY BY NYCHA FEDERAL MONITOR BART M. SCHWARTZ  
*HEARING ON NYCHA'S WINTER PREPAREDNESS*  
NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC HOUSING  
WEDNESDAY, JANUARY 15, 2020 – 1:00 PM  
250 BROADWAY - COMMITTEE ROOM, 14TH FLOOR, NEW YORK, NY

Chair Alicka Ampry-Samuel, members of the Committee on Public Housing, NYCHA residents and other members of the public: good morning. I am Bart M. Schwartz, the federal monitor overseeing NYCHA's compliance with the settlement agreement it signed with the City, HUD, and the United States Attorney's Office on January 31, 2019. This is my first winter as the federal monitor. From the time the monitorship started in March 2019, one of our main priorities has been to oversee NYCHA's work in preparation for this winter season. Thank you for this opportunity to testify.

I'd like to thank everyone who has worked with us, beginning with the new NYCHA Chair and CEO Greg Russ. The commitment, experience, and creativity that he and his staff have brought to NYCHA has been invaluable. I also want to acknowledge the continuing support and guidance provided by Lynne Patton and other HUD administrators, as well as the United States Attorney's Office and City Hall. Their collaboration is essential for developing comprehensive solutions to NYCHA's problems.

The primary goal of the settlement agreement is to ensure "decent, safe, and sanitary" housing for all NYCHA residents. To do that, the agreement requires NYCHA to improve its performance in certain problem areas -- one of which is its heat and hot water

systems. More often than not NYCHA residents have experienced prolonged heat outages and shortfalls in the winter months. This meant that tens of thousands of NYCHA residents had to struggle through significant heat losses in their homes.

At the outset, it's important to clarify that heating outages are very different from heating shortfalls. Heating outages are development-wide or building-wide outages, or those affecting a particular apartment line/stairwell, whereas heating shortfalls represent the lack of heat in an individual unit or a specific room within a single unit. During a heating shortfall, most other units in the same building or on the same line are not experiencing any heat loss. Our team and NYCHA are looking at both heating outages and shortfalls, although our focus and priority right now are the system-wide heat outages.

The agreement directs NYCHA to make measurable improvements to its heating systems and to develop a heat "action plan," subject to my approval. The purpose of the action plan is to provide a blueprint and strategy for how to reduce heat outages and how to manage them more effectively and expeditiously when they do occur. From my perspective, the heat action plan is really NYCHA's contract with its residents – a contract that sets out in detail how NYCHA will better manage its heating systems so residents receive the services they deserve.

My team has also been working with NYCHA to develop action plans for other problem areas such as mold, lead paint, elevators, pests, and waste. One of my tasks as the Monitor will be to make sure that NYCHA is consistently fulfilling its responsibilities in these “contracts” going forward.

While the action plans provide important road maps for future success, we have been working with NYCHA since the beginning of the monitorship to make meaningful improvements here and now. We have subject-matter experts in heating systems and property management on the monitor team who can educate NYCHA about the most efficient industry practices that exist to date. We also have a team of field examiners, many of whom are retired law enforcement professionals, who review firsthand the work NYCHA is doing on heat, among other areas of the agreement, and then conduct interviews of staff and residents. Based on that information, we can assess NYCHA’s performance, identify problem areas, and escalate issues to senior management.

As I mentioned, we have been working with NYCHA’s heat department since the spring, not only on the action plan, but also as they were in the midst of their pre-season boiler maintenance program. As part of this pre-season process, NYCHA assessed where and what kinds of repairs were likely needed at various developments, given the current state of the individual heating systems, so that NYCHA can better anticipate staffing and equipment demands for the winter. My team continues to review the thoroughness

of this pre-season maintenance program. We have a long way to go and we will continue to work with NYCHA to improve the pre-season process.

One thing I need to acknowledge is the poor condition of NYCHA's heating systems across a significant portion of its developments. Not only are many boilers well past their useful life span, but more vexing are the deteriorating heat distribution systems that transmit heat from the boilers to each apartment. Heating risers inside NYCHA building walls have not been replaced since the buildings were constructed. A properly functioning boiler is of little use if the heat it produces doesn't make it into apartments because of crumbling heating pipes, causing heat shortfalls.

So, in the near-term, we must recognize that although some heating outages may be prevented by better pre-season maintenance, other outages can and will occur for these reasons which do not have a quick fix. Having an action plan in place is a necessary first step for better management of both the outages and NYCHA's heating plants and boilers. After working with NYCHA for several months on the heat action plan, I approved it on December 5, and that plan is available on our website [nychamonitor.com](http://nychamonitor.com).

