

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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March 14, 2018  
Start: 10:24 a.m.  
Recess: 2:38 p.m.

HELD AT: 250 Broadway-Committee Rm, 16<sup>th</sup> Fl.

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

COUNCIL MEMBERS:

MARGARET S. CHIN  
FERNANDO CABRERA  
RAFAEL L. ESPINAL, JR.  
MARK GJONAJ  
BARRY S. GRODENCHIK  
BILL PERKINS  
CARLINA RIVERA  
HELEN K. ROSENTHAL  
RITCHIE J. TORRES  
JUMAANE D. WILLIAMS

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

Rick Chandler  
Commissioner of the New York City Department of  
Buildings

Patrick Wehle  
Assistant Commissioner for External Affairs at  
The Department of Buildings

Thomas Fariello  
First Deputy Commissioner of the Department of  
Buildings

Sharon Neill  
Deputy Commissioner for Finance and Admin

Nicki Ledger  
New York City Tenant

Ignacio Jaureguilorda  
Director of Legal Hand

Brandon Kielbasa  
Director of Organizing at the Cooper Square  
Committee in New York City

Mr. Komatsu  
Resident at Urban Pathways Building

Rolando Guzman  
Deputy Director for Community Preservation at St.  
Nicks Alliance

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[gavel]

CHAIRPERSON CORNEGY: Continuation on Housing and Buildings, thank you Commissioner for your testimony. We'll begin now by member questions beginning with Council Member Chin.

COUNCIL MEMBER CHIN: Thank you Chair. Thank you Commissioner and I said it earlier to HPD Commissioner Torres-Springer that I really appreciate the effort that Department of Building is working with HPD on 85 Bowery, I really appreciate and thank you for it... your staff and coordinating with HPD to try to get the tenants back to the building as quickly as possible, I know there's really a difficult situation there with structural problems so I just wanted to extend my thank you and appreciation.

RICK CHANDLER: You're welcome and thank you for you acknowledging it.

COUNCIL MEMBER CHIN: And I guess relating to that is that... is that building one of the buildings that the tenant harassment prevention task force is focusing on, are you utilizing the resources in the task force to do that?

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2 RICK CHANDLER: I think we've, we've gone  
3 beyond what that task force is doing. Our task forces  
4 try to get there before it gets to the point where we  
5 vacate so I can't give you a specific about what our  
6 task force have... I'm thinking no but we've, we've  
7 been there since, since the, the beginning when we  
8 saw that the, the, the place had been so neglected  
9 that we needed to vacate it but we're there six days  
10 a week now and we meet with the engineer and their  
11 team regularly and happy to report that they're  
12 making progress, sound progress.

13 COUNCIL MEMBER CHIN: That... and we  
14 appreciate that. So, in terms of are there specific  
15 buildings that DOB is pursuing from this task force  
16 that's been set up, the, the tenant harassment task  
17 force?

18 RICK CHANDLER: Well as... in my testimony  
19 we do participate in the task force and then we work  
20 regularly with HPD and we use an algorithm with the  
21 Mayor's Office of Data Analytics to, to try to target  
22 areas where we can go with the task force and  
23 there's, there's a number of factors that are used  
24 there and then separately we're using data from HPD I  
25 believe based on a lot of the, the complaints that

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2 they get because I think they have a, a tighter  
3 communication with the tenants and so that's a  
4 slightly different method of picking where we go but  
5 that's, that's kind of the methodology, does that  
6 answer your question?

7 PATRICK WEHLE: If, if I can also add a  
8 little more detail to that, as part of the work we do  
9 at the task force here currently, last year we  
10 performed almost 1,200 inspections which is close to  
11 double the number of inspections we performed in  
12 2016. So, we've been stepping up our enforcement on  
13 this front, we've been more aggressive in following  
14 up on these complaints, any complaints related to  
15 tenant harassment is dedicated to our building  
16 Marshall's Office who prioritizes those complaints  
17 for inspection and last year 2017 we issued 877  
18 violations.

19 COUNCIL MEMBER CHIN: Thank you, I think  
20 Patrick you have to identify yourself for the record.

21 PATRICK WEHLE: Apologies, my name is  
22 Patrick Wehle, I'm Assistant Commissioner for  
23 External Affairs at Buildings.

24 COUNCIL MEMBER CHIN: Thank you. Last  
25 year my colleague and I we passed several pieces of

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2 legislation as, as part of the stand for tenant  
3 safety campaign to provide... to improve the Department  
4 of Building's oversight over various parts of the  
5 building process and one of my legislations is Local  
6 Law 149 which require DOB to audit 25 percent of  
7 applicants that self-certify their work, so does DOB  
8 have enough staff to complete these audits in a  
9 timely manner and have you... what, what is your, your  
10 plan in terms of getting that started?

11 PATRICK WEHLE: So, to answer your  
12 question briefly, yes, we do have the staffing to  
13 perform those audits. The entire package of tenant  
14 protection legislation of which there are a number  
15 of, we're in substantial compliance with all of them  
16 including this one so currently right now if there is  
17 a landlord who's been found guilty of harassing  
18 tenants any filings that come out of that building  
19 cannot be professionally certified so we have made  
20 substantial progress on, on this local law in  
21 addition to others as well.

22 COUNCIL MEMBER CHIN: Okay and my last  
23 question Chair is that I know that in your testimony  
24 Commissioner you talk about the violations that  
25 you're issuing some of them are... that you have to..

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2 that the violator had to go to... in my district I have  
3 all these oversize retail, all these stores that have  
4 large space that did not comply with the regulation  
5 in SoHo and then I thank, you know the Department of  
6 Buildings for issuing violations to these businesses  
7 and my question is that are we collecting the fines  
8 because I've heard from some constituent is that  
9 there are times where at the hearing they don't see a  
10 staff of DOB there and then the case can get  
11 dismissed or adjourned and I really appreciate  
12 Department of Buildings, you know making that effort  
13 because we got to kind of stop this oversize retail  
14 but we don't want the... them to get away with not  
15 paying a fine and think it's oh just a part of doing  
16 business?

17 RICK CHANDLER: I understand, and I  
18 appreciate your vigilance on this issue, it's a  
19 complex issue, it's one that's been around for a long  
20 time. I'm disappointed to hear others say that we  
21 might not have been hearings, I... this is the first  
22 time hearing of it but we'll definitely follow up on  
23 that, I would say that we track that regularly and  
24 I'll be able to find out how we're doing on that  
25 enforcement, if we're not believe me we will be back

1  
2 and we'll ask for another hearing but as, as we've  
3 discussed in the past it's a... it's a complex zoning  
4 issue and we have issued violations to those that we  
5 think are egregiously violating the issue but I think  
6 in... we need to partner again with our partners at  
7 City Planning to, to, to refine the words in the  
8 zoning resolution because it's a very difficult thing  
9 to apply, the limitations as they're worded now to  
10 the, the different types of uses that fall within  
11 that limitation of 10,000 square feet and without  
12 getting too far into the weeds it's kind of hard to  
13 go into right now but I'm happy to discuss it  
14 further.

15 COUNCIL MEMBER CHIN: Yes, I appreciate,  
16 yeah... your, your effort and your staff's support on  
17 this. Thank you Chair.

18 CHAIRPERSON CORNEGY: Thank you Council  
19 Member, before I go to Council Member Gjonaj I know  
20 that he has follow up questions on just a very basic  
21 question. City funds are added to fiscal 2018 and  
22 fiscal 2019 to DOB's budget to support a basement  
23 apartment pilot program in East New York which will  
24 subsidize basement conversions to assist building  
25 owners with bringing existing underground apartment

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2 units up to code, how will the DOB support this  
3 program like... so some people are confused between HPD  
4 and DOB what their roles are, what are the specific  
5 role in the basement apartment program as it's  
6 assigned to DOB?

7 RICK CHANDLER: Thank you for that  
8 question, like a lot of things we do work closely  
9 with HPD and we've shared with them our... and I saw  
10 some of the questions that were asked of Commissioner  
11 Torres-Springer, we absolutely talk about where we  
12 think our roles fit into applying this pilot program  
13 so we've spent a lot of time talking to our partner  
14 agencies actually for months before we've, we've  
15 gotten to this point but what we're going to do is..  
16 as the DOB is draft the, the pilot legislation that  
17 establishes how we can take action legislatively and  
18 from a regulatory perspective how to get this pilot  
19 off the ground. We're also obviously be reviewing all  
20 the applications and issuing the permits for, for  
21 that work and then also following up with  
22 construction inspections and finally issuing  
23 certificates of occupancy where needed but we're  
24 coordinating regularly with HPD, Fire Department,  
25 Health Department, the DEP, City Planning, the Law

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2 Department and others frankly, it's, it's rather  
3 complex but we are ready to move forward.

