

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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December 6, 2022
Start: 1:20 p.m.
Recess: 4:40 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Pierina Ana Sanchez, Chairperson

COUNCIL MEMBERS:

Alexa Avilés
Tiffany Cabán
David M. Carr
Eric Dinowitz
Oswald Feliz
Crystal Hudson
Ari Kagan
Christopher Marte
Shahana Hanif
Robert F. Holden
Gale A. Brewer

A P P E A R A N C E S

AnnMarie Santiago, Deputy Commissioner of the Office of Enforcement and Neighborhood Services at the New York City Department of Housing Preservation and Development

Marti Weithman, Assistant Commissioner of the Housing Litigation Division

Grace DeFina, Assistant Commissioner of the Division of Special Enforcement

Joshua Cucchiaro, Assistant Commissioner of the Emergency Operations Division

Renee Peay, Assistant Commissioner of the Division of Neighborhood Preservation

Samuel Stein, Senior Policy Analyst at Community Service Society

Emily Goldstein, Director of Organizing and Advocacy with Association for Neighborhood and Housing Development

Noelle Francois, Executive Director of Heat Seek

Jackie Del Valle, TakeRoot Justice and Stabilizing NYC Coalition

Rima Begum, Associate Director of Housing Stability Program at Chhaya Community Development Corporation

Jessica Bellinder, Supervising Attorney for Legal Aid Society, Bronx Neighborhood Office

Dannelly Rodriguez, Staff Attorney with the Tenants' Rights Coalition at Queens Legal Services, Legal Services NYC

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

Faceli Alvarez, Make the Road New York

Kelly Grace Price, Close Rosies

Doreen Mohammed

Sateesh Nori, Executive Director of JustFix

Robert Altman

Shannon Lumpkin, Opera House Tenant Union

Lyric Thompson

Susan Berkowitz

Robert Thibault, 117/127 West 141st Street Tenant Association

Corey Ortega, Board Member of the 510/513 West 134th Street Tenant Association

2 SERGEANT-AT-ARMS: Test, test, test. This
3 is a test. Today, we are having a hearing on Housing
4 and Buildings. Today's date is December 6th. This is
5 being recorded by Sakeem Bradley.

6 COUNCIL MEMBER HOLDEN: This is Councilman
7 Holden. Can you hear me?

8 UNKNOWN: Loud and clear. Thank you.

9 COUNCIL MEMBER HOLDEN: Great. Thank you.

10 UNKNOWN: Check, check.

11 UNKNOWN: Loud and clear.

12 UNKNOWN: Thank you.

13 SERGEANT BRADLEY: Good afternoon and
14 welcome to today's New York City Council meeting on
15 Housing and Buildings. At this time, place electronic
16 devices on vibrate or on silent mode.

17 If you want to testify in person, please
18 come up to the Sergeant-at-Arms' desk and fill out
19 one of these testimony slips.

20 If you want to submit testimony, you may
21 do so at testimony@council.nyc.gov. Again, that is
22 testimony@council.nyc.gov.

23 Thank you. Chair, you may begin.

24 CHAIRPERSON SANCHEZ: I am Chair Pierina
25 Sanchez, and I'm going to turn on the microphone. I

2 am the Chair of the Committee on Housing and
3 Buildings, and I want to thank you all for joining
4 today's hearing to examine the City's enforcement of
5 the Housing Maintenance Code and also hear from a
6 number Colleagues on bills related to this topic. I
7 would like to acknowledge my Colleagues from the City
8 Council who are present, Council Member Marte,
9 Council Member Hanif, Council Member Aviles, Council
10 Member Hudson, Council Member Holden, and Council
11 Member Caban.

12 To start this hearing, I wanted to share
13 about a constituent that we have in our office. She
14 has lived in her building for decades, and her
15 apartment building is inundated with B class and C
16 class violations, ranging from lacking heat and hot
17 water to mold. Since December 2021, she and her
18 neighbors have made numerous complaints to 3-1-1,
19 prompting inspections from HPD to address these
20 issues. Sometimes the agency is able to send
21 inspectors and sometimes the constituents feel
22 ignored. When agency inspectors eventually do come to
23 their home, the landlord will remediate the issues
24 and the issue may be corrected for the night or for
25 just a few days. My constituent then again calls 3-1-

1 for the same issue and when they're met with no response from HPD, they have finally turned to my office to escalate. This year alone, my office has addressed a total of hundreds of complaints related to landlords and building owners who are neglecting their duty to take care of their buildings. This one example had 76 calls made to 3-1-1 over a 12-month period with 55 total violations issued to said building and yet repairs not completed.

Recurring complaints and violations are more than just anecdotal. All too frequently, Council Members, advocates, city agencies respond to thousands of housing quality complaints ranging from lack of heat to pervasive mold to gas and electrical outages. A 2020 report by the New York State Comptroller, however, tells us of a building, another example, that received 175 calls from tenants issuing 3-1-1 complaint calls but not a single inspection was conducted in this building and certainly no violations were issued. So despite HPD's gargantuan task of conducting 500,000 annual inspections, far too many New Yorkers still feel that they remain in substandard housing. This is a critical reality as these violations impact the health and wellness of

our tenants, our community, and our environment. It's not lost on us the relationship between health outcomes and substandard housing conditions. As we know, the social determinants of health begin with a healthy home. Throughout the years, the City has made great strides in enforcing the City's Housing Maintenance Code. The Council has enacted legislation to remedy violations impacting our communities including Local Law 18 of 2020 establishing the Heat Sensor Program, Local Law 1 of 2018 creating the Certificate of No Harassment Pilot Program, Local Law 117 of 2019 requiring HPD to audit 15 percent of certification of correction of class C violations to name a few. Yet, while these programs provide the City one of the most robust set of enforcement tools in the State of New York, their efficiency is often unknown or insufficient. The live stream is not up yet so you are going to hear that again. Maybe not. I was wondering what, since we are not on camera, y'all want to just tell me how your weekend was?

Good afternoon. I won't repeat all of my opening statement that I've already read, but I do want to acknowledge the Council Members present,

2 Council Member Marte, Hanif, Aviles, Hudson, Holden,
3 Feliz, and Carr, and Council Member Kagan and Caban.

4 To continue, while these programs provide
5 the City with one of the most robust set of
6 enforcement tools in the State of New York, their
7 efficiency is unknown and perhaps insufficient,
8 either in actual operations of the program, the
9 overall cohesiveness in the way that they work
10 together, or in the recovery of fines and fees. There
11 are evidently points we need to address in ensuring
12 the City's Housing Maintenance Code and when it is
13 not enforced ensuring landlords are held accountable
14 given the severity of the issues at hand.

15 Today, we will assess tools at the City's
16 disposal for enforcing our Housing Maintenance Code
17 and hold those accountable who in bad faith
18 consistently ignore the stipulations thereof. I'll
19 touch on these programs briefly, but at today's
20 hearing I want to go beyond the basic facts about the
21 program. It is essential for the Committee to carry
22 out its oversight functions to learn whether these
23 programs are working and ways that we can work
24 together to improve them, all with the aim of making
25 sure that New Yorkers feel safer in their homes.

2 To begin, 7A. 7A allows judges in Housing
3 Court to appoint property administrators when owners
4 of a property have effectively abandoned their
5 property and the conditions at the property are
6 dangerous to the life, health, and safety of the
7 tenants. In Fiscal Year '20, 40 units were discharged
8 from the 7A program or were in compliance with a 7A
9 Consent Order, 23 in Fiscal Year '21, and 34 in
10 Fiscal Year '22. I hope to hear from the
11 administration about the success and state of the
12 buildings in this program, under which circumstances
13 HPD requests a 7A administrator, and how buildings
14 can successfully exit the program.

15 Alternative enforcement. The Alternative
16 Enforcement Program requires HPD to perform frequent
17 inspections to a select number of buildings in the
18 City of New York, track correction of violations,
19 issue orders to correct if the owner fails to act and
20 make repairs as necessary. In Fiscal Year '20, there
21 were 1,256 units discharged from the Alternative
22 Enforcement Program as a result of owner compliance,
23 6,484 units in Fiscal '21, 4,135 in Fiscal '22. Our
24 data shows that 386 buildings have gone through the
25 Alternative Enforcement Program more than once. If a

2 building has gone through AEP once and somehow
3 becomes eligible to enter it again, we need to
4 revisit the Alternative Enforcement Program to see
5 are there property owners who are repeatedly failing
6 to properly maintain their buildings at the expense
7 of the safety of the tenants.

8 The Certificate of No Harassment Program.
9 Local Law 1 of 2018 established a pilot program
10 requiring owners of certain buildings to obtain a
11 Certification of No Harassment before filing for
12 permits at the Department of Buildings to perform
13 certain construction work. The CONH program aims to
14 ensure that building owners do not harass tenants
15 when they seek to conduct alterations or demolition
16 work. What is unclear is how many Certifications of
17 No Harassment have been issued since the pilot
18 program began and whether the program has increased
19 or decreased the number of harassment complaints from
20 tenants.