Included with the overall heat action plan were individual heat action plans for the 20 developments that NYCHA and our team has identified as having the poorest performance. At the end of last month, NYCHA provided my team with heat action

plans for 50 additional developments with poor heat performance. These individual action plans create a structure and a proactive strategy to both reduce the number of outages and to shorten their length.

When we started our work, there was a pervasive sense of resignation by many at NYCHA that the heating problems could not be solved. We discovered in our joint planning sessions that NYCHA would first identify its resource limitations and work backwards from there, as opposed to focusing on what resources - staff, assets, supplies, data - were needed to operate its heating systems effectively. I believe we were able to persuade them that if they continued to limit their thinking inside their current resource constraints, which are many, they would never get beyond those limitations and any action plan would fail. Understandably, NYCHA had a difficult time with this unconstrained way of planning when we started our conversations for the heat action plan. My team has worked hard this last year to start to turn that attitude around.

We believe that the new heat action plan already has begun to make a difference. The heat action plan details how NYCHA will accomplish the goals of:

- 1) reducing outages by doing what can be done to keep its current systems in operation,
- 2) fixing breakdowns quickly and efficiently by mobilizing staff, equipment, and parts needed for repair,

- 3) effectively communicating outage information to residents and staff so all can make appropriate adjustments, and
- 4) providing needed assistance to residents during substantial outages.

NYCHA recognizes that prolonged heat outages are unacceptable and that it needs an “all hands on deck” approach to resolve them. During such outages, the action plan provides for the rapid assembling of a heating “war room” comprised of all the key departments within NYCHA that will mobilize to both fix the breakdown and better assist residents. Beyond the action plan, I have recommended that the utility companies and key city agencies designate a senior person within their organizations as a NYCHA liaison who can facilitate an expedited response to a NYCHA emergency. A NYCHA emergency should be every agency’s emergency.

When outages cannot be resolved quickly even with better coordination, the action plan calls for alternative heated community spaces to be opened. These heated spaces must be available to residents affected by heat outages that are expected to last for a substantial duration of time. NYCHA will be required to provide shuttle services to transport the residents to these warming centers. That part of the action plan comes with its own obstacles, as most NYCHA community centers are currently not able to serve as heating centers. My team and I have seen and heard first-hand from the residents and center operators that, more often than not, community centers have their own large capital improvement needs. Some are struggling to remain open due to

recurring violations, and others are not currently operational. Much work is needed to bring the community centers into a condition which will allow them to serve as alternative providers of heat during winter seasons.

The settlement agreement and the heat action plan also require NYCHA to conduct root-cause investigations for heat outages lasting more than 12 hours with the purpose of learning how to better prevent or at least mitigate them in the future. NYCHA's newly created Environmental Health and Safety unit is currently responsible for these investigations. The monitor team is exercising its oversight to make sure NYCHA's root-cause investigations are thorough and complete. From what we have seen so far, their investigations have provided unbiased critiques independent from the heating department. They have called for smarter mobilization of heating staff during nighttime hours and better preparation during the summer, consistent with our own findings. Studying our findings will give NYCHA an even better understanding of what heating systems need replacement and how to better focus the pre-season maintenance program for next winter.

While we are hopeful that the protocols and procedures in the heat action plan will improve NYCHA's outage performance, the bottom line is that the heating equipment in the worst shape must be replaced. To that end, in November I approved NYCHA's action plan for using up to \$450 million in state reimbursement funds to replace 108 aging boilers and heating plants. To receive reimbursement, NYCHA must stick to a

fairly rigorous capital construction schedule we have created. My team is working with NYCHA every step of the way to ensure that NYCHA stays on track and that the work is done properly. NYCHA has been doing preparation work for months leading up to my approval of the \$450 million action plan, as required with any major capital project.

My role as the Monitor going forward is to make sure that NYCHA is following the procedures set out in the action plan, that NYCHA is accurately reporting its heat outages, and that we help NYCHA learn what can be done to avoid them in the future. It is important to remember that these action plans are meant to be living documents and should reflect our learnings from current and future heat outages. This plan will be amended and improved as we make more progress.

As a part of that process, my team and I, along with Chair Russ and heat department supervisors, are meeting frequently during the heat season to assess how NYCHA is doing and what new strategies are needed. In addition, NYCHA's heat department director has been conducting weekly meetings with his staff to discuss all the heating outages of the prior week. My team also participates in these meetings and we will ensure that what is learned in the field is captured and used for both operational and capital improvements moving forward.