4 CHAIRPERSON CORNEGY: So, not to get too  
5 much in the weeds though would, would DOB be  
6 responsible for making an assessment on a property to  
7 see if it met the, the, the criteria for being  
8 accepted into the program?

9 RICK CHANDLER: No, that, that is not a  
10 DOB role, I think HPD is going to do that and Patrick  
11 do you want to comment on...

12 PATRICK WEHLE: Yeah, I think... so again  
13 it's very much a collaborative effort but ultimately  
14 once we have legislation in place applications are  
15 going to be submitted to the city and the Buildings  
16 Department through it's regulatory authority is going  
17 to have the responsibility of reviewing those  
18 applications to ensuring compliance with the code and  
19 zoning and, and issuing permits for work to commence.

20 CHAIRPERSON CORNEGY: Right, so, so I  
21 know that the Commissioner Torres-Springer stated  
22 that part of HPD's role would be to identify  
23 potential individuals and then I thought the next  
24 role would be for DOB to, to, to make the assessment  
25 like to go in and see if it met the criteria, two

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2 beams of egress, those types of things, that seems  
3 like a Buildings Department... right, from, from a, you  
4 know a novice perspective it seems like that's what  
5 the Building... the Building Department would do to  
6 assess the safe... site safety and, and those types of  
7 criteria.

8 THOMAS FARIELLO: Sure, my name is Thomas  
9 Fariello, I'm the First Deputy Commissioner of the  
10 Department of Buildings. And so, I think you're spot  
11 on that's what we're going to be doing but the owner  
12 would be hiring an architect or an engineer that  
13 would present the plans to us that would then have to  
14 comply with all the requirements that are going to be  
15 in this legislation that's going to be put forth.

16 CHAIRPERSON CORNEGY: So, I know that my  
17 colleague and some of my other colleagues have stated  
18 that while it's a program that could be beneficial it  
19 seems as though that process may be quite onerous on  
20 a homeowner who may be not accustomed to being a  
21 landlord, right because it was a basement apartment...  
22 or basement unit that now can be converted they, they  
23 may not be in the business of that and it seems as  
24 though it could be onerous and obviously we don't  
25 want to set potential affordable housing contributors

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2 up for failure by having onerous fines, fees, and  
3 things associated or even... the, the mention of an  
4 architect, you know sends shivers up my spine as a  
5 homeowner because any time I've had to deal with an  
6 architect it's, it's been onerous from a, a fiduciary  
7 standpoint and, and I'm just going to let my  
8 colleague who has those little questions in regards  
9 to that...

10 RICK CHANDLER: I can take an attempt  
11 Chair, obviously we'll continue to work with our  
12 colleagues about the, the best outreach but there,  
13 there is an outreach mechanism in place, we're not  
14 playing a primary role in that but we're absolutely  
15 are available to have preliminary discussions with  
16 homeowners and the outreach professionals from the  
17 city that are trying to garner interest from the  
18 folks who... to participate because it's in the city's  
19 interest to get people to participate and then to  
20 make it as easy as possible so we have mechanisms in  
21 our offices and since this East New York our Brooklyn  
22 office will be very much prepared to have preliminary  
23 discussions to... have preliminary work before, before  
24 professionals are fully engaged. Now with that said  
25 we, we are regulators, we're not designers so we will

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2 provide advice up to the point where we would say we  
3 think you can go ahead with this now go ahead and  
4 engage your architect or engineer and we'll be here  
5 ready for you when you file but, but we do on a  
6 regular basis through our... for... through Patrick's  
7 people in the various borough offices and our... and  
8 Tom's people are technical folks, we meet with people  
9 on... before they get involved with projects to try to  
10 do just what you said, to try to address their  
11 concerns about getting too deep before they know  
12 whether they're going to be able to be successful or  
13 not.

14 CHAIRPERSON CORNEGY: Thank you. Council  
15 Member Gjonaj

16 COUNCIL MEMBER GJONAJ: Thank you Chair,  
17 Commissioner thank you for that explanation and I'll  
18 just piggy back on the issue of the legalizing of  
19 these apartments. I think we understand the  
20 importance, I think we first should highlight that  
21 many of these homeowners that have been renting out  
22 these basement apartments unknowingly that they are  
23 illegal, I believe in the 60's and 70's all private  
24 homes were visited and if there was a full kitchen  
25 and a half a bathroom that property was assessed at a

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2 higher ratio so it went from a one family to a two  
3 family so three times... four times a year when they  
4 pay their real estate taxes they see two family home  
5 not knowing that C of O is a one family. So, for  
6 decades the Department of Taxation and Finance has  
7 been benefiting from these properties at a higher tax  
8 rate classification, one, two. Obviously, the intent  
9 is to make sure that we don't allow for dangerous  
10 conditions, the safety of those occupants so if  
11 there's no second use of egress or carbon monoxide  
12 issues things of that nature that are I guess the  
13 priority and also adding on additional units to our  
14 housing market which would help offset some of the  
15 demand by increasing the supply. If we look at this  
16 from a practical point zoning consideration, parking  
17 requirements, bringing the properties up to code with  
18 even sprinkler requirements makes on top of the  
19 architect, engineer, the construction work that would  
20 be needed makes this almost impossible even if the  
21 home qualifies with current zoning, parking, minimum  
22 requirements.

23 RICK CHANDLER: It sounds like you were  
24 at some of our meetings earlier I think talking about  
25 some of the complexities here, yes, and that's why

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2 this is a pilot because all of things have been  
3 addressed in some form to proceed with the pilot and  
4 we are going to observe closely and try to learn what  
5 are the pertinent issues that needs to be over... need  
6 to be overcome and then try to set us up... set the  
7 city up to assist these owners as they move forward  
8 but again we... I, I commend the, the Mayor and the  
9 administration for moving forward with this pilot  
10 because it has the potential to have a great outcome  
11 and so we are ready to, to evaluate that pilot along  
12 with our partner agencies and see where it takes...  
13 where it brings us.

14 COUNCIL MEMBER GJONAJ: Right but... I  
15 agree but at the cost of 18.6 million dollars knowing  
16 the hurdles and the obstacles from the very beginning  
17 that if this is going to be a C of O change versus a  
18 license or permit put in the onerous responsibility  
19 on the homeowner now for the conversion if they can  
20 even possibly do it without sidestepping the zoning  
21 requirements and codes and the expense would make  
22 sense now they would be subject to a rent stabilized  
23 tenant which they're not prepared for, have no  
24 working experience in that sector putting this all  
25 together this is a very difficult and challenging

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1  
2 approach so unless we're going to waive some of these  
3 requirements from the onset and we know what they are  
4 to legalize these apartments why begin something that  
5 will yield in a net zero gain?

6 PATRICK WEHLE: So, Council Member all  
7 the concerns you are raising are very valid concerns  
8 and as the Commissioner mentioned these are the very  
9 types of things that we've been discussing, just  
10 bear, bear in mind that we're going through a pilot  
11 program right now and we're in the process of  
12 creating that pilot through drafting legislation,  
13 once that pilot is put in place then we'll be doing  
14 the hard work of evaluating how that pilot works out.  
15 So, all of your concerns are very much well founded,  
16 we're certainly well aware of them but we're moving  
17 forward with, with the potential of, of perhaps  
18 unleashing a large stock of new affordable housing  
19 certainly we all think it's something worth pursuing,  
20 we're very much aware of the concerns that you've  
21 raised and as part of this process again of drafting  
22 a pilot, evaluating that pilot these are the very  
23 kinds of things that we need to be very thoughtful  
24 of.  
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2 COUNCIL MEMBER GJONAJ: And just so I'm  
3 correct on my numbers I believe the average  
4 architectural cost is about 15,000, if they had to do  
5 a sprinkler upgrade you're looking anywhere up to  
6 25,000 and then depending on number of units just  
7 those two fees are 40,000 to legalize a basement  
8 apartment is going to be a difficult hurdle.

9 PATRICK WEHLE: I think cost, cost varied  
10 based on the project but there is a cost associated  
11 with doing this and once again we need to evaluate  
12 that work.

13 COUNCIL MEMBER GJONAJ: Can you elaborate  
14 a little bit on the Built it Back program, how many  
15 more properties are out there that have not been  
16 restored, are on the waiting list, the dollar  
17 amounts, the budget for the Build it Back program and  
18 I don't mean the PS but what's left in the fund to  
19 help restore these homes and where we are?