21 Emergency repair. HPD has the power to
22 intervene and correct emergency violations via the
23 Emergency Repair Program when a property owner fails
24 to act. There were 360,480 dwelling units in Fiscal
25 '20 that had emergency work completed under ERP but

1 only 40,547 units in '21 and 42,039 units in '22,
2 likely because of the pandemic I'm sure we'll hear.
3 Further, our data shows multiple dwellings at
4 multiple buildings undergoing ERP a few times with
5 one building going through the program 80 times.
6 Further, I'm concerned with owners abuse of this
7 program in their efforts to shirk their
8 responsibilities to tenants. I am interested in
9 hearing from the administration how the fees
10 associated with the Emergency Repair Program, how
11 many go unpaid and how many become liens across the
12 property with both HPD and DOF's enforcement
13 protocols during these procedures.

14
15 HPD's latest report on the Alternative
16 Enforcement Program shows that over 100 million
17 dollars including interest has been recouped through
18 the program. Of this, 40 million were ERP charges, 53
19 million were AEP charges, 18 million of those for
20 system replacement and 35 million for emergency
21 repairs and utilities. I'm interested in the total
22 amount of charges imposed in addition to these
23 recouped by the Department. I'm interested also in
24 understanding the collection rate of fees over the
25 last several years and how HPD and DOF have improved

2 collection overall. In 2019, the New York State
3 Comptroller selected a sample of 25 complaint cases
4 that resulted in notices of violation issued by the
5 agency during the last two fiscal years, ending in
6 June 2019, and, of the 25 cases, 4 were dismissed
7 after owners corrected the violations and 21 were
8 referred to Housing Court. When does HPD pursue
9 litigation versus other alternatives available to the
10 Department?

11 I won't go through all of them because I
12 know that the administration will, but there are
13 other programs that the administration has access to
14 and we want to look at each of these programs today
15 and understand how the administration measures
16 success.

17 With respect to the legislation that we
18 will be hearing today, I will pass the mic to my
19 Colleagues to speak on the bills that they are having
20 heard and, just to speak on my own, I alongside nine
21 Council Members from the Districts with highest rates
22 of complaints, introduced Intro 204 which would raise
23 the inspection fees for repeat inspections as time
24 and time again heat and hot water complaints go
25 unaddressed. I'm also sponsoring Intro 434 which

2 seeks to expand the Heat Sensor Program. The Heat
3 Sensor Program has proven to have some success since
4 its adoption in the pilot phase, and it's worth
5 expanding. We will also take a look at how the pilot
6 program has fared and what we can do to expand and
7 make it more effective.

8 Intro 163 sponsored by Council Member
9 Holden relates to the photographic documentation
10 evidencing certain violations enforced by HPD.

11 Intro 484 is sponsored by Council Member
12 Marte which is the DOB analog to 163.

13 Intro 243 is sponsored by Council Member
14 Hanif relating to multiple dwelling owners being
15 required to post notices regarding electric space
16 heater safety.

17 Intro 337 is sponsored by Council Member
18 Hudson relating to HPD providing annual lists of open
19 Housing Maintenance Code violations to multiple
20 dwelling occupants and tenants.

21 Finally, 583 which is sponsored by the
22 Public Advocate who could not join us today relating
23 to an increase in penalties for violations issued by
24 HPD and requiring HPD to maintain a Certification of
25 Correction watchlist and prohibiting any listed

2 landlord from certifying correction of violations in
3 multiple dwellings without an inspection.

4 I would like to thank my team, Sam
5 Cardenas, my Chief-of-Staff, Kadeem Robinson, our
6 Legislative and Communications Director as well as
7 the Housing and Buildings Committee staff, Audrey
8 Son, Taylor Zelony, Jose Conde, Charles Kim, Dan
9 Kroop, and a special shoutout this hearing to our
10 Data Scientist Brook Frye who spent many, many hours
11 analyzing open data records.

12 With that, thanks everyone again for
13 being here today. I want to turn it over to my
14 Colleagues to make introductions about their bills.
15 First up, Council Member Marte.

16 COUNCIL MEMBER MARTE: First of all, I
17 want to thank Chair Sanchez for having this hearing
18 and bringing this piece of legislation onto the
19 agenda. I also want to thank my Legislative Director
20 Ian Wang and Rachel Cordero from Central Staff for
21 making this bill possible.

22 Intro 484 will require the Department of
23 Buildings Inspector to take photos when they respond
24 to tenants' complaint and issue violations. Right
25 now, too often our office receives calls and emails

2 from constituents telling my staff that they still
3 have their apartment issue unsolved despite multiple
4 DOB inspections. They are unsure if the inspector
5 even went into their building or spotted the correct
6 conditions for repairs before closing the ticket
7 prematurely. This bill intends to address this issue
8 and bring more transparency and accountability to New
9 York City tenants by requiring photographic evidence
10 and maintaining such records so that public and local
11 elected officials have the ability to make sure that
12 DOB inspectors actually conduct the inspection and
13 the job they were sent out to do before closing any
14 ticket. This is about bringing DOB and inspectors
15 into the 21st century. Right now, especially during
16 the holiday season, any time you receive a package
17 and they leave it at your doorstep, the UPS, FedEx
18 worker takes a photo. We all have smart phones. Even
19 the instruments that many of these inspectors hold,
20 whether it's an iPad or another tablet, have the
21 ability to take photos. There's no reason why we
22 shouldn't have this in New York City. We are mindful
23 that this law does not add any additional burden or
24 poses any challenges for DOB inspectors to conduct
25 their job. Our office will continue to partner with

2 the Department and the Commissioner to coordinate
3 further rulemaking to ensure a smooth implementation
4 of this law.

5 Thank you again, Chair, for allowing us
6 to have this hearing.

7 CHAIRPERSON SANCHEZ: Thank you so much,
8 Council Member Marte. I next want to pass it to
9 Council Member Hanif.

10 COUNCIL MEMBER HANIF: Thank you, Chair
11 Sanchez and the Committee on Housing and Buildings
12 for hosting this critical hearing. I deeply
13 appreciate you including Intro 243-A on today's
14 agenda.

15 Electric space heaters are one of the
16 leading causes of fires. According to the Consumer
17 Product Safety Commission, portable heaters are
18 involved in about 1,700 fires per year nationwide
19 resulting in about 80 deaths and 160 injuries. The
20 tragic Twin Parks Fire in Council Member Feliz'
21 District in January of this year showed how
22 devastating these fires can be. Unfortunately, we
23 know we cannot eliminate space heater usage in our
24 city. While landlords have an obligation to their
25 tenants to provide adequate heating, this obligation

is often not met and residents are forced to resort to using heaters to stay warm. Earlier this year, the Council passed my bill, Local Law 64 of 2022, which prohibited space heaters without necessary safety features from being sold in our state. Intro 243-A, which is being heard today, builds off of this legislation by making sure tenants know how to use space heaters safely. If passed, this bill would require building owners to conspicuously post an informational notice on how to properly operate a space heater. The notice would need to include the recommendations 1) purchasing an electric space heater with the seal of a qualified testing laboratory such as Underwriters Laboratories, Inc., 2) choosing a heater with a thermostat and overheat protection including tip-over automatic shut-off functionality, 3) operating the heater at least three feet away from anything flammable, 4) operating the heater only on a solid flat surface, 5) keeping the heater away from heavily trafficked areas in the dwelling, 6) never blocking a dwelling exit, 7) keeping children and pets away from the heater, 8) plugging the heater directly into the wall outlet and never using an extension cord or surge protector, 9)

2 turning off and unplugging the heater when leaving a
3 room or going to sleep, and 10) additional
4 recommendations issued by the Department. Since the
5 bill was introduced, I've added amendments with the
6 assistance of the great Housing and Buildings
7 Committee staff Taylor Zelony and Audrey Son to
8 better ensure that our immigrant communities are able
9 to receive this notice in the languages they speak,
10 the A version being heard today ensure that the
11 notice will be available in the 10 designated
12 citywide languages as well as additional languages.
13 This legislation is a commonsense approach that will
14 reduce risk and save lives.

15 I appreciate the sponsorship of this bill
16 from 20 of my Colleagues and strongly encourage
17 others to sign on and for the Council to pass it
18 expeditiously. Thank you so much for your
19 consideration.