So, my approval of the heat action plan is really just a beginning. As with any plan, the measure of its quality is shown by the results it produces and the impact it has on the



residents. Measuring those results requires reliable and complete performance data. This type of data is not only mandated under the agreement, it's an important aspect of NYCHA's obligation to residents and the public. As part of this effort, we have been helping NYCHA to develop and analyze heat system data from its own MAXIMO database. This information should allow NYCHA to better identify and manage recurring problem areas and to focus its resources where they will have the most benefit.

The monitor team has created a heat dashboard to capture, analyze, and establish baseline measurements for critical heat statistics so that NYCHA's progress can be tracked more accurately. This includes, among other things: 1) repair staff response times, 2) accurate recording of outage lengths, 3) root-causes for outages, and 4) the nature of the repairs made. [Mr. Schwartz will explain heat dashboard.]

NYCHA's IT department and heat staff are a part of this process, the idea being that together we will develop a comprehensive heat data structure for the first time ever. Our expectation is that NYCHA will use the data to provide improved heating services, and we will use it for our purposes of oversight and compliance. You should have in front of you a snapshot of the data analysis we were able to perform so far.

Early statistics indicate that the beginning of this heating season has had fewer outages than last year. We compared the current heating season from October 18, 2019, up

until December 31, 2019, to last year's numbers for the same time period. The statistics are as follows:

OUTAGES AS OF 12/31

Brooklyn 2018-2019: 82  
Brooklyn 2019-2020: 74

Bronx 2018-2019: 89  
Bronx 2019-2020: 44

Manhattan 2018-2019: 94  
Manhattan 2019-2020: 68

Queens & Staten Island 2018-2019: 13  
Queens & Staten Island 2019-2020: 8

NYCHA still has much work ahead to provide residents with acceptable levels of heat and hot water on a consistent basis. We are not even half way through the winter. There is no easy fix to any of the areas of the agreement, but with a heat action plan in place and boiler replacements scheduled over the next few years, NYCHA should be able to take the necessary steps to improve its heat performance.

## **Testimony by the Legal Aid Society**

**Before the New York City Council Committee on Public Housing  
Oversight Hearing:  
NYCHA's Winter Preparedness  
January 15, 2020**

John K. Carroll  
*President*

Janet E. Sabel  
*Attorney-in-Chief  
Chief Executive Officer*

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*Attorney-in-Charge  
Civil Practice*

### **Introduction**

The Legal Aid Society, (the Society) is the nation's oldest and largest not-for-profit legal services organization advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With a staff of more than 2,000 lawyers, social workers, investigators, paralegals and support and administrative staff; and through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Society is counsel on numerous class-action cases concerning the rights of public housing residents and is a member of the New York City Alliance to Preserve Public Housing, a

local collaboration of New York City Housing Authority (“NYCHA”) resident leaders, advocates and concerned elected officials.

We appreciate the opportunity to testify before the City Council’s Public Housing Committee on the important issue of NYCHA’s winter preparedness, and thank the Public Housing Committee Chair, Council Member Alicka Ampry-Samuel for her leadership and commitment to public housing residents.

### **The Settlement Agreement**

For years, NYCHA has been underfunded by all levels of government and has delayed critical capital investment. NYCHA’s disinvestment has resulted in chronic heat and hot water outages for NYCHA residents in recent winters. These outages are unacceptable, and are among the reasons the United States sued NYCHA in 2018 for failure to provide its residents with “decent, safe, and sanitary housing.” In January, 2019, New York City and the Federal Department of Housing and Urban Development (“HUD”) entered a settlement agreement meant to address years of mismanagement and disrepair in NYCHA. In the agreement, the city committed to spending over \$2 billion on NYCHA repairs over the next decade. The city also agreed to the appointment of a Federal Monitor to oversee the reforms and repairs to NYCHA’s housing stock.

Among the issues addressed in the settlement agreement was NYCHA’s consistent failure to provide its tenants with adequate heating during the winter months. New York State law requires all landlords to provide tenants with adequate heat in the winter months. Under Section 27-2028 of the New York City Administrative Code, heat must be provided between October 1 and May 31 as

follows: (i) between 6:00 a.m. and 10:00 p.m., each apartment must be heated to a temperature of 68° F whenever the outdoor temperature falls below 55° F; and (ii) between 10:00 p.m. and 6:00 a.m., each apartment must be heated to a temperature of at least 62° F regardless of the outside temperature.

The settlement agreement commits NYCHA to achieving compliance with state law by setting several goals with respect to heat provision. By October 1st, 2024, no more than 15% of occupied units may fall below the legal limits, and no individual unit may fall below the legal limit on more than three separate occasions. NYCHA must also restore heat to units with a heating shortfall or outage within 12 hours to 85% of units and within 24 hours to all units. NYCHA also committed to creating a 24/7 Heat Desk by March, 2019; modernizing 44 building management systems by December, 2019; and replacing or repairing 500 boilers by 2026.