20 SHARON NEILL: Hi, good afternoon, I'm  
21 Sharon Neill, I'm the Deputy Commissioner for Finance  
22 and Admin... [cross-talk]

23 COUNCIL MEMBER GJONAJ: Okay... [cross-  
24 talk]

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2 SHARON NEILL: ...so, right now there were  
3 50... 5,100 jobs filed and they're pretty much in the  
4 process of either in process or completed and we're  
5 estimating that another 200 jobs are to be filled,  
6 the current... to be filed. Currently the budget is  
7 providing about 40 positions to continue that work,  
8 in terms of any additional... you know funding to  
9 support the program outside of what's in our budget  
10 HRO would probably have more information on that...

11 [cross-talk]

12 COUNCIL MEMBER GJONAJ: You said there,  
13 there were 5,000 applications, correct? How many of  
14 them been restored and closed out and fully funded  
15 and... [cross-talk]

16 THOMAS FARIELLO: I think we'd have to  
17 get you those numbers, I don't... I don't... I mean I  
18 have them but I, I don't have them with me.

19 COUNCIL MEMBER GJONAJ: This is really  
20 important... [cross-talk]

21 THOMAS FARIELLO: Sure... [cross-talk]

22 COUNCIL MEMBER GJONAJ: We've got so many  
23 people that are still waiting for their approvals. Of  
24 the 5,000 that were approved how many applications  
25 were denied?

1 COMMITTEE ON HOUSINGS AND BUILDING

2 THOMAS FARIELLO: So, you're saying  
3 denied by DOB or denied by HRO... [cross-talk]

4 COUNCIL MEMBER GJONAJ: Well denied by  
5 the Build It Back program and itself so whether it be  
6 DOB or by whatever mechanism or agency or authority,  
7 applications were made due to damages during  
8 hurricane Sandy which was more than six years ago,  
9 and they were never approved for reimbursement or  
10 funding, do we have those numbers?

11 THOMAS FARIELLO: Those numbers wouldn't  
12 be provided by us that... [cross-talk]

13 RICK CHANDLER: Yeah, that's... [cross-  
14 talk]

15 THOMAS FARIELLO: ...that would be HRO that  
16 would provide those numbers. We note the numbers of  
17 people are in the program, when accepted into the  
18 program and who have filed applications with the  
19 department, we can give you those numbers.

20 COUNCIL MEMBER GJONAJ: That number is?

21 THOMAS FARIELLO: It's 5,100 total that  
22 are in various stages, I could break it down.

23 RICK CHANDLER: That have been filed with  
24 us, that... I mean this... you... the question earlier was  
25 what's our role with the, the, the basement pilot,

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2 it... there's comparisons to the... to the Build it Back  
3 and that our role is to do the technical  
4 administration and regulation for the project but  
5 there's a lot bigger umbrella project on, ongoing so  
6 HRO is the one who processes the applications for  
7 reimbursement and then allows people to get into the  
8 program and there's a lot of complex variables in  
9 that... in that activity but once it gets into the  
10 system and there are architects and engineers that  
11 file with us who have been contracted by HRO program  
12 to do it they get through our system very quickly so  
13 the moment we hear about somebody being delayed we  
14 get... we're all over it so I don't agree with the, the  
15 comments about people being held up with, with the  
16 Department of Buildings related issues on their Build  
17 it Back issues, often times there's other factors  
18 involved but we stand at the ready to, to go out  
19 today or tomorrow and anytime anybody wants us out  
20 there.

21 COUNCIL MEMBER GJONAJ: I look forward to  
22 working on that with you... [cross-talk]

23 RICK CHANDLER: Absolutely... [cross-talk]

24 COUNCIL MEMBER GJONAJ: ...Commissioner,  
25 there's a lot to... [cross-talk]

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RICK CHANDLER: Absolutely... [cross-talk]

COUNCIL MEMBER GJONAJ: ...six years later where we have families that haven't been able to move back into their homes or... [cross-talk]

RICK CHANDLER: Right... [cross-talk]

COUNCIL MEMBER GJONAJ: ...are living in terrible conditions is alarming and disappointing but thank you. Let me just continue, construction site safety, please explain this to me. Last week I chaired the SBS hearings on the budget this was already proposed in there and it was at an 18.7 million dollar investment for fiscal '19 through '21 at 5.3... and 5.3 in the year 2022, please explain to me how is it that we are working on construction site training from two various agencies for the same purposes when we currently have much opposition from industry in particular the labor forces where they're posing taxpayer fronts to non-government entities for construction safety training when they currently offer the same training, are paying for it or their members are paying for it and it looks like a little bit redundancy and concerning because these are big dollar amounts and if we're going to trust it to make sure that taxpayer dollars are spent wisely your

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2 number of... is it 3 point... 13.2 million for 42  
3 positions?

4 PATRICK WEHLE: So, let me speak to that.  
5 There, there is a distinction between what you're  
6 seeing within SBS's budget and what you're seeing  
7 within the Buildings Department's budget, the  
8 Buildings Department budget as it relates to  
9 construction safety relates to performing inspections  
10 by and large, inspecting to ensure that workers on  
11 these sites have the appropriate amount of training,  
12 okay, whereas the SBS side of the equation relates to  
13 actual training itself. The Buildings Department is  
14 not charged with training these workers, the  
15 Buildings Department is charged with enforcing the  
16 law and performing inspections to ensure that workers  
17 on these sites have the appropriate amount of  
18 training, that's the distinction between one and the  
19 other. The law also provides that the city will  
20 provide training to those individuals who have  
21 limited access to training and I presume the money  
22 that you're seeing in SBS's budget the total dollar  
23 amount in lines I'm not familiar with relates to that  
24 piece of construction safety, the actual training of  
25 those workers who have limited access to training.

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2 COUNCIL MEMBER GJONAJ: We'll continue  
3 that as well, do... it just sounds like a very  
4 complicated approach to something that's very  
5 simplistic in nature in that there are already  
6 entities in place that have been doing this for a  
7 long, long time and not only the... I'm referring to  
8 the training and the enforcement end of it which I  
9 believe can be streamlined and made more efficient  
10 but very complicated... [cross-talk]

11 RICK CHANDLER: Well I, I agree with you,  
12 it's a very complicated issue and it's something that  
13 we're doing something new that this agency hasn't  
14 done before so we will get it... we'll get there it's  
15 just a little bit of a learning process for us as  
16 well as everybody else.

17 COUNCIL MEMBER GJONAJ: It was also  
18 brought to my attention, I think you touched on it in  
19 your introduction, waterfront permitting, I believe  
20 there is a move to remove the waterfront permitting  
21 responsibilities from SBS and streamline it into DOB  
22 where it should have been from the very onset.

23 RICK CHANDLER: Well I... it's... I'm not  
24 going to speak to where it should have been from the  
25 onset but that's certainly been a frequent question

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2 of my predecessor... to my predecessors and to me from  
3 the day that I started, and I think that the  
4 appropriate way to proceed is to evaluate the best  
5 way to file applications and what kind of code  
6 applies. It would be very, very simple to just  
7 transfer a couple of people and ask them to start  
8 taking applications for the waterfront but we're in  
9 the process of changing our agency and we want the  
10 waterfront applications to, to mimic everything else  
11 we do which is being... the bars being set very high so  
12 that's why we are in the process of having  
13 consultants help us create a waterfront code and then  
14 we will incorporate it into our DOB now platform so  
15 that everything is done online.

16 COUNCIL MEMBER GJONAJ: I encourage that  
17 and hopefully... [cross-talk]

18 RICK CHANDLER: Thank you, I appreciate  
19 your... [cross-talk]

20 COUNCIL MEMBER GJONAJ: ...its sooner than...  
21 [cross-talk]

22 RICK CHANDLER: ...support... [cross-talk]

23 COUNCIL MEMBER GJONAJ: ...later. And those  
24 are... these are softballs I threw at you so far so let  
25 me get into some of the more difficult questions and

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 I hope that you can help me get a better  
3 understanding. There's been many complaints and it's  
4 been brought to my attention concerns about plan  
5 examiners with very little oversight and training and  
6 just, so we have an... I have a better understanding,  
7 architects submit plans, they go through some type of  
8 review with plan examiners, there's an approval,  
9 developer goes out constructs, comes back to find out  
10 that the building or the construction is not in  
11 compliance and then has to correct it and in some  
12 cases it's almost impossible to correct, how can it  
13 possibly be that a developer using an architect,  
14 getting approved plans by a plan examiner, by the DOB  
15 finds himself erecting a structure which is illegal  
16 and non-compliant?