20 CHAIRPERSON SANCHEZ: Thank you so much,
21 Council Member Hanif. We'll next go to Council Member
22 Hudson.

23 COUNCIL MEMBER HUDSON: Thank you, Chair
24 Sanchez, and good afternoon. Today the Committee on
25 Housing and Buildings will hear my bill, Introduction

2 337, which would require the Department of Housing
3 Preservation and Development to compile and
4 distribute by mail to tenants or occupants of a
5 multiple dwelling a list of any unresolved violations
6 of the Housing Maintenance Code for such dwelling
7 once a year. I introduced this bill after speaking
8 with countless tenants who reached out to my office
9 because their landlord failed to address the myriad
10 violations in their units similarly to Chair Sanchez
11 and the constituent cases that she's referenced.

12 These tenants wanted evidence to prove unaddressed
13 violations and to be able to use such evidence of
14 leverage to force their landlords to fix these issues
15 as quickly as possible, and this bill does just that.

16 Further, we need to arm tenants with the tools they
17 need to fight against excessive rent increases by
18 greedy landlords. One way to fight the rampant
19 displacement we've seen in my District is for long-
20 time tenants to be able to negotiate lease renewals
21 with their landlords in a way that mitigates high
22 rent increases. Being equipped with outstanding
23 Housing Maintenance Code violations in their unit
24 would allow tenants to fight back against attempted
25 unjustified rent hikes. While this information was

2 readily available on the City's Open Data and HPD's
3 Building Registration and Violation Portals, most New
4 Yorkers know neither about the existence of these
5 sources nor how to use them, but we should, of
6 course, continue investing and making our City's data
7 more accessible for all. We should also provide this
8 data proactively in a digestible, easy-to-understand
9 format.

10 I want to say thank you to Chris Pepe for
11 drafting this bill as well as to my Chief-of-Staff
12 Casie Addison and my Director of Policy and Budget
13 Issues Andrew Wright, and thank you, again, Chair
14 Sanchez.

15 CHAIRPERSON SANCHEZ: Thank you oversight
16 much, Council Member Hudson, and I hope you feel
17 better soon. We'll next go to Council Member Bob
18 Holden.

19 COUNCIL MEMBER HOLDEN: Thank you, Chair
20 Sanchez, for hosting this hearing today, all the
21 great bills that are being heard, and, of course,
22 including my bill, Intro 163.

23 Intro 163 would require the Department of
24 Housing Preservation and Development, HPD, to submit
25 photographic documentation when issuing a Notice of

2 Violation. HPD would also be required to publish a
3 list of violations subject to this requirement on its
4 website. We certainly need transparency and
5 consistency when any government agency issues a
6 violation. My bill would make it easier for building
7 owners and tenants to understand why they are
8 receiving a violation and what has to be done to
9 remedy the situation. Again, I want to thank the co-
10 Sponsors of this bill and all the bills that are
11 being heard today and look forward to hearing
12 testimony today from HPD and the public. Again, thank
13 you, Chair Sanchez.

14 CHAIRPERSON SANCHEZ: Thank you so much,
15 Council Member Holden.

16 I'll now turn it over to our Committee
17 Counsel to administer the oath.

18 COMMITTEE COUNSEL SON: We'll now take
19 testimony from the administration. Please raise your
20 right hand.

21 Do you affirm to tell the truth, the
22 whole truth, and nothing but the truth in your
23 testimony before this Committee and to respond
24 honestly to Council Member questions?

25 ADMINISTRATION: (INAUDIBLE)

2 Thank you. You may begin when ready.

3 DEPUTY COMMISSIONER SANTIAGO: Excuse my
4 voice. I'm recovering also from a respiratory. Good
5 afternoon, Chair Sanchez and Members of the Housing
6 and Buildings Committee. My name is AnnMarie
7 Santiago, and I am the Deputy Commissioner of the
8 Office of Enforcement and Neighborhood Services at
9 the New York City Department of Housing Preservation
10 and Development. I am accompanied today by the
11 leadership of the Enforcement Team, Marti Weithman,
12 Assistant Commissioner of the Housing Litigation
13 Division, Grace DeFina, Assistant Commissioner of the
14 Division of Special Enforcement, Joshua Cucchiaro,
15 Assistant Commissioner of the Emergency Operations
16 Division, and Renee Peay, Assistant Commissioner of
17 the Division of Neighborhood Preservation. Mario
18 Ferrigno, Assistant Commissioner of the Division of
19 Code Enforcement, and Angela Robinson, Assistant
20 Commissioner of our administration and Internal
21 Compliance Division, unfortunately, could not be with
22 us today.

23 Thank you for the invitation to testify
24 on our enforcement of the Housing Maintenance Code

2 and several bills proposed by the City Council
3 related to our enforcement of that Code.

4 The mission of the Office of Enforcement
5 and Neighborhood Services, which we share with the
6 Council, is to protect the quality of housing for all
7 New Yorkers. Each of us here today represent a
8 dedicated team of field office staff who worked
9 throughout COVID to keep New Yorkers safe conducting
10 inspections and response to complaints, reinspecting
11 open violations all to ensure that build records
12 reflect repairs and to ensure that landlords who did
13 not make repairs continue to be held accountable for
14 those conditions, seeking enforcement of orders, and
15 educating owners. We continued to provide our basic
16 services such as restoring heat when property owners
17 were unable to or refused to do so. At the same time,
18 we implemented a number of new laws, rules, and
19 common sense procedures to design to improve the
20 safety for our families and protect tenants from
21 harassment. We continued to find new and innovative
22 ways to fulfill our mission despite the challenges
23 faced by all city agencies over the past three years.
24 I know that all of you have interacted with our
25 services on behalf of your constituents over the past

2 year, but I would like to share some important
3 statistics and highlights from the past three years
4 to bring some context to our work.

5 In Fiscal Year 2022, Code Enforcement
6 received 580,000 complaints and conducted over
7 700,000 inspections and re-inspections of existing
8 violations. For Code Enforcement activity
9 specifically, almost a million dollars in inspection
10 fees was assessed and billed to properties through
11 their property taxes. We implemented multiple changes
12 regarding lead-based paint that expanded the number
13 of households protected by our lead-based paint laws
14 including more audits and the issuance of violations
15 for lead paint hazards at lower levels of lead in
16 paint. We enhanced our work around fire safety,
17 implementing new laws, posting a new multi-language
18 notice whenever we issue a self-closing door
19 violation in a building, sending more details about
20 how to ensure that self-closing doors are working
21 properly, and owner and tenant notices that are
22 mailed after a violation is issued, and educating
23 owners on the need for fire safety notices in each
24 apartment. Overall, during Fiscal Year '22, we
25 completed emergency repairs that affected more than

2 42,000 apartments, restoring heat, addressing
3 (INAUDIBLE) mold, repairing self-closing doors, and
4 fixing collapsing ceilings.

5 We have used all of the tools at our
6 disposal to enforce the code. This calendar year to
7 date, we selected another 250 buildings for the
8 Alternative Enforcement Program. We recently issued
9 underlying condition orders to more than 70 buildings
10 where mold and leaks are systemic. We now have almost
11 100 buildings in the Heat Sensor Program, and our
12 anti-harassment unit conducted inspections in over
13 600 buildings.

14 We continue to file cases seeking orders
15 to correct violations and access warrants to the
16 extent possible based on the court's capacity in
17 Fiscal Year '21 and returned to court in person when
18 they reopened last fall.

19 In Fiscal Year '22, we closed cases which
20 affected over 5,500 dwelling units with orders to
21 correct and civil penalties where warranted. Over
22 61,500 violations were closed through our litigation
23 actions. We obtained orders and civil penalties in
24 cases related to lead-based paint compliance and
25 against owners who have harassed tenants through the

2 deferral of maintenance and deprivation of essential
3 services in buildings across the city.

4 Our litigation activity additionally
5 extends to seeking orders and penalties in heat and
6 hot water cases, obtaining access warrants when
7 property owners refuse our Emergency Repair Program,
8 and working on the Certification of No Harassment
9 Program including the pilot program which was renewed
10 and expanded by the Council last fall.

11 In our efforts to ensure that tenants
12 know their rights and ensure that property owners
13 comply with the law, we have held 11 lead-based paint
14 and mold webinars with almost 2,000 participants. We
15 also conducted over 50 outreach events with the Fire
16 Department on fire safety issues and with 17
17 different Council Members in your Districts.

18 We have started using a new customer
19 service technology that allows property owners and
20 tenants to make appointments with our Property
21 Registration Unit and our Borough Office Code
22 Enforcement Offices to discuss multiple topics.
23 Appointments can be in person, via telephone, or via
24 video conferencing.

2 We have done all of this while making
3 every effort to address our significant staffing
4 challenges, which I mentioned in my testimony earlier
5 this year. We have interviewed over 490 people for
6 our Housing Inspector, Technical Field Staff, and
7 Attorney positions. We have a new class of inspectors
8 starting next week and plan to hold another job fair
9 early in the new year. We are still looking to fill a
10 number of vacancies as well in our Housing Litigation
11 Division and our Emergency Operations Division.