### **The Heat Action Plan**

The settlement agreement also required NYCHA to develop and public a “Heat Action Plan” to address heating shortfalls and outages, beginning during the 2019-2020 winter season. NYCHA and the Federal Monitor released the Action Plan in December, 2019. The Action Plan establishes procedures for NYCHA to respond to tenants’ heating complaints; monitor heat sensors; manage third-party vendors at the 48 sites where third-party entities control heating plant operations, and respond to long-term outages, for instance through provision of mobile boilers or “alternatively heated community centers,” or warming centers, in the case of extreme cold emergencies. NYCHA is also obligated to develop individual action plans to address outages in the 20 worst performing

developments of the 2018-2019 winter season. Lastly, the Action Plan requires improvements to NYCHA's Office of Emergency Management to respond to extreme weather crises.

The Action Plan also creates new requirements for NYCHA to notify public housing tenants, as well as the Federal Monitor, in the case of unplanned or planned heat outages. NYCHA must notify (by robocall) any tenants affected by an unplanned outage within two hours of learning of the outage and must notify tenants affected by a planned outage with at least 48 hours advanced notice. NYCHA must also notify the Federal Monitor of all outages according to the same timing requirements. As of Monday, January 13, 2020, NYCHA's public-facing outage-monitoring website listed 30 heat and water outages planned for the following 48 hours.<sup>1</sup> Additionally, by October 1<sup>st</sup>, 2020, NYCHA is obligated to develop a plan to identify particularly vulnerable residents and conduct additional outreach to them in cases of unplanned or planned outages.

### **Boiler Replacement**

In November, 2019, NYCHA and New York State entered an agreement, pursuant to the Governor's Executive Order No. 180 issued on April 2, 2018, and approved by the Federal Monitor, for the State to provide NYCHA with \$450 million for urgent capital repairs required under the 2019 Settlement Agreement. As part of the agreement between NYCHA and the State, this funding will support the replacement of 108 boilers at 25 NYCHA developments.

This additional funding is much needed, but is insufficient to address the total capital requirement needed to address NYCHA's winter preparedness crisis. According to NYCHA's 2017

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<sup>1</sup> [My.nycha.info/Outages/Outages.aspx](http://My.nycha.info/Outages/Outages.aspx)

Physical Needs Assessment Report, it requires over \$3 billion solely to upgrade its aging heat and hot water systems.<sup>2</sup>

### **2019-2020 Heat Season**

While NYCHA made improvements to its heat provision and its outage response rate between the 2017-2018 and 2018-2019 winters, much work remains to be done. According to the Heat Action Plan, average wait time for heat restoration following an outage dropped from 30 hours in 2017-2018 to 8 hours in 2018-2019. Despite improvements, there were still widespread outages last season. According to data obtained by the Society through a Freedom of Information Law (“FOIL”) request, the 2018-2019 winter saw 1,218 heat outages and 2,341 hot water outages, affecting 87% of NYCHA units.<sup>3</sup>

While the current winter season has been relatively mild thus far,<sup>4</sup> outages have persisted this season, and Legal Aid Society is still concerned about NYCHA residents’ continued access to heat and hot water when cold weather inevitably returns. On November 8th, 2019, six developments in Brooklyn, Manhattan, and the Bronx experienced outages, leaving over 7,000 residents without heat or hot water.<sup>5</sup> Problems continued in the new year; 4,795 residents lost heat and hot water on

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<sup>2</sup> <https://www1.nyc.gov/assets/nycha/downloads/pdf/PNA%202017.pdf>

<sup>3</sup> <https://ny.curbed.com/2019/8/12/20802116/nycha-heat-outages-hot-water-winter-legal-aid-society>

<sup>4</sup> <https://patch.com/new-york/new-york-city/heres-latest-outlook-winter-2020-nyc>

<sup>5</sup> <https://www.nydailynews.com/new-york/ny-nycha-heat-hot-water-boilers-winter-20191108-hi4fpdgqjncetgtd4rmjvukgi-story.html>

January 3rd, 2020.<sup>6</sup> The Society is concerned that as the winter continues, many more of our clients may lose heat and hot water when they need it most – when extreme cold weather returns.

### **Recommendations**

- New York City must provide funding to replace the NYCHA boilers and ensure that tenants have adequate heat and hot water.
- The council should require HPD to place violations including lack of heat and hot water at NYCHA developments. This would make NYCHA more accountable for the unacceptable heat outages.

Thank you again for the opportunity to testify.