17 RICK CHANDLER: Well I think you heard me  
18 in my testimony that we issued nearly 166,000 permits  
19 last year after, after review and sometimes that  
20 review is quite limited and what we've asked to... the,  
21 the architect and engineering community to do is to  
22 professionally certify jobs that they feel confident  
23 in submitting to us as long as we have a robust audit  
24 program with that and this... our team here and this  
25 body here has discussed the professional

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1  
2 certification and what we've been doing for some  
3 time, we think that our audit program is, is robust  
4 and what happens if, if an architect or engineer  
5 submits something that there's a problem with  
6 afterward then we will raise that as an issue, we try  
7 to do it as expeditiously as possible. With that said  
8 I can't guarantee that there hasn't been a job where  
9 that's already started building where we've made an  
10 issue of it before they've gotten too far along.

11 COUNCIL MEMBER GJONAJ: I, I... it was  
12 brought to my attention that it wasn't a self-  
13 certification, it was submitted for review, an  
14 approval to find out that after approval and after  
15 construction only when there was an application made  
16 for a C of O to find out that the building did not  
17 comply.

18 RICK CHANDLER: So, I'm happy to take  
19 that address and look into it, that would certainly  
20 be a very rare occurrence if that happened.

21 COUNCIL MEMBER GJONAJ: But possible..  
22 [cross-talk]

23 RICK CHANDLER: But... [cross-talk]

24 COUNCIL MEMBER GJONAJ: ...and I'm sure  
25 it's happened in your... [cross-talk]

COMMITTEE ON HOUSINGS AND BUILDING

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2

RICK CHANDLER: You know why because we  
3 have a, a... human beings that are sitting and looking  
4 at these plans and.. [cross-talk]

5

6

COUNCIL MEMBER GJONAJ: So, who's...  
[cross-talk]

7

8

RICK CHANDLER: ...sometimes when you deal  
with human beings they make mistakes.. [cross-talk]

9

10

11

COUNCIL MEMBER GJONAJ: So, how... where  
would the responsibility be, who would be ultimately  
responsible.. [cross-talk]

12

13

RICK CHANDLER: Always, always with the  
owner, always.

14

15

COUNCIL MEMBER GJONAJ: How... but... [cross-  
talk]

16

17

RICK CHANDLER: The owner and their  
architect and engineer.

18

19

COUNCIL MEMBER GJONAJ: Help me  
understand this please, owner.. [cross-talk]

20

21

RICK CHANDLER: Okay.. [cross-talk]

22

COUNCIL MEMBER GJONAJ: ...developer?

23

24

25

RICK CHANDLER: Yeah.. [cross-talk]  
COUNCIL MEMBER GJONAJ: Makes... decides to  
make a serious investment, follows by hiring a  
licensed architect who I believe is entrusted to do

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1  
2 the right thing, goes to the appropriate agency for  
3 the correct approval, gets approval and if it's human  
4 error after the approvals have been done and the  
5 construction has been complete only at the time of C  
6 of O application and he's responsible after following  
7 every step of the way... [cross-talk]

8 RICK CHANDLER: Absolutely and a perfect  
9 example is the... your council... your colleague Council  
10 Member Chin who we would say that the... build... the  
11 business owners for... in SoHo they would argue very  
12 vehemently that they are in compliance whether we  
13 come to them and issue these violations so one  
14 perfect example would be the violations that we spoke  
15 to Council Member Chin moments ago because those  
16 folks that we issued violations to are going to argue  
17 that we're wrong in, in saying that they're in  
18 violation so the... it's not... it's not uncommon for  
19 owners to believe that when we're enforcing something  
20 after the fact that we're wrong, there's, there's  
21 arguments on both sides whether we're wrong or not  
22 and if we found that we've wrong... we've, we've made a  
23 mistake in our plan review then we'll absolutely be  
24 vigorous about trying to make the least impactful  
25 correction with that.

1 COMMITTEE ON HOUSINGS AND BUILDING

2 PATRICK WEHLE: And if I... and if I could  
3 just add architects and engineers are licensed by the  
4 state of New York, they're submitting applications to  
5 the Buildings Department with a sign and seal  
6 attesting that what they've submitted to this  
7 department complies with code and zoning, so they  
8 certainly bear responsibility if there are any  
9 errors. Furthermore, you know we'd be curious to, to  
10 hear the example it sounds like you're citing so we  
11 can look at... look at it and get back to your but to  
12 the extent there is an issue like you're explaining  
13 it is the absolute exception, again the Commissioner  
14 mentioned, you know 106... 60,000 permits that we  
15 issued probably well over 100,000 plans submitted,  
16 the scale of work this was... this department is  
17 responsible for is enormous and we're human beings  
18 and there might be instances very, very rare where,  
19 where, where something slips but, you know we should  
20 all be sure that ultimately architects and engineers  
21 who are licensed by the state have an obligation to  
22 file documents to the department that comply with  
23 coding and zoning.

24 COUNCIL MEMBER GJONAJ: First of all the  
25 amount of work and the undertaking is tremendous for

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1  
2 the Department of Buildings, it's undeniable and I  
3 agree with you a licensed architect or engineer has a  
4 responsibility here but the process and the checks  
5 and balances to make sure that they're doing their  
6 work properly is this agency which approves their  
7 work so there should be a responsibility on the  
8 approving agency for human error otherwise we  
9 wouldn't need permits, we'd allow it... we'd give it to  
10 the architect or engineer to draw up, classify and  
11 say you can build as of right without having the  
12 approval process from Building Department but there  
13 is a need for a checks and balance and there should  
14 be a responsibility on plan examiners I would imagine  
15 and not place it just on the architects and  
16 engineers... [cross-talk]

17 PATRICK WEHLE: Understood and I, I would  
18 say that that... those checks, and balances are in fact  
19 in place given the overwhelming majority of  
20 applications that we approve, permits that are issued  
21 for work that is absolutely in compliance with code  
22 and zoning.

23 COUNCIL MEMBER GJONAJ: ADA... thank you  
24 for that... [cross-talk]

25

1 COMMITTEE ON HOUSINGS AND BUILDING

2 CHAIRPERSON CORNEGY: Wait a minute  
3 Council Member just give one more question, I'd  
4 really like to be able to today hear from the public...  
5 [cross-talk]

6 COUNCIL MEMBER GJONAJ: Uh-huh... [cross-  
7 talk]

8 CHAIRPERSON CORNEGY: ...sometimes we don't  
9 get to do that because the day gets too long so if  
10 you... if you would.

11 COUNCIL MEMBER GJONAJ: That one... I'll  
12 just... I'll just mention some points on the record and  
13 maybe if you can answer them quickly considering the  
14 time constraint that we're under. I understand  
15 there's an issue with adult senior day cares in  
16 commercial zones versus residential zones where  
17 children's day care do not have the same  
18 interpretation. Secondly, ADA compliance in  
19 landmarked areas where landmarks does not approve  
20 permanent ADA ramps subjecting the properties to  
21 violation for not having permanent but offering  
22 temporary ramp service and thirdly and I hope you can  
23 explain a little bit on this one... four, actually  
24 there's a follow up to this, there's a determination  
25 request that's made of building codes and zoning for

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1  
2 any building other than one, two and three family  
3 homes there's a fee of 1,000 dollars for eh first  
4 request, if there's a... if it's denied then they must  
5 go to Manhattan I believe at an additional cost of  
6 2,500 dollars for a determination classification,  
7 this seems like a tremendous amount of money that has  
8 to be paid for something that I would imagine our  
9 Department of Buildings would be easy to respond to,  
10 to make sure that we don't have human error on  
11 architects or engineers where the developer is  
12 ultimately held responsible and to hold the bag of  
13 correction if there needs to be and the last part of  
14 this, on the citywide savings and, and correct me if  
15 I'm wrong, I believe store signage the codes.. the  
16 laws were implemented back in 1961 without any  
17 further updating since then there was a moratorium  
18 because very few of our signage is compliant and I  
19 believe the law says no more than 12 square feet of  
20 signage, printable signage is permitted. One of the  
21 issues that you bring up is that you're looking to  
22 increase on citywide saving program will be the  
23 dollar amount, the revenue will be an increase  
24 collection of revenue from fees related to  
25 illuminated which I understand are a problem to begin

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1  
2 with and illegal so explain this to me, we issue  
3 permits for a sign that's illegal that doesn't comply  
4 with the laws to find out that later on there will be  
5 a penalty that starts at 5,000 dollars. Sorry, that's  
6 a... and it's a very loaded hot potato.