12 Commissioner Carrion has personally trumpeted this
13 need far and wide at all types of events and
14 interviews that he has participated in. HPD has
15 continued to reach out to all types of constituencies
16 who might be interested in working for us, including
17 through expanded social media campaigns. As always,
18 we ask for your support in these recruitment efforts
19 and would be happy to share all job descriptions with
20 you and your Colleagues at the Council. We fully
21 intend to take advantage of such opportunities in the
22 future.

23 Even given our limited resources at this
24 time, we have plans to improve and expand some of our
25 most important tools and services. In the Housing

2 Blueprint, we committed to expanding the use of our
3 Anti-Harassment Unit, improving our technology even
4 further to make interacting with the agency easier
5 for tenants and owners, and improving our training to
6 ensure our inspections and repairs are conducted by
7 knowledgeable and professional staff. I would be
8 happy to discuss all of these new initiatives with
9 the Council as we implement them over the next
10 several years.

11 Especially on the use of technology, I
12 would like to take a minute to let the Council know
13 about the implementation of our Real-Time Field Force
14 application which began in 2019 and which continues
15 to expand to more types of inspections and more units
16 within our office. RTFF currently allows our Code
17 Inspectors working in our Borough Offices to start
18 their day in the field for complaints inspections,
19 improving productivity and allowing us to respond
20 more quickly and efficiently than when we had to
21 create routes in the office. We have rolled it out
22 slowly, making improvements as we go to streamline
23 our inspection data collection and are planning to
24 expand to certification re-inspections sometime in
25 2023. We are planning to improve our public-facing

2 information portal, releasing a new online
3 application to view HPD complaints and violations,
4 improving HPD online in ways we trust will improve
5 our customer service experience obtaining building
6 information.

7 We have continued as well to expand our
8 relationships with other city agencies, working more
9 closely than ever with the Department of Health
10 related to lead, pests, and allergen hazards as well
11 as working closely with other agencies including the
12 Department of Buildings, the Fire Department, the Law
13 Department, the Department of Environmental
14 Protection, and most recently related to the Rat
15 Reduction Initiative building stronger relationships
16 with the Department of Sanitation.

17 We continue to work with State partners
18 as well, specifically the Attorney General's office
19 and Homes and Community Renewal on the Tenant
20 Harassment Taskforce.

21 In terms of the bills before us today, I
22 want to thank the Council for their continued
23 commitment to the tenants and property owners of New
24 York City. We commend and support the goal of
25 targeting agency enforcement to bad actors including

2 those who repeatedly falsely certify the correction
3 of violations or repeatedly fail to address
4 conditions for which violations are issued. We
5 appreciate legislation that seeks to educate owners
6 or tenants about the dangers that could be present in
7 their homes and, understanding that these are the
8 goals of these bills, we look forward to working on
9 the details of the proposed legislation to ensure
10 they can be implemented in a real and meaningful way.
11 We do have some concerns about the bills to share.

12 For Intro 204, we support the bill in
13 concept but are not able to charge inspection fees
14 for more than the cost of the service we provide so
15 we are working to determine the current cost of this
16 service which we will share with the Council.

17 Regarding Intro 243, we also support the
18 goal of the bill, and we look forward to discussing
19 other ideas for more comprehensive and effective ways
20 to communicate important safety information to
21 tenants.

22 On Intro 337, we want to make sure that
23 everyone knows about HPD Online, the mechanism in
24 place to provide information quickly and easily to
25 the public. We are certainly open to discussing with

2 the Council how to make that information more readily
3 accessible for New Yorkers who don't have internet
4 access.

5 For Intro 434, we want to ensure that the
6 program continues to focus on only repeat offenders
7 and does not have the unintended consequence of
8 penalizing owners who address conditions that
9 sometimes arise. We also have concerns about both the
10 increase in staff and technology resources the bill's
11 implementation would require. In addition, issuing
12 violations without first undertaking an inspection of
13 the premises may raise other concerns that are
14 normally addressed when an inspector visits a
15 building, including a sensor's reading may not always
16 reflect an apartment's temporary. The Law Department
17 is reviewing the bill for concerns. Starting to issue
18 violations not based on an inspector's observation is
19 a slippery slope, especially when we are relying
20 instead on technology that can be tampered with by
21 both owners and tenants, but, as we evaluate the
22 results of our current Heat Sensor Pilot Program, we
23 look forward to further conversations with the
24 Council about the most effective ways to address real
25 issues around problem buildings.

2 In regards to Intro 583, we support
3 increasing penalties and restricting the privilege of
4 certifications and the (INAUDIBLE) comply process,
5 but we need to work with the Public Advocate and the
6 Council in ensuring the process is simple and
7 straightforward. We would also like to discuss some
8 additional amendments that would strengthen HPD's
9 ability to hold bad actors accountable.

10 Finally, for Intro 163, HPD is opposed to
11 this proposed legislation as it would require
12 valuable technology resources and we are not aware of
13 issues related to contesting HPD violations that
14 would be addressed by this bill.

15 We hope to have further conversations
16 around all of these efforts and to work
17 collaboratively with the Council to address your
18 concerns so that we can continue to work toward the
19 goal of providing quality housing for all New
20 Yorkers.

21 Thank you and we would be happy to answer
22 any questions you might have.

23 CHAIRPERSON SANCHEZ: Thank you so much,
24 Deputy Commissioner Santiago. Very thankful for your
25 comprehensive testimony.

2 It's almost the holidays, and it should
3 be a happy time for New Yorkers, but the reality is
4 that we know every single year heat and hot water
5 complaints spike at this time. I'm looking over at
6 Council Member Feliz who just, when we were nine days
7 in office, faced the biggest tragedy that the Bronx
8 has seen in decades with the Twin Parks Northwest
9 Fire caused by a space heater so the first question
10 that I want to ask is grounded in heat and hot water
11 complaints, heating in particular is one of the most
12 pernicious, consistent complaints that we have all
13 across the city and yet a heat map of these
14 complaints shows us what we unfortunately expect to
15 see, that the heat complaint volume is concentrated
16 in the lowest-income communities, communities of
17 color, time and time again and so the first question
18 is just a general one from the perspective of the
19 administration, what efforts has the administration
20 taken, what changes have been made since January 2022
21 to address the persistent heat and hot water
22 complaints, those buildings that are repeat offenders
23 and the agency is receiving calls for time and again.

24 DEPUTY COMMISSIONER SANTIAGO: Thank you,
25 Council Member, for that question. One of the ways we

2 have addressed those buildings is, of course, as I
3 mentioned through our technology, we're making
4 efforts to improve the speed at which we can respond
5 to complaints. We do also have in place some
6 processes for identifying buildings that have a
7 particularly High number of complaints, and our
8 Division of Neighborhood Preservation, which we may
9 talk about later, attempts to contact tenants from
10 those buildings, contacts owners, follows up, whether
11 or not violations are issued to try and get a sense
12 of what the conditions are at the building. We do
13 have inspectors in all of our Borough Offices that
14 respond to the complaints. We also have a team that
15 may go out towards the evening to respond to tenant
16 complaints as well. Of course, we monitor the
17 issuance of heat violations, and we expedite that
18 through our Emergency Repair Program, and we may have
19 time later as well to talk about how that process
20 works where, as soon as the violation is issued,
21 within a very short time period, we are reaching out
22 to the owner, we are reaching out to the tenant, and
23 then we follow that up with a field staff visit
24 assuming that the temperature is low in the
25 apartment.

2 CHAIRPERSON SANCHEZ: Thank you for that.

3 From your perspective, you have inspectors that walk
4 into every single one of these buildings, what is the
5 cause that you can see for why buildings or owners do
6 not provide this heat and hot water? Is it what
7 tenants think which is just saving money on oil or
8 gas or whatever the case may be? What are some of the
9 different causes that you see and how can we address
10 some of those?

11 DEPUTY COMMISSIONER SANTIAGO: I'm sure
12 that there are, Council Member, property owners who
13 fail to provide the service as a way either to save
14 money, as a way to harass tenants, but I do not
15 believe that that is the majority of the cases. I do
16 believe that there are situations that happen where
17 boilers break down, they're only machines, where fuel
18 deliveries fail to get made because of human error. I
19 don't think that the majority of buildings don't
20 provide heat maliciously. I think we took a look at
21 the heat violations that were issued last year, and
22 about 75 percent of the buildings that had a heat
23 violation only had one, which would kind of indicate
24 that for most buildings it's not that there's a
25 pattern of failure to provide heat and so we do have

2 the Heat Sensor Program which we're still evaluating
3 about how effective that is, we do have inspection
4 fees related to properties where heat is not adequate
5 multiple times. We can go into Housing Court, and we
6 do, on those property owners who have multiple heat
7 violations, either over one heat season or over
8 multiple heat seasons.