Respectively Submitted,

Adrienne Holder, Attorney in Charge, Civil Practice  
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<sup>6</sup> <https://www1.nyc.gov/office-of-the-mayor/news/043-18/mayor-de-blasio-dedicates-13-million-speed-nycha-response-heat-outages-replace-equipment>.



**Saundrea Coleman Written Statement for City Council Hearing 1-15-20**

**I am Saundrea Coleman a current resident of Isaac Houses and a former Municipality employee, I supervised payroll for the NYPD.**

**New York Housing Authority has abandoned its tenants. For decades probably before some of you considered being elected officials residents have been suffering with Mold, No heat and Hot water amongst other issues. I have lived in three NYCHA developments. I grew up in Mckinley Houses in the South Bronx, lived in Park Chester for about two years and when I was called off a waiting list of several years I moved into Holmes Towers in 1992. In 2015 I transferred into Isaacs Houses after waiting for a two bedroom apartment for 23 years. Living in all three of the listed public housing developments there was always a problem with lack of heat and hot water. Over the last decade I had to endure excessive heat and scolding hot water in my apartment. In Holmes Towers and Isaacs Houses, my youngest son suffered countless nose bleeds in his life time during his sleep. Sadly people are afraid to complain about scolding hot water and excessive heat because they believe that their apartments will be freezing cold and or their hot water would be turned off. Are we living in a day and time that residents have been conditioned to accept what they are given that is inadequate out of fear? The answer is yes for some.**

**I know there are residents that do not have heat nor hot water throughout NYCHA. My case is different. I am a legally disabled individual with numbness in my hands and legs at times, I suffer with carpal tunnel syndrome as well as possible nerve damage do to a work relate incident. I do not realize that the water is scolding hot right away because I can not feel it, the steam rising up from the sink is an indicator for me. As for the excessive heat I have to endure it does not matter if it is 20 degrees or 55 degrees my apartment is extremely hot on most days. There are some solutions I can turn on my air conditioner but if it is freezing cold it is frozen so it will not turn on. I can open my apartment door and or windows in my house if I wanted to but then I will have to risk the mice and rats running in my door and or climbing through my window. So basically I am trapped in the hot house.**

It gets even better my apartment can be so hot that when I do cook I set off the carbon Monoxide alarm then I have no choice to open my door and windows and risk the pest entering my apartment. I live on the 10th floor and for some reason people do not realize that these pest that have infested both Holmes Towers and Isaacs Houses can climb. I have seen mice in my hallways and running across my terrace a few times as well. The rats are all over the grounds more on the Isaacs side due to the building of generators.

Putting in tickets for excessive heat and hot water over the Mynycha app is not an option, the app prompts you to call the centralized call center. Furthermore when it is extremely hot in my apartment my body becomes very itchy, irritable and I find that my breathing also changes. I have a scheduled a medical appointment to discuss this with my primary physician as it has been going on for a while now.

My hope is that the City will do right by their tenants because the residents in NYCHA are in a crisis and it seems like no one cares...

There has to be an accountability for this authority.

Respectfully submitted,

Saundrea I. Coleman

First Avenue

New York, N.Y. 10128

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Louis Fiore (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Fight for NYCHA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 1/15/2020

Name: Crystal Glover (PLEASE PRINT)

Address: 299 St.

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Gregory Russ (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: NYCHA

Address: \_\_\_\_\_

**THE COUNCIL  
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*Appearance Card*

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joey Koch

Address: \_\_\_\_\_

I represent: NYCHA

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Brian Honan

Address: \_\_\_\_\_

I represent: NYCHA

Address: \_\_\_\_\_

**THE COUNCIL  
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*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 1-15-20

(PLEASE PRINT)

Name: Saundrea Coleman

Address: [REDACTED] 1ST Ave [REDACTED] NYC 10128

I represent: Holmes Towers & Isaac Houses Coalition

Address: S/A/A

Please complete this card and return to the Sergeant-at-Arms



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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Bart M. Schwartz

Address: 415 Madison Ave

I represent: NYCHA Federal Monitor

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 1/15/20

(PLEASE PRINT)

Name: Lucy Newman

Address: 199 W 10th St 3rd fl. NY NY 10018

I represent: THE LEGAL AID SOCIETY

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 1/15/20

(PLEASE PRINT)

Name: Amya Torres

Address: Smith House

I represent: Alfred E Smith

Address: 7 St James

**THE COUNCIL  
THE CITY OF NEW YORK**

#2

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: A/Anicy Ortiz

Address: 356 Madison ST

I represent: Vladeck Houses

Address: 356 Madison ST

◆ Please complete this card and return to the Sergeant-at-Arms ◆