7           PATRICK WEHLE: So, there's a... there's a  
8 lot there obviously. What I'd like to do in the  
9 interest of time I can touch on a couple of those  
10 things but we haven't had the opportunity to actual  
11 sit down with you and we can do that in real short  
12 order and get into the meat and potatoes of all these  
13 questions that you're raising, you know in terms of  
14 going backwards, in terms of the signage issue we're  
15 issuing permits for the sign structure not for the  
16 actual sign and that's an important distinction, they  
17 get a permit to put a sign structure up subsequent to  
18 that they get a permit to put a sign up and that's  
19 where there might be a problem. So, that's... [cross-  
20 talk]

21           COUNCIL MEMBER GJONAJ: Yeah, I would say  
22 so... [cross-talk]

23           PATRICK WEHLE: ...that's, that's the  
24 distinction and it's an important distinction, you  
25 can put a sign structure up in a certain area but

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1  
2 then putting... depending on the size of the sign on  
3 the structure that's where there might be issues with  
4 the coding and zoning.

5 COUNCIL MEMBER GJONAJ: And the last  
6 source of revenue is going to be developer request to  
7 reinspect hazardous areas, so I would imagine we want  
8 to make this as painless as possible where there's  
9 very little hurdles to overcome to have hazardous... to  
10 have... to reinspect hazardous conditions by placing  
11 additional fees on this would allow or deter  
12 reinspection of hazardous areas and conditions. I'm  
13 just trying to clarify that we should be looking in  
14 the best interest of the people, citizens, developers  
15 and all the stakeholders across that the more hurdles  
16 that we place and requirements that we place that we  
17 don't even hold ourselves accountable to creates a  
18 challenging environment to build and develop and I'm  
19 just concerned but I'm looking forward to... [cross-  
20 talk]

21 PATRICK WEHLE: Understood Council  
22 Member, we hear your concerns loud and clear and we  
23 look forward to sitting down with you in short order  
24 to go through all these issues and more.

25 RICK CHANDLER: Thank you.

1 COMMITTEE ON HOUSINGS AND BUILDING

2 COUNCIL MEMBER GJONAJ: Thanks.

3 CHAIRPERSON CORNEGY: Thank you. Just  
4 because we're moving along and in the... in the  
5 interest of time I do agree with my colleague about a  
6 lot of the onerous situations that homeowners find  
7 themselves in so certainly we will circle back and  
8 over the course of this next four years hopefully  
9 begin to reduce or even look at it in a... in a good  
10 common sense way how we can be more supportive so  
11 thank you Council Member.

12 COUNCIL MEMBER GJONAJ: Thank you for  
13 your patience.

14 CHAIRPERSON CORNEGY: Council Member  
15 Rosenthal.

16 COUNCIL MEMBER ROSENTHAL: Thanks so much  
17 and Chair Cornegy and Commissioner it's great to see  
18 you, thank you for coming over, you know I'm going to  
19 ask you as you know about the office of the tenant  
20 advocate and you're shocked, I know, shocker but I  
21 want you to know that I was thinking about the  
22 question I would ask sitting here and I realize that  
23 Patrick is the office of the tenant advocate for me  
24 and I do appreciate him and I mean that in all  
25 sincerity, I mean I call him, he sends out inspectors

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1  
2 and we get some results so I do appreciate that.

3 Currently in the preliminary budget are there lines  
4 for a true office of the tenant advocate, I think in  
5 the fiscal responsibility that was attached to the  
6 original bills there were two lines, is that part of  
7 the 75?

8 SHARON NEILL: So, at this time no  
9 funding's been provided for the office of the tenant  
10 advocate.

11 COUNCIL MEMBER ROSENTHAL: No, I'm  
12 asking... oh, in the preliminary budget... [cross-talk]

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

14 COUNCIL MEMBER ROSENTHAL: ...none and do  
15 you expect it to be funded in the executive budget?

16 SHARON NEILL: It's not... [cross-talk]

17 COUNCIL MEMBER ROSENTHAL: Are you asking  
18 the Mayor for funding for the office of the tenant  
19 advocate?

20 SHARON NEILL: So, currently the way the  
21 functions of tenant advocacy are handled they're  
22 typically cross departmental so at this time we're  
23 dealing with the, the issues by having the contact  
24 information on our website, the office of the  
25

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1  
2 building marshal is the primary contact that, that..  
3 [cross-talk]

4 COUNCIL MEMBER ROSENTHAL: So, you're  
5 missing my question, I only have a second and I'm not  
6 going to play, okay, we need an office... so the bill  
7 asks for an office to the tenant advocate and it  
8 required in the fiscal statement two FTEs, I'm asking  
9 you if the Department of Buildings asked for two FTEs  
10 for the executive budget yes or no?

11 SHARON NEILL: No.

12 COUNCIL MEMBER ROSENTHAL: Okay, thank  
13 you very much. Let me give you two examples of why we  
14 need an office of the tenant advocate some people who  
15 would actually be actively advocating about tenants  
16 would be able to see patterns, would be able to do  
17 the work... patterns of harassment, would be able to do  
18 the work of reviewing the tenant protection plan in a  
19 meaningful way, would be able to implement all the  
20 laws that this Mayor signed this past summer, right,  
21 so I'm... I've pulled up two recently. This one just  
22 yesterday, Commissioner you might remember I, I  
23 forget if it was in my first or second year, I spoke  
24 to you at a... about a building where... I'm really not  
25 going to say the name of the owner out loud but it

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1  
2 was somebody who you knew and the way that harassment  
3 manifested itself at that building, this is a  
4 penthouse, rent regulated building, I'm sure the  
5 developer would love nothing more than to sell it or  
6 rent it out for squillions but no, there's a rent  
7 regulated tenant who lives there and has rights and  
8 last year I spoke to you about the fact that the  
9 building owner repeatedly took out work permits to  
10 fix some façade work right outside this gentleman's  
11 window, there'd been several permits pulled, the  
12 jackhammering continued for a number of years. Now  
13 the latest complaint is that literally the complaint  
14 says my neighbor, this guy who's being harassed,  
15 sorry his neighbor is saying my neighbor, has, has a  
16 new illegal structure above his kitchen posing  
17 extreme fire safety concerns for the entire building.  
18 Last summer the compliant and I don't think I  
19 mentioned this to you was that there was an illegal  
20 manufacturing business being operated in this  
21 apartment, this is a 15 foot by 15 foot studio  
22 apartment, so just to be clear this unit has not  
23 changed, it was rented in 1975 and no structural work  
24 has been, been done if there was an office of the  
25 tenant advocate somebody would be there noticing this

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1  
2 pattern and practice of harassment and you know  
3 perhaps would be working with HPD or using other  
4 tools to make it clear to the owner of the building  
5 that they needed to stop doing that but we don't have  
6 that right now. The second example is of a building  
7 where there was a fire in the building, half the  
8 units were rent regulated, half market and the, the  
9 fire destroyed all the apartments, everyone was out,  
10 it's now a year and a half later remarkably the  
11 market units have been brought back and are ready to  
12 rent out but the rent regulated ones of course you  
13 couldn't enter, there's been no work to fix them and  
14 previously DOB did the right thing in issuing a  
15 vacate order but no one is paying attention to the  
16 fact that this building owner has plenty of money to  
17 refurbish for the market rate but not for the rent  
18 regulated, I mean I have a story like this every week  
19 and as excellent as your building marshals are and  
20 Patrick and you and you and Tim, everyone the intent  
21 of the law is not being carried out by the Department  
22 of Buildings and I, I just... we passed a law requiring  
23 two people and an office of the tenant advocate and I  
24 don't understand your answer.

25

COMMITTEE ON HOUSINGS AND BUILDING

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RICK CHANDLER: We'll revisit as to what it is that we're requesting but that doesn't change that we have been doing tenant advocacy and tenant harassment work long before the law was passed successfully in my opinion and we are doing now so we can call it... we can call it the tenant advocate it will be within our, our building marshal's office and we'll... and I recall your example of the building on the Upper West Side I believe and lots... we'll follow...

[cross-talk]

COUNCIL MEMBER ROSENTHAL: You spoke to him at a gala I think that night and... [cross-talk]

RICK CHANDLER: The owner?

COUNCIL MEMBER ROSENTHAL: Yeah.

RICK CHANDLER: I think... possibly and so I'm happy to follow up again because it bothers me what you're telling me... [cross-talk]

COUNCIL MEMBER ROSENTHAL: But you see it doesn't end and so... [cross-talk]

RICK CHANDLER: No, it doesn't so the...

[cross-talk]

COUNCIL MEMBER ROSENTHAL: ...that's why...

[cross-talk]

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2 RICK CHANDLER: We can talk offline...