9 CHAIRPERSON SANCHEZ: It's helpful to hear
10 that 75 percent of violations had only violation. Do
11 you track the cause of a no-heat condition in a
12 building?

13 DEPUTY COMMISSIONER SANTIAGO: We do not,
14 and sometimes we don't know. The inspector is not
15 really a boiler expert, he or she has to be a
16 generalist, and a lot of times most of the correction
17 is done by the owner before we have to be involved
18 with that correction and so we're not in a position
19 to say. Obviously, the hardest cases are cases where
20 the boiler just is not working for whatever reason,
21 and those are the ones that often fall to us if
22 there's no owner in the picture, if the owner can't
23 afford to make the repair, and Emergency Repair needs
24 to be involved, those are often the hardest ones that
25 we see, but, in general, I think there's no way for

2 us to know what the owner fixed before we got there
3 or what condition was addressed in terms of making
4 the repair.

5 CHAIRPERSON SANCHEZ: Moving to the Heat
6 Sensor Program in particular. There's a pilot
7 program. 50 buildings were chosen in the first year.
8 Of those buildings that complied with their selection
9 into the Heat Sensor Program, we did see improvements
10 in the number of complaints that tenants were making
11 and the number of violations issued certainly over
12 the previous year prior to involvement in the program
13 so can you speak to how you have seen the success or
14 failure or gaps that the program has and you
15 mentioned 100 buildings are now in the program
16 because it's 50 a year, second year, that makes
17 sense, but how do buildings exit the Heat Sensor
18 Program?

19 DEPUTY COMMISSIONER SANTIAGO: Thank you,
20 Council Member, and it's good to talk about this
21 program in particular I think. You're right. We did
22 see an improvement in buildings where heat sensors
23 were installed, but we also saw improvement in those
24 buildings where no heat sensor was installed so with
25 a very small sample size of 50, it's hard to make a

2 definitive statement that having the heat sensors
3 reduced the number of violations. I think in some
4 cases owners were upset about having to install the
5 heat sensors and actually, in some cases, the owner
6 said it's okay that I installed the heat sensors
7 because now you know that the heat is adequate so it
8 kind of was a mixed bag amongst those owners. Not all
9 of the buildings did install the heat sensors as
10 required, and, in some cases, we initiated legal
11 action against those owners. The second cohort of
12 buildings was just selected in July as is required. I
13 think the discharge from that program is very
14 difficult because it requires you to not have had not
15 only heat violations but violations relating to the
16 heat sensors themselves over the period of time and
17 so very few buildings have actually been discharged
18 from the program because, especially that first year,
19 although we did a lot of outreach to try to get
20 owners to understand what they had to do, they didn't
21 comply in time and so, even if they eventually put
22 the sensors in, they had had that violation issued so
23 that's something that would be (INAUDIBLE) to discuss
24 is kind of an out-take strategy for that program
25 which may have been overlooked in the original

2 legislation, but I think what we really hope to do is
3 look at the second cohort in connection with the
4 first to try to get a better sense. It was also the
5 COVID years as I refer to them when that first two-
6 year cohort was in, and that may have also affected
7 both owners ability to install the sensors and
8 tenants willingness to have the sensors quite
9 frankly.

10 CHAIRPERSON SANCHEZ: That is helpful but
11 we would have to do a power analysis to see the
12 statistical significance of it all, but those
13 buildings that did comply improved more than the
14 buildings that didn't comply so more to come. I
15 agree. I, of course, have a million questions, but I
16 want to give my colleagues an opportunity before I
17 continue with questions so first I'm going to turn it
18 to Council Member Marte. Council Member Marte has
19 some questions for DOB.

20 COMMITTEE COUNSEL SON: Deputy
21 Commissioner, before you give your answer, I'm just
22 going to administer the oath again because I don't
23 think we were able to capture your response earlier.
24 Please raise your right hand.

2 Do You affirm to tell the truth, the
3 whole truth, and nothing but the truth in your
4 testimony before this Committee and to respond
5 honestly to Council Member questions?

6 DOB DEPUTY COMMISSIONER: I do.

7 COMMITTEE COUNSEL SON: Thank you.

8 CHAIRPERSON SANCHEZ: Sorry. Just before
9 you begin, I want to acknowledge that we've been
10 joined by Council Member Dinowitz.

11 COUNCIL MEMBER MARTE: Great. My first
12 question is are there any obstacles from implementing
13 Intro 484?

14 DOB DEPUTY COMMISSIONER: Hi, Council
15 Member, how are you?

16 COUNCIL MEMBER MARTE: Good.

17 DOB DEPUTY COMMISSIONER: We have similar
18 concerns to the concerns that HPD raised with Intro
19 163. Those are primarily technological concerns so
20 currently, while we have the capability to print
21 summons in the field, our inspectors have mobile
22 printers, they don't have the capacity to print
23 photographs in the field so that's one of our IT
24 concerns so allowing them to do that would require
25 perhaps equipping them with new equipment. A

2 secondary concern we have is privacy concerns that
3 we're still discussing internally, but sometimes our
4 inspections involve the interior of someone's home so
5 their bathrooms, bedrooms, and other living spaces,
6 and then, finally, one of the additional concerns we
7 had is how many photos would we have to include,
8 sometimes one photo doesn't tell the whole story so
9 we don't want respondents to believe that they only
10 have to correct what's viewable in the photo if it
11 doesn't capture all the violating conditions that
12 we're noting in our summonses so those are just some
13 of the concerns that we have with the bill.

14 COUNCIL MEMBER MARTE: Do you believe that
15 adding photography and investing in the equipment
16 will increase the efficiency of tickets getting done?
17 Right now, I'm sure all of our offices get complaints
18 from tenants, even property owners, where DOB
19 inspects or probably doesn't inspect, but their
20 ticket closes with no change done. Don't you think
21 this is worth the investment for future generations
22 as well?

23 DOB DEPUTY COMMISSIONER: Currently, we
24 have our Buildings Information System so all of our
25 complaints, inspections, and violations, that's all

2 publicly available through our website currently so
3 I'm not sure what instances you might be referring to
4 where we close out a complaint and didn't issue a
5 violation. Maybe we didn't see a violating condition
6 when we showed up so I think I'd like to explore that
7 further with your office.

8 COUNCIL MEMBER MARTE: All right. Finally,
9 have you done any cost estimates of what this might
10 cost if we do move forward with this legislation?

11 DOB DEPUTY COMMISSIONER: We haven't, but
12 that's something that we'd certainly look into.

13 COUNCIL MEMBER MARTE: Okay.

14 CHAIRPERSON SANCHEZ: Thank you so much,
15 Council Member Marte. Coming back, Deputy
16 Commissioner, you mentioned that 75 percent of
17 buildings only had one violation. Of course, that
18 leaves us with a 25 percent of buildings who are
19 having repeated violations so can we touch on a
20 moment on the legislation, Local Law 117, that passed
21 in, I believe, 2020, which is requiring HPD to audit
22 15 percent of Certificates of Correction, and pretty
23 consistently finding that 30 percent of these
24 corrections are false. How can that be and what are
25 we doing as a city, what is HPD doing to improve the

2 lies? These are folks who are not fixing conditions
3 and saying that they are. What is the agency able to
4 do about it?

5 DEPUTY COMMISSIONER SANTIAGO: Thank you
6 for that question, Council Member. (INAUDIBLE) and
7 one of the striking things that we noticed
8 (INAUDIBLE) certifications are happening around
9 (INAUDIBLE) and so we (INAUDIBLE) time period
10 (INAUDIBLE) required (INAUDIBLE) 21 days for that
11 correction. One of the concerns we have is whether or
12 not that allows enough time to correct (INAUDIBLE)
13 certifying that action (INAUDIBLE) As probably most
14 people know, it takes a (INAUDIBLE) often if there's
15 a serious (INAUDIBLE) in order to cure that
16 condition. I'm sorry. I didn't realize it was off.
17 That is one issue that I think that particular group
18 of violations we need to pay a little bit more
19 attention to and think about how to deal with that. I
20 think we do support, as Public Advocate Williams has,
21 some new kind of program to penalize repeat offenders
22 for false certification. I think we have some
23 concerns about the implementation of the program as
24 he designed it in the bill, but we're certainly
25 looking forward to having conversations with him

2 about a way to ensure that once we identify repeat
3 offenders, we can take some action to stop them from
4 continuing to do that and get violations closed so
5 that's a conversation that absolutely is on our
6 agenda.

7 CHAIRPERSON SANCHEZ: Thank you. Circling
8 back to heat and hot water repeat offenders, what are
9 some of the causes that you see that are more common
10 in those situations where it's repeated failures?

11 DEPUTY COMMISSIONER SANTIAGO: I think,
12 again, there are some small minority of property
13 owners who are maybe doing this willingly and
14 purposefully, but some of the things to consider are
15 that a repeat offender could be a heat violation
16 that's issued this week and next week during which
17 the owner is still trying to correct the original
18 problem so that is one. A second is that the repair
19 that is made is actually insufficient, whether that's
20 the plumber's mistake in judging how the repair
21 needed to happen or whether that's the owner trying
22 to not invest what he or she needs to invest in order
23 to repair it properly so those types of situations do
24 happen. Again, what percentage of that 25 percent is

2 in any of those camps I would only be guessing to
3 say.

4 CHAIRPERSON SANCHEZ: Would it be possible
5 insert Certifications of Corrections to ask of the
6 owners why there was a heat outage since we don't
7 have that information from the City?

8 DEPUTY COMMISSIONER SANTIAGO: I would
9 have to speak with our legal folks to answer that
10 properly I'm sure, Council Member. I'm not sure how
11 we would define what is required to be in that
12 certification, but that's an idea that we can take
13 back.

14 CHAIRPERSON SANCHEZ: Thank you. I want to
15 turn it over to my Colleague, Council Member Feliz.

16 COUNCIL MEMBER FELIZ: Thank you so much.
17 Good afternoon, everybody. Thank you so much for
18 being here. I am Bronx Council Member Oswald Feliz.
19 Thank you, Chair Sanchez, for this hearing and also
20 thank you to all of my Colleagues who have bills
21 today.

22 I have a few questions for HPD. Earlier
23 this year, we had a hearing where we talked about our
24 housing laws, enforcement of our housing laws, and
25 also capacity to enforce them, and we talked about

2 how many inspectors HPD currently has and how many
3 inspectors does HPD currently have funding for, and,
4 if I remember the numbers correctly, HPD had enough
5 funding for about 450 inspectors if I remember
6 correctly, and it only had about half of that hired,
7 about 250 inspectors. I'm just wondering if we've
8 been able to make some progress on that matter, so
9 how many inspectors does HPD currently have?

10 DEPUTY COMMISSIONER SANTIAGO: If you give
11 me one second, I do have that number here. One
12 second, please. Thank you for the question. We
13 currently have 257 inspectors in the field or at our
14 offices, and we have a little bit over 100 vacancies
15 still. Again, as I mentioned to the Chair at the
16 beginning, we've made incredible efforts this year to
17 try to hire. I believe we have interviewed over 500
18 people for our three most important titles. We're
19 doing everything we can including bringing on a new
20 class of inspectors next week, doing a job fair in
21 January. We've increased and improved on our outreach
22 through social media through any events that the
23 Commissioner attends, asking people if they have
24 folks who they believe are qualified for these
25 positions to please apply. We will take resumes

2 anytime on a rolling basis, happy to provide your
3 office and every Council Member's office with the
4 qualifications for that position. We are very
5 actively recruiting.

6 COUNCIL MEMBER FELIZ: How large is the
7 class of inspectors that's starting next week?

8 DEPUTY COMMISSIONER SANTIAGO: 15.

9 COUNCIL MEMBER FELIZ: 15? Am I
10 remembering the numbers correctly, we only had about
11 250 inspectors back in, more or less, March?

12 DEPUTY COMMISSIONER SANTIAGO: We had
13 about 240 at the hearing before, and, as quickly as
14 we bring people on, because I believe we have brought
15 on about 60 people, we've lost people in that same
16 time period To keep us where we are today so we are,
17 again, actively doing what we can to not only recruit
18 but to retain staff.

19 COUNCIL MEMBER FELIZ: So it's accurate to
20 say that in the last nine months, we've only gained
21 about 20 inspectors?

22 DEPUTY COMMISSIONER SANTIAGO: That's
23 correct.

24 COUNCIL MEMBER FELIZ: Based on the
25 realities of hiring including the application

2 process, by when do you think we'll get closer to 300
3 to 400 inspectors?

4 DEPUTY COMMISSIONER SANTIAGO: Thank you,
5 Council Member. Let me also say that at the same time
6 we are working with DCAS to talk about the job
7 qualifications, to figure out an easier way to make
8 sure that we can recruit qualified candidates. We've
9 done some outreach to other city agencies as well who
10 are looking to pair people with positions, and I
11 think this continues to ramp up and ramp up and we're
12 hoping to continue to make progress, whether it's
13 slow or not, but to also continue to retain people
14 and as we bring people in to offer the types of
15 opportunities at HPD for advancement that will keep
16 people with us. Over the years, we have sort of an
17 older workforce, and so retirements are amongst those
18 people who we have lost and I think we are getting to
19 a place where we're going to see those numbers start
20 to decline as well.

21 COUNCIL MEMBER FELIZ: How long does it
22 take to hire an inspector from the moment they apply
23 to the moment they're hired generally?

24 DEPUTY COMMISSIONER SANTIAGO:
25 Unfortunately, Assistant Commissioner Robinson is my

2 expert on personnel, and she was unable to be here
3 today, but we can try to come up with some
4 information for you on that specifically.

5 COUNCIL MEMBER FELIZ: Do you have a very
6 rough number, let's say three months, six months,
7 nine months?

8 DEPUTY COMMISSIONER SANTIAGO: We have
9 preapproval for these positions from the Office of
10 Management and Budget, again a partner in helping us
11 to move people quickly through the process so it is
12 really about once we do the interview, making very
13 quick selections on who we want to hire. It's a
14 relatively quick process to send that through our
15 agency and over for approval. Then, of course,
16 there's the process of onboarding and giving them
17 time to leave their old jobs and come to us so I
18 think we have done a fair job of streamlining that
19 process.

20 COUNCIL MEMBER FELIZ: Thank you. Chair,
21 if I could just squeeze in one final question. How
22 many inspectors do you need in order to properly
23 enforce all of our housing laws in your opinion?

24 DEPUTY COMMISSIONER SANTIAGO: I think
25 that the number that we're budgeted for right now

2 will take us most of the way there, and I think once
3 we're there we have to assess what more we might
4 need. I think it's hard for me to say at this point
5 that we would need more because I can't tell you
6 where that will get me and things will change between
7 now and then, of course.

8 COUNCIL MEMBER FELIZ: Thank you.

9 DEPUTY COMMISSIONER SANTIAGO: Thank you.

10 CHAIRPERSON SANCHEZ: Deputy Commissioner,
11 following Council Member Feliz' thread. On these
12 hires, one thing that I've anecdotally heard from
13 former HPD staff who have moved on is the difficulty
14 with the agency's remote policies and not having
15 flexibility with their families, not having
16 flexibility in general, and pay has also been
17 something that I hear a lot about. What changes has
18 HPD been able to make to positions to make them more
19 attractive? I'm allowing you to make a PSA.

20 DEPUTY COMMISSIONER SANTIAGO: Thank you
21 for that, Council Member. The issue of remote work is
22 not really an issue for our field staff. There is no
23 ever remote work option for housing inspectors. They
24 need to be in the office. They need to be in the
25 field. Throughout COVID, they were in the field when

2 everyone was home. For our particular work, it's very
3 important that people are present and people are
4 willing to go out to the field. While that can be an
5 issue for the City in general, I think it's very
6 difficult for me to talk about that as an issue
7 affecting our ability to retain because it will never
8 be that we're going to do remote. An inspector has to
9 go and see a condition, observe it himself or herself
10 to be able to testify to it at some later point if
11 necessary, that the condition existed and to verify
12 the presence or absence of a Housing Maintenance Code
13 violation.

14 CHAIRPERSON SANCHEZ: Have we seen an
15 increase or decrease in the vacancy rate of
16 inspectors since the last time HPD reported on it in
17 March?

18 DEPUTY COMMISSIONER SANTIAGO: Can you
19 clarify that question, Council Member?

20 CHAIRPERSON SANCHEZ: There was a 36
21 percent vacancy rate of inspectors and 33 percent
22 vacancy rate among inspectors and supervisors on
23 March 31, 2022. Just wondering if there's been any
24 change over the past nine months?

2 DEPUTY COMMISSIONER SANTIAGO: Yes, we
3 have increased the staff, as I said in response to
4 Council Member Feliz, we have increased inspectors,
5 and we have promoted a number of inspectors into
6 supervisory positions during that same period.

7 CHAIRPERSON SANCHEZ: Thank you. I'm going
8 to turn it over to Council Member Aviles before I
9 continue with more questions.

10 COUNCIL MEMBER AVILES: Thank you so much,
11 Chair, and thank you to the HPD team for being here.
12 I guess I was curious, following on the Chair's
13 question, have there been any looks at the pay scale
14 and ways to make the job even more competitive in the
15 market?