3 [cross-talk]

4 COUNCIL MEMBER ROSENTHAL: I agree that...

5 [cross-talk]

6 RICK CHANDLER: ...Council Member... [cross-

7 talk]

8 COUNCIL MEMBER ROSENTHAL: ...you're,

9 you're doing some work and there are some people

10 there, the nature of this problem is overwhelming and

11 most of the violations issued on tenant harassment

12 cases come from the Department of Buildings and we're

13 not getting a response rate for curing the problems

14 even if they do come out that's what an office of the

15 tenant advocate would be following someone who is

16 laser focused on Department of Building code

17 violations but from a tenant's perspective.

18 PATRICK WEHLE: Again, Council Member

19 we've had this discussion a number of times and I

20 think we just disagree, the functions that are

21 captured within the legislation, the functions that

22 you've just described now are functions that are

23 currently being adequately carried out by the

24 Department of Buildings. Tenant protection related

25 issues, the use construction to harass tenants is

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1  
2 taken very seriously by this department, those  
3 complaints are prioritized as I explained earlier,  
4 they're forwarded to building marshal's office for  
5 prioritized inspections. We're doing the work now, we  
6 have staff here who is reviewing the tenant  
7 protection plans with the council's help we now have  
8 a new law that sort of strengthens the plan, right,  
9 requires more means and methods to protect tenants,  
10 requires specificity, we're now performing more  
11 audits of those plans, we're now performing proactive  
12 inspections of tenant protection properties and  
13 occupied multiple dwellings, with your help, with the  
14 council's help we're doing a lot of additional work  
15 to improve our ability to address this issue but  
16 again the functions outlined in the office of the  
17 tenant advocate are functions that are currently  
18 being addressed by the department.

19 COUNCIL MEMBER ROSENTHAL: So, just to be  
20 clear I voted for Speaker Johnson and if Speaker  
21 Johnson is going to tell me that, you know the  
22 council is taking a certain path I'll raise my  
23 concerns in democratic conference but at the end of  
24 the day I'm following my Speaker's lead, this Mayor  
25 signed this bill into law and it came with two people

1 COMMITTEE ON HOUSINGS AND BUILDING

2 and it was intended to be a separate office. Thank  
3 you.

4 CHAIRPERSON CORNEGY: So, this, this  
5 committee obviously supports its members and supports  
6 the, the bill and the law so we will definitely be  
7 following up... [cross-talk]

8 COUNCIL MEMBER ROSENTHAL: Thank you...  
9 [cross-talk]

10 CHAIRPERSON CORNEGY: ...on behalf of  
11 member Rosenthal and, and the city.

12 COUNCIL MEMBER ROSENTHAL: And the  
13 tenants.

14 CHAIRPERSON CORNEGY: Yeah.

15 COUNCIL MEMBER ROSENTHAL: Thank you very  
16 much Chair Cornegy.

17 CHAIRPERSON CORNEGY: Thank you. Council  
18 Member Rivera.

19 COUNCIL MEMBER RIVERA: This is... it goes  
20 along with the Councilwoman's comments, you know  
21 because of all the construction as, as harassment  
22 that has been happening in New York City it took a  
23 number of council people to come together and pass  
24 the Stand for Tenant Safety and I know that Council  
25 Member Chin brought this up earlier. So, this is a

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1  
2 comprehensive package trying to tackle this problem  
3 and I wanted to follow up on my predecessor's bill  
4 which is Local Law 159, the construction... safe  
5 construction bill of rights in lobbies and hallways  
6 in buildings under construction and I want to know  
7 how is DOB going to assure compliance, I saw you had  
8 1,200 inspections, that's great but I want to know  
9 specifically how you're going to be able to post this  
10 because a lot of people don't even know what their  
11 rights are let alone to call a council person who's  
12 going to be able to make that phone call and help  
13 them out. So, I want to know what you're going to do  
14 to assure that this is up and that you're again  
15 complying with the law that was passed?

16 RICK CHANDLER: We are complying and we  
17 have a separate tenant protection plan for all  
18 buildings that are residential in nature and we are...  
19 we've laid out guidelines for the industry to... what  
20 they need to require in those plans, they're separate  
21 plans, they're made available for our inspectors and  
22 when we go out there they're checking the tenant  
23 protection plans that they were required to be  
24 approved by the examiners if they're not they're  
25 getting summonses accordingly and stop work orders

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1  
2 accordingly and we are now doing the proactive  
3 inspections so we have a methodology where we will  
4 identify buildings and visit them proactively  
5 without, without responding to a complaint as per the  
6 law so we do think that we're complying.

7 PATRICK WEHLE: And also as part of that  
8 as it relates to the safe construction bill of rights  
9 from Local Law 159 so that, that law is in effect as  
10 of the end of last year, the department is enforcing  
11 it, there's a requirement that in these buildings,  
12 multiple dwellings the owner needs to post this safe  
13 construction bill of rights in the lobbies, by the  
14 elevator banks throughout the entire building, HPD  
15 and the Department of Buildings is charged with  
16 enforcing that law and we are enforcing that law.

17 COUNCIL MEMBER RIVERA: Are there any  
18 violations, do you have any numbers pertaining to  
19 violations as to people who... [cross-talk]

20 PATRICK WEHLE: I don't have... [cross-  
21 talk]

22 COUNCIL MEMBER RIVERA: ...are not posting  
23 them... [cross-talk]

24 PATRICK WEHLE: ...that information  
25 available, I can... I can look into that and get back

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1  
2 to you, I could look into to see what complaints  
3 we've received if any and what's been our response to  
4 those complaints, so we can provide that information  
5 to the committee.

6 COUNCIL MEMBER RIVERA: Just to confirm  
7 that you're tracking it is my point... [cross-talk]

8 PATRICK WEHLE: Understood.

9 COUNCIL MEMBER RIVERA: Okay, I look  
10 forward to those numbers, thank you.

11 CHAIRPERSON CORNEGY: So, I guess this is  
12 the appropriate time to bring up real time  
13 enforcement, what's... what is budgeted for the  
14 creation of real time enforcement Local Law 188 of  
15 2017 in the current fiscal year and in the out years  
16 and how will this money be used to implement the  
17 creation and maintenance of an effective real time  
18 enforcement unit? So, obviously I'm referencing Local  
19 Law 188.

20 SHARON NEILL: So, the real time  
21 enforcement initiative has funded 19 positions and an  
22 additional... and an additional 300,000 dollars in this  
23 fiscal year and the, the authorized positions for  
24 next fiscal year will grow to 57 with almost four  
25 million dollars of PS cost associated with it. So,

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1  
2 I'm working with my colleagues on, on the enforcement  
3 efforts with real time enforcement, it's going to  
4 most likely result in a second shift where inspectors  
5 will be assigned to a second shift in order to  
6 respond to the complaints in a... in the necessary time  
7 frame as well as weekend coverage and then additional  
8 inspectors will be assigned to the borough  
9 enforcement efforts to make sure that we're complying  
10 with these requirements.

11 CHAIRPERSON CORNEGY: So, do we have a, a  
12 time frame on like total implementation?

13 SHARON NEILL: So, we were just funding  
14 these positions but currently we're addressing the  
15 issues with existing staff now and we're in the  
16 process of advertising and hiring up so by the time  
17 the program gets fully implemented in, in fiscal year  
18 '19 we hope to be completely 100 percent up and  
19 running.

20 PATRICK WEHLE: And so, I'll also add as  
21 it relates to... specific to this local law the funding  
22 that's in the preliminary budget to... is to address  
23 tenant protection issues broadly and the full package  
24 of legislation but as of today we are in compliance  
25 with Local Law 188 both the response times for

COMMITTEE ON HOUSINGS AND BUILDING

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2 complaints and also the proactive inspections that  
3 the law requires as well.

4 CHAIRPERSON CORNEGY: And then Local,  
5 Local Law 149 of 2017 would prohibit professional,  
6 professionally certified filings for buildings where  
7 owners have been found guilty of tenant harassment,  
8 does DOB have the resource.. the resources ordered as  
9 necessary to effectively implement Local Law 149 and  
10 what if any additional resources may be required so  
11 that's obviously a capacity question?

12 SHARON NEILL: So, we were provided an  
13 additional two positions to help strengthen the  
14 resources that currently do this work. We're going..  
15 as we continue to, to address the issues we'll be  
16 assessing it and if we need additional resources  
17 we'll go back through the budget process and request  
18 them if necessary.

19 CHAIRPERSON CORNEGY: Thank you so much,  
20 my colleagues and I have very few tools to help  
21 protect tenants in the city and those that we do have  
22 we have a reasonable expectation that they'll be  
23 supported by DOB in our efforts to do what's right  
24 for tenants in a... in an increasingly changing  
25 environment that's not friendly or for long term

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 existing tenants. So, this is not necessarily a  
3 hostile environment but people are very passionate  
4 about serving their communities and their  
5 constituents and providing safe environments for, for  
6 their constituents across the city and as you can see  
7 here represented they're, they're... or, or today there  
8 were several boroughs so this is not... these are not  
9 issues that are, are, you know significant in only  
10 one borough, these are the 51 Council Members and 51  
11 districts face varying degrees of, of these issues  
12 and consequently this committee is committed to  
13 hopefully working in conjunction... continue to work in  
14 conjunction to get some of this resolved. So, if  
15 there are no more questions I thank you for your  
16 testimony.