16 DEPUTY COMMISSIONER SANTIAGO: Thank you,
17 Council Member. I think right now there's just in the
18 general in the City, there are negotiations that are
19 going to happen between the unions and the
20 administration, obviously of which we're not a party
21 to, but I'm sure that all of those things will be
22 taken into account, not just for our agency and our
23 staff but for any staff like ours where they need to
24 go to the field. They have a very difficult job. I'm
25 sure you understand. Our inspectors need to not only

2 understand the Housing Maintenance Code but they need
3 to come in with some pre-knowledge about construction
4 and they need to have excellent customer service
5 skills, which is often a challenge as well.

6 COUNCIL MEMBER AVILES: Yeah, I'd imagine
7 that often pay for City jobs is a huge barrier. We're
8 competing against a private market that has
9 significantly more resources or seems to be more
10 generous in how they expend those resources so I'm
11 sure that's a significant barrier here.

12 DEPUTY COMMISSIONER SANTIAGO: I'm sorry,
13 Council Member. Just to finish that thought, we have
14 tried to make it clear to potential candidates the
15 other benefits though that a City job does have, the
16 pension, the healthcare that often at least in
17 construction trades maybe are not always par for the
18 job so highlighting that we're also hoping to try and
19 bring in some more candidates.

20 COUNCIL MEMBER AVILES: That's great. I
21 think all of our offices collectively are part of
22 your recruitment effort. I know we take...

23 DEPUTY COMMISSIONER SANTIAGO: And I
24 appreciate that.

2 COUNCIL MEMBER AVILES: Those fliers out.
3 Given that housing is New Yorkers' number one issue,
4 safe, dignified, affordable housing is the crisis of
5 New York City, making sure that HPD is fully funded
6 to do that work is really critical and the role of
7 inspectors. I was curious about fines and civil
8 penalties and how the agency both levies fines and
9 civil penalties and collects so if you could tell us
10 how many of these fines and civil penalties have you
11 levied, how much have you collected, how much have
12 you forgiven and for what reasons would you have
13 forgiven?

14 DEPUTY COMMISSIONER SANTIAGO: Okay,
15 Council Member. Sure, thank you. This is an important
16 part of our enforcement as well so I am going to
17 break it into three general categories of where we do
18 collections, or collections are done for HPD activity
19 enforcement activity, and I will talk about two and
20 then I will defer to our Assistant Commissioner for
21 Litigation to talk about the last.

22 HPD can bill a property for emergency
23 repair work, and that would include whether it's done
24 thru our Emergency Repair Program, whether it's done
25 through our Alternative Enforcement Program, it works

2 the same way. We can bill a property for fees, which
3 are imposed in special cases defined in the Code
4 where basically around multiple offenders, where if
5 you've had three inspections, four inspections for
6 the same apartment or the same condition, the agency
7 will levy a fee. For being in the Alternative
8 Enforcement Program after a certain point, fees start
9 to get levied against that property as well. That's
10 the second category, fees. The third category would
11 be for civil penalties where in order to recoup
12 penalties against a property for the violations, HPD
13 would go to Housing Court and seek the civil
14 penalties there that would either result in a
15 settlement or the imposition of a judgement by the
16 court. The first two that I spoke about, the charges
17 and the fees, on a regular basis, HPD prepares the
18 records for these charges or fees, and we communicate
19 them to the Department of Finance. The Department of
20 Finance then adds those fees and charges onto the
21 property's property tax bill, and the collection
22 mechanism is really whatever collection mechanisms
23 the Department of Finance has, which would include
24 payment agreements if your property qualifies which
25 would include going into a place where the lien may

2 be sold. In the past when that happens, would be
3 under the purview of Finance to ensure that those
4 collections were done. For civil penalties, it's not
5 the same process. It is not billed through the
6 Department of Finance. I will turn it over to
7 Assistant Commissioner Weithman for jus at minute to
8 talk about how that happens.

9 COUNCIL MEMBER AVILES: Before you jump
10 in, do you have an amount of how much on an annual
11 basis you have referred to DOF to collect?

12 DEPUTY COMMISSIONER SANTIAGO: Yes, we can
13 provide the specific amounts. Generally, for
14 emergency repair it's about, I think, 10 million, I
15 want to say, a year. I don't know if I have the
16 dollars. We were prepared with some percentages which
17 we can talk about later, but we can provide the
18 dollars to you. Basically, whatever we spend on
19 emergency repair so if the agency has to do a repair
20 on an emergency condition because an owner fails to
21 do so, when we pay our vendor who has done that work,
22 that amount is, whatever that vendor invoices us for
23 plus an administrative fee is combined and sent over
24 for collection so the amount I would give you would
25 be the charge, there's one charge that we send over

2 for collection and there's a different charge of how
3 much we spent so I just want to make sure that we
4 give you the correct numbers so we can absolutely
5 circle that back to you.

6 COUNCIL MEMBER AVILES: I'd love to know
7 specifically like how much has been repaid on-time,
8 how much has been, if anything gets forgiven, what is
9 that process, are there reasons for forgiveness in
10 this respect?

11 DEPUTY COMMISSIONER SANTIAGO: I'll stick
12 again with emergency repair charges and fees. There
13 is a process in the law that when after we transfer
14 those charges over to Finance, the property owner has
15 a period of time where they can protest the charge
16 and that's the term that's used. They can only
17 protest the charge for a very limited number of
18 reasons, the actual cost of the charge not being one
19 of those reasons, so they can protest saying that
20 they didn't receive notice that the charge was going
21 to happen or for fees that there was a reason, and
22 they need to provide evidence of that reason, why
23 they couldn't access the apartment to make repairs
24 for example. They submit those protests to HPD. We
25 receive a very small number of protests every year.

2 It's less than 200 protests in the past few years,
3 and we send over thousands of charges, and less than
4 5 percent of those challenges, those protests, have
5 been upheld.

6 CHAIRPERSON SANCHEZ: Council Member

7 Aviles, while you think on that, we did send these
8 questions in advance and many of these questions,
9 including ERP charges, and so I would love to get it
10 on the record at this hearing because we did send it
11 in advance and specifically just to put some detail
12 on what Council Member Aviles just asked, according
13 to our analysis at the Council of Open Data, in 2018
14 there were 31.7 million was spent on ERP, 2019 was
15 53.3 million, 2021 was 59 million, 2022 was 59.3
16 million, in 2020 was 40 million so there's so much
17 money that is being expended by the administration on
18 this program for good reason, these are emergency
19 conditions, class C violations, but we do need to
20 have an understanding of how much we are recouping of
21 these charges that are being..

22 DEPUTY COMMISSIONER SANTIAGO: Thank you,
23 Council Member, and I do have the percentages. I just
24 didn't have the dollar figures. Again, we provide
25 that specific information to you in the response as

2 well if you'll give me one second again. The period
3 of time we looked at for rate of collection, I think,
4 was the question was 2017 through 2022 Fiscal Years
5 and so I'll go kind of one-by-one in categories and
6 just give you a range and, again, the details will be
7 in a written response to the Council questions.

8 As of basically now, as of October of
9 2022, 94 percent of the heat and hot water fees
10 billed back in '16 and '17 have been collected. For
11 the most recent year that was billed, 2022, 66
12 percent of those fees have been collected as of,
13 again, the end of October.

14 For Code Enforcement inspection fees, and
15 again this pretty much is in the same range, a little
16 bit less for AEP fees, but for Code Inspection fees
17 for the 2016-2017 year or 2018 about 96 percent of
18 what was billed has been collected, and, as of the
19 most recent year, 2022, 77 percent of what was billed
20 has been collected.

21 COUNCIL MEMBER AVILES: What happens when
22 you haven't collected from an owner?

23 DEPUTY COMMISSIONER SANTIAGO: Again, the
24 collection process itself is overseen by the
25 Department of Finance so they can provide more

2 information about what the next steps may be in terms
3 of pursuing collection.

4 COUNCIL MEMBER AVILES: Do those
5 properties get tagged and does it overlap with
6 potential violations? I would suspect if you're not
7 paying your bills, you're probably also doing other
8 things.

9 DEPUTY COMMISSIONER SANTIAGO: That may
10 be, Council Member. I don't know, but HPD does do
11 somewhat of an enforcement of the payment of fees by
12 indicating that property owners can't get certain
13 services through us if they don't pay their fees. For
14 example, if a property owner has open violations on
15 their property, they would have to come to HPD and
16 file for what's known as a Dismissal Request
17 Inspection for which they would pay for an inspector
18 to come and reinspect the property. If all of these
19 fines and ERP charges and fees have not been paid, we
20 reject that request until such time as things are
21 paid. Now that is not the ultimate collection
22 enforcement, but certainly we try to make sure that
23 our outstanding charges are paid prior to providing a
24 new service for a property owner.

2 COUNCIL MEMBER AVILES: Got it. I realize
3 I'm out of time, but in terms of the other side of
4 the ledger, I'm sorry. Could you speak to those
5 questions?