17 RICK CHANDLER: Thank you very much, we  
18 look forward to continued work, thank you.

19 CHAIRPERSON CORNEGY: Absolutely. So, at  
20 this time if those people who have signed up who  
21 were, were from the public and I'm so sorry, Lidgia,  
22 Lahia, yes, I'm so sorry... oh, no it's Nicki Ledger;  
23 Mr. Komatsu [sp?]: Ignacio and that's it. So, we're  
24 going to ask you all to come up to the podium, there  
25 will be a portion affirming your testimony and then

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1  
2 we'll get right into.. as you.. as you well know that  
3 there are several hearings taking place at the same  
4 time so I'm going to ask that you.. we put.. we put a  
5 clock on, Sergeant at Arms can I get some time on the  
6 clock? So, if I can ask you to raise your right hand  
7 so that I can affirm your testimony, do you affirm to  
8 tell the truth, the whole truth and nothing but the  
9 truth in your testimony before this committee and to  
10 respond honestly to Council Member questions?

11 NICKI LEDGER: I do, I do..

12 IGNACIO JAUREGUILORDA: I do.

13 CHAIRPERSON CORNEGY: So, if you'll.. if  
14 you'll indulge, indulge me I'm, I'm going to say  
15 ladies first, I hope no one is opposed to that.

16 NICKI LEDGER: First I'd like to say that  
17 no tenant protection.. no tenant protection plan was  
18 posted in my lobby, in fact no DOB permit for work in  
19 that particular apartment two floors below mine was,  
20 was, was posted and I had to go to the assembly  
21 woman's office with an aid, go to the fire  
22 department, talk to the fire captain and two days  
23 later a DOB permit was posted but no tenant  
24 protection plan has since been posted and the 3-1-1  
25 operator knows nothing about what a tenant protection

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1  
2 plan is. Okay, my name is Nicki Ledger, I am a New  
3 York City tenant who supported and applauded the  
4 passage of 13 STS bills into law. The recent  
5 unfortunate events of 85 Bowery and 272 Stag Street  
6 are violations of Local Law 188, real time  
7 enforcement and Local Law 15... 150. The latter  
8 mandates that an order to repair has to be issued  
9 with every vacate order so that tenants may return as  
10 soon as feasible. What will be the penalty for  
11 violating these laws, how will they be enforced? It's  
12 already abundantly clear that assuming voluntary  
13 compliance will suffice is seriously flawed. The  
14 blatant disregard we witness suggests two things to  
15 me; one, abundant funding of real time enforcement is  
16 required and two, landlords in violation of either  
17 local law be arrested by New York's finest, they are  
18 in violation of New York City law these landlords.  
19 Instead we find ourselves signing petitions to the  
20 Mayor for a random promise for a date by which  
21 tenants can go home as though Local Law 150 did not  
22 exist. The elderly tenants of 85 Bowery are no longer  
23 hunger striking but housed in hotels not knowing how  
24 long it will be until they return to their homes.  
25 This is shameful, this situation was preventable, the

COMMITTEE ON HOUSINGS AND BUILDING

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laws were in place but where was the enforcement of said laws? Hearing that 20 inspectors be funded for real time enforcement unit I was stunned, not 120, not 220. Our STS laws are a magnificent creation, harbor generous funding combined with a fully staffed DOB is mandatory for their functioning as laws to make it happen and for real time enforcement to work as it was designed to, to keep our New Yorkers safe we all need to keep watch on how matters unfold.

CHAIRPERSON CORNEGY: Thank you for that testimony, I, I will say on behalf of your particular instance we have... we have one of the loudest advocates as it relates to, to, to the, the, the Bowery property and, and the Council Member who has brought to my attention, these things you heard our, our conversation about real time enforcements...

[cross-talk]

NICKI LEDGER: I just did, yeah.

CHAIRPERSON CORNEGY: Right, so I, I just want you to know that you have commitment, my commitment, the commitment of your Council Member and the commitment of this committee to see this through and to have these laws implemented in a way that makes sense for residents... [cross-talk]

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NICKI LEDGER: Thank you... [cross-talk]

CHAIRPERSON CORNEGY: So, it, it's not where you want it to be, but I promise you that today was the beginning of us having some... you know reviewing the oversight over, over this so, so I really apologize... [cross-talk]

NICKI LEDGER: And you can rely... [cross-talk]

CHAIRPERSON CORNEGY: ...for what you're going through... [cross-talk]

NICKI LEDGER: ...on people like myself to work with, with people like yourself.

CHAIRPERSON CORNEGY: I'm clear on that.

NICKI LEDGER: Yeah.

CHAIRPERSON CORNEGY: Thank you.

NICKI LEDGER: Thank you.

IGNACIO JAUREGUILORDA: Good afternoon, thank you Mr. Chair and committee members. I'll keep my spoken comments abbreviated and I'll rely on my written testimony in the interest of time. My name is Ignacio Jaureguilorda and I'm the Director of Legal Hand, a project of the Center for Court Innovation. I'm here to urge the council to support the Center for Court Innovation as it seeks to strengthen and

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 expand alternatives to incarceration and access the  
3 justice, justice program through a million dollars in  
4 support from the city council in fiscal year 2019.

5 This includes a 500,000-dollar continuation of  
6 funding for ongoing operations and a 500,000 dollar  
7 enhancement which will help us advance the city  
8 council's goals of improving fairness, working  
9 towards the closure of Rikers Island and bolstering  
10 access to justice. Included in the written testimony  
11 submission is a summary of this request as well as a  
12 matrix that reflects the positive outcomes should the  
13 council grant this request. Expanded support from the  
14 council would also enable the continuation of our  
15 public safety and alternative to incarceration  
16 programs throughout the five boroughs. Our programs  
17 which include the Red Hook Community Justice Center,  
18 Crown Heights Community Mediation Center, the Midtown  
19 Community Court, Bronx Community Solutions, Queens  
20 Youth Justice Center and Staten Island Center...

21 Justice Center have been documented by independent  
22 evaluators to improve safety, reduce incarceration  
23 and enhance public trust in government. With work... we  
24 work with tens of thousands of New Yorkers each year  
25 at these project sites and the vast majority of the

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 people we serve at LGBTQ are LGBTQ youth, immigrants,  
3 low income or people of color. The city council's  
4 support has been invaluable to the success of the  
5 Center for Court Innovation, the center looks forward  
6 to continuing the work with the council to reduce  
7 incarceration and to enhance access to justice. We  
8 respectfully urge you to continue to support our work  
9 and I thank you for the opportunity to speak, I would  
10 be happy to answer any questions that you may have.

11 CHAIRPERSON CORNEGY: Thank you for your  
12 testimony. I'm a supporter, the, the Crown Heights  
13 Mediation Center is in my district and I've had the  
14 pleasure of working with them and seeing the results  
15 that they bring so other than... I think you and you  
16 can count on me... [cross-talk]

17 IGNACIO JAUREGUILORDA: We appreciate all  
18 your support, thank you.

19 CHAIRPERSON CORNEGY: Thank you. I would...  
20 I would just ask there are two more people who signed  
21 up if you could just join us at the podium both  
22 Brandon and Rolando. And I understand that you're STS  
23 advocates and have had a long relationship, I just  
24 asked Mr. Komatsu, welcome back.  
25

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 MR. KOMATSU: Hi. So... let's see... I was  
3 hoping to have the meeting in the main chamber where  
4 there was a T.V. screen where I could project the  
5 testimony on. I had a conversation with Steven Banks  
6 on December 14<sup>th</sup> of last year, I recorded him on  
7 audio. So, let me use what he had to say to me during  
8 that public town hall meeting.

9 CHAIRPERSON CORNEGY: I, I, I don't think  
10 that we... [cross-talk]

11 MR. KOMATSU: ...in interest of  
12 transparency.

13 CHAIRPERSON CORNEGY: I don't think that  
14 we have the capacity nor... this, this is not that...  
15 [cross-talk]

16 MR. KOMATSU: I have the audio... [cross-  
17 talk]

18 CHAIRPERSON CORNEGY: It's not that type  
19 of hearing, you can just give me your testimony and  
20 I'll, I'll... offline I'll listen to what Mr. Banks  
21 said.

22 MR. KOMATSU: The bottom line is HPD's  
23 Commissioner testified today, she essentially misled  
24 you, I've spoken to that stuff. I live in a building  
25 that isn't registered with HPD validly, it hasn't

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 been registered with HPD since the beginning of  
3 September. I'm looking at HPD's own website right now  
4 that confirms... it says this property is not currently  
5 validly registered with HPD, HRA gave that landlord...  
6 let's see... more than two million dollars to acquire  
7 that building to serve as the landlord, they're not  
8 making repairs. HPD issued a violation against that  
9 landlord in December of 2016, it still hasn't been  
10 fixed, there's a hole in the roof in the building, it  
11 was leading about a week to two weeks ago when it was  
12 raining pretty hard, I was assaulted in that building  
13 by my former mentally unstable roommate, I got a  
14 concussion, he... that was after he had tried to, to  
15 assault me. I, I was diagnosed with a concussion on  
16 July 30<sup>th</sup> of 2016 and basically the landlord pulled a  
17 bait and switch with everybody in the building, we  
18 signed one lease agreement then they gave us  
19 something entirely different. So, we reported that  
20 fraud and forgery, no one took corrective action, I  
21 talked to the Bronx DA on March 17<sup>th</sup> of 2016 about  
22 two weeks after I moved into the building, they  
23 didn't do a darn thing, if they had I wouldn't have  
24 been assaulted. Also, the landlord of the building is  
25 Urban Pathways, they're going to have a fundraiser on

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 I think May 10<sup>th</sup> at the Grand Hyatt. So, the question  
3 is if the CEO of that company is making 200,000 bucks  
4 a year, they're getting taxpayer money, they're not  
5 making repairs what can you guys do about it?

6 CHAIRPERSON CORNEGY: So, you said Urban  
7 Pathways, I, I believe is a... is a supportive housing...  
8 [cross-talk]

9 MR. KOMATSU: Its... [cross-talk]

10 CHAIRPERSON CORNEGY: ...program, correct?

11 MR. KOMATSU: No, they're actually more  
12 like... for lack of a better description embezzling the  
13 cash.

14 CHAIRPERSON CORNEGY: So, what I'd like  
15 to do is and I've asked you to do this before, I  
16 don't know what's happened with us offline... [cross-  
17 talk]

18 MR. KOMATSU: Every step... [cross-talk]

19 CHAIRPERSON CORNEGY: So, actually I have  
20 my housing person here with me, I'd just like for you  
21 to talk to him offline because what your case is, is  
22 an individual case and I... and I've always... [cross-  
23 talk]

24 MR. KOMATSU: There are more people in  
25 the building having similar issues.

COMMITTEE ON HOUSINGS AND BUILDING

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2 CHAIRPERSON CORNEGY: So, I'd like for  
3 you to detail that for me what's happening so that we  
4 can be helpful, okay? Thank you.

5 MR. KOMATSU: Thanks.

6 CHAIRPERSON CORNEGY: Oh, I'm sorry,  
7 Brandon. And I... and I, I don't mean to be as informal  
8 as to call you by your first name, but I'd rather not  
9 butcher your last name.

10 BRANDON KIELBASA: Thank you, Kielbasa is  
11 how it's pronounced but thanks.

12 CHAIRPERSON CORNEGY: Oh, literally  
13 Kielbasa?

14 BRANDON KIELBASA: Literally Kielbasa.

15 CHAIRPERSON CORNEGY: I could have gotten  
16 that.

17 BRANDON KIELBASA: Yeah.

18 CHAIRPERSON CORNEGY: Sorry.

19 BRANDON KIELBASA: Yeah, thanks though.  
20 So, my name is Brandon Kielbasa and I'm the Director  
21 of Organizing at the Cooper Square Committee. The  
22 Cooper Square Committee is a tenants rights  
23 organization in the Lower East Side, we specialize in  
24 tenant organizing, we're also a proud member of the  
25 Stand for Tenant Coalition and STS is a coalition of

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 about 30 different housing groups from around the  
3 city that formed about three years ago to combat  
4 construction as harassment and if you don't know what  
5 that is it's a huge intense problem sweeping the  
6 city, it's a form of tenant harassment that basically  
7 landlords use the guise of construction to force rent  
8 regulated tenants out of their buildings. So, I'm  
9 here today in the capacity of... as a member of the STS  
10 coalition, we're asking for the funding that's in  
11 place within the preliminary budget to stay intact  
12 for the new STS laws of 13, 13 suite law... of laws... 13  
13 new laws that in... basically created... was created last  
14 year as the stand for tenant safety act. So, we're  
15 asking, asking for comprehensive funding of that.  
16 There are three laws in particular that we think has  
17 special considerations within the budget, most of the  
18 laws are, are kind of budget or, or cash neutral but  
19 Local Law 188 which is the real time enforcement law  
20 that went into effect this month is going to require  
21 about 30 new inspectors to create a new team to be  
22 out and doing targeted enforcement within communities  
23 facing construction as harassment. Local Law 149  
24 which is Council Member Chin's new law which is going  
25 to require additional auditing of plans and permits

COMMITTEE ON HOUSINGS AND BUILDING

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2 and Local Law 161 which is the new law that will  
3 create and office of the tenant advocate. So, we're  
4 here today... here today to ask for, you know funding  
5 for those laws, we all know that these new laws  
6 really only have impact and become real when they're  
7 funded, and the agencies can carry them out so we're  
8 asking for that to happen today. Thank you so much  
9 for your time.

10 CHAIRPERSON CORNEGY: Thank you and thank  
11 you for all your work.

12 BRANDON KIELBASA: Thank you.

13 ROLANDO GUZMAN: Hi, good afternoon. My  
14 name is Rolando Guzman and I'm the Deputy Director  
15 for Community Preservation at St. Nicks Alliance, a  
16 local community organization in North Brooklyn. We  
17 are also a proud member of STS and I'm going to save  
18 a lot of time just by giving... based on the background  
19 that my colleague just gave. I just want to talk  
20 briefly about... well first of all I want to thank the  
21 Council... city council, you know I think this process  
22 that we have there was for over two years, it was a  
23 true and great partnership between community  
24 organizations, tenants and city council members and,  
25 and we are all very happy that this legislation

COMMITTEE ON HOUSINGS AND BUILDING

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2 passed through and that... and then that the actual  
3 Mayor joined in in this effort so I think it's a  
4 great example of legislation that is going to protect  
5 tenants however though we need to make sure that the  
6 Department of Buildings is enforcing this legislation  
7 and they also... that they need the, the resources to,  
8 to, to fulfil their mandate. Some tenants or, or some  
9 people testified before referring to a building 272  
10 Stag and I just want to use that building as a  
11 reference how the real time enforcement will save  
12 tenant's homes. 272 Stag is a building in the East  
13 Williamsburg section and back in November a new owner  
14 purchased that property and they started doing work  
15 without permits right away. It took the Department of  
16 Buildings about two months to go to inspect that  
17 property, they were very close to be vacated because  
18 the landlord did such aggressive construction in the  
19 building... demolition. The funding for DOB we want to  
20 make sure that is staffed with a new unit that is  
21 going to respond to that kind of emergencies within  
22 12 hours. We really look forward, you know the  
23 creation of the real time enforcement unit that... a  
24 specific unit that tenants can call and inspectors  
25 will respond, respond within 12 hours. I think that

COMMITTEE ON HOUSINGS AND BUILDING

1  
2 alone is going to prevent a lot of tenants being  
3 vacated from their buildings and again we want to  
4 thank the leadership of doing this committee and we  
5 look forward to working with you.

6 CHAIRPERSON CORNEGY: So, so the reality  
7 is none of the work we could do... we do here could be  
8 completed if we didn't have advocates on the ground  
9 really working directly with tenants so again I  
10 appreciate the work that you do, and I would be  
11 surprised if the funding wasn't available to continue  
12 your work.

13 ROLANDO GUZMAN: Thank you.

14 NICKI LEDGER: Thank you.

15 COUNCIL MEMBER CHIN: Yeah, I also wanted  
16 to really thank the advocate, it was... it was amazing  
17 that we all can come together two years and 13  
18 legislations pass and I was also very happy to see  
19 the Mayor put in money in the preliminary budget so  
20 we have to make sure that money stays there and get  
21 actually... and get DOB to utilize it and starts in  
22 enforcing the laws but thank you for all your great  
23 work.

24 IGNACIO JAUREGUILORDA: Thank you

25 BRANDON KIELBASA: Thank you.

COMMITTEE ON HOUSINGS AND BUILDING

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CHAIRPERSON CORNEGY: Thank you, this

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hearing is now adjourned.

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[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

April 15, 2018