6 ASSISTANT COMMISSIONER WEITHMAN: Yes.
7 Thank you, Council Member. As Deputy Commissioner
8 Santiago explained, in order for HPD to obtain civil
9 penalties, we must initiate an action or litigation
10 in Housing Court. Once we do have a judgement, our
11 Housing Litigation Division does have a Judgement
12 Enforcement Unit which takes over those judgements
13 and they have a whole process and a number of tools
14 at their disposal to identify assets of the debtor
15 and they seek to find the money. They, of course, try
16 to resolve the issue with the owner, but, if the
17 owner is not willing to pay the judgement, we do have
18 tools to try to find those assets.

19 COUNCIL MEMBER AVILES: Are the judgements
20 reflected in the balances that the Council Member
21 noted earlier or those are just in collection?

22 ASSISTANT COMMISSIONER WEITHMAN: The
23 civil penalties are separate from the fees, yes.

24 COUNCIL MEMBER AVILES: Okay, do we have a
25 sense of how much is outstanding in civil penalties?

2 DEPUTY COMMISSIONER SANTIAGO: If I can
3 just give some more background on civil penalties.
4 The way civil penalties work is often in the course
5 of a trial or a settlement with the property owner,
6 if civil penalties are imposed, there's usually a
7 time schedule set for the payment of those civil
8 penalties, and generally I believe we have good
9 compliance with the payment of those civil penalties.
10 One of our outstanding issues, issue is not really
11 the right word, but is that a lot of times when we go
12 to court, if an owner does not appear in court, a
13 default judgement is assessed for the maximum
14 penalties because the owner did not appear. That kind
15 of goes on our books as an outstanding open charge,
16 but in reality when the landlord eventually does
17 appear, oftentimes they will go back to court and
18 seek a reduction of that amount because they will
19 size it to when the conditions were actually
20 corrected, and so what is a 2 million default penalty
21 may wind up being a much less actual penalty when
22 they come to court and they make their case so we try
23 to look at the amounts really that are not paid as
24 not part of a default penalty, and we didn't prepare

2 those numbers for today, but we can certainly take a
3 look at that, Council Member.

4 COUNCIL MEMBER AVILES: Great. I just have
5 one last thing. Just switching topics as is our way.
6 Just really quickly, something in our District that
7 has recently come up among many things, but we have a
8 set of seven buildings in our District that has
9 applied for an Article XI Letter. Currently, six of
10 the seven buildings have no boiler. Apparently, their
11 boilers that they've ordered and are trying very hard
12 to get will not come in until three months so we have
13 a severe supply chain issue. The residents have tried
14 hard. They've called our office. We have called your
15 office multiple times, and we have not received any
16 response. Obviously, we don't know how cold the
17 weather is going to get, but three months without
18 boilers is not okay and is an emergency situation so
19 I would love for your staff to follow up with us
20 around how we can help these residents get access to
21 a temporary boiler or whatever remedy relief they
22 can. They're working hard, but they're not getting
23 responses from the agency staff. They keep calling.

2 DEPUTY COMMISSIONER SANTIAGO: Okay. If
3 you can communicate that information to me, I'm not
4 aware of the specifics.

5 COUNCIL MEMBER AVILES: Thank you. Thank
6 you, Chair.

7 CHAIRPERSON SANCHEZ: Thank you so much,
8 Council Member. I'd actually like to turn that into a
9 question for the record. In extreme situations like
10 that, I have several of those kinds of cases in my
11 District as well, where we're talking about a lower-
12 income building, we're talking about a building that
13 in Council Member Aviles' case it's on backorder, in
14 other building situations they just don't have the
15 financing but still remain responsible for their
16 buildings, what is HPD's protocol to assist in these
17 very expensive kinds of repairs?

18 DEPUTY COMMISSIONER SANTIAGO: Thank you,
19 Council Member. I'll probably share this answer with
20 our Assistant Commissioner for Emergency Operations,
21 but, as always, the process would be we issue a
22 violation, we contact the owner to find out what's
23 happening, if they're going to make the repair. If we
24 go out there to the building and we see that there's
25 no boiler, that's a pretty stark situation that

2 doesn't happen that often, thank goodness, but
3 certainly we would assess the building for what the
4 appropriate action is, and that could be one of a
5 number of scenarios. Let's talk about the good
6 scenario first where the Emergency Operations
7 Division can make some assessment that would move the
8 building in the right direction, and then we'll,
9 obviously the most extreme, and I don't want to jump
10 to the most extreme version of that, but if this is,
11 and again I don't know the specifics of your
12 situation, but if the boiler is so specialized that
13 there is no other option but to wait for this special
14 order, a vacate order may be warranted and issued.
15 Again, not knowing the details, I can't speak to
16 that, but that is a very rare occurrence that it
17 becomes something so extreme so assuming that it's
18 not in that realm, I will turn it over to the
19 Assistant Commissioner.

20 ASSISTANT COMMISSIONER CUCCHIARO: Thank
21 you, AnnMarie. In cases like you describe, if, in
22 fact, the building is compatible for a mobile steam
23 unit, we do have on-call contracts available with
24 contractors who can produce that type of unit to
25 provide temporary heat and relief for the tenants of

2 the buildings. Simultaneously, we would look at a
3 long-term solution if the owner was unable to do so
4 independently or was being uncooperative with the
5 repair that's necessary, or the replacement in this
6 case.

7 CHAIRPERSON SANCHEZ: Thank you so much.

8 Moving into questions about the specific programs
9 that HPD runs, I want to start with a statement that
10 to the public, to whoever might be watching and might
11 be facing these conditions in your building, first
12 and foremost call 3-1-1, always call 3-1-1. It can
13 seem like it's useless, it can seem very frustrating.
14 The first step for us to have good information at the
15 Council and to work with the administration is having
16 good data so continue to call 3-1-1, log it in via
17 the app. It's just so critically important.

18 Starting off with Emergency Repairs, and
19 I'm going to go Emergency Repairs and Underlying
20 Conditions then Proactive Enforcement then AEP,
21 Litigation, 7A, and CONH. So we're going to be here
22 for a second so bear with me.

23 Starting off with ERP, emergency repairs
24 are carried about by the agency when there are C
25 class violations that are hazardous to the health and

2 safety of tenants. From the outside looking in,
3 Deputy Commissioner, it is not straightforward to
4 understand when the agency makes repairs and when you
5 don't. Certainly, if the landlord is going to do the
6 work themselves, they do it, but in those cases where
7 the landlord is not acting, what determines whether
8 HPD acts or not?

9 DEPUTY COMMISSIONER SANTIAGO: Thank you,
10 Council Member. There are some conditions where in
11 every case HPD will act or attempt to act let me say.
12 A lead-based paint violation, a window guard, a self-
13 closing door, we will always be sending someone to
14 assess and, if possible, make the correction of the
15 condition and so hopefully we have communicated to
16 tenants that they should be on the lookout for
17 another HPD staff member to come after the housing
18 inspector comes. There are some cases, mold can be a
19 class A violation or a class B violation or a class C
20 violation depending on the size of the mold as it's
21 indicated in the law, and sometimes I think that can
22 be confusing when it is either based on something
23 like that that's a square footage or it's the
24 discretion of the inspector. We train our inspectors
25 to understand when a condition is serious enough to

2 warrant an emergency repair. When we are going to do
3 an emergency repair, we send a letter to the tenants
4 right after the violation is issued at the same time
5 basically that we send the notice to the landlord
6 that the violation was issued, a notice does go to
7 the tenant to say HPD has identified that this
8 condition warrants an emergency repair, provide
9 access to your landlord if they come to you to repair
10 this, if not then HPD will be making an attempt, and
11 we give them a telephone number to call to follow up
12 with that.

13 CHAIRPERSON SANCHEZ: So does HPD only go
14 into a building when they receive that second call
15 from a tenant?

16 DEPUTY COMMISSIONER SANTIAGO: No, that's
17 not a call. I'm sorry. It helps the tenant contact us
18 if they want to contact us. Regardless of whether the
19 tenant responds to that letter or not is irrelevant.

20 CHAIRPERSON SANCHEZ: Okay.

21 DEPUTY COMMISSIONER SANTIAGO: It's really
22 just to help the tenant understand what the process
23 is.

24 CHAIRPERSON SANCHEZ: Speaking about who
25 is doing this work, in Open Data, you have this

2 distinction between handyman work orders and open
3 market work orders, and handyman work orders are
4 conducted internally by the agency on certain kinds
5 of repairs with the vast majority of repairs being
6 carried out by open market work orders so what is the
7 distinction? What gets done in-house by the agency,
8 what is the staffing level of internal ERP operations
9 if you will, and then what percentage conversely is
10 open market work orders?

11 DEPUTY COMMISSIONER SANTIAGO: For that
12 answer, I'm going to defer to our Assistant
13 Commissioner for Emergency Operations.

14 ASSISTANT COMMISSIONER CUCCHIARO: Thank
15 you, AnnMarie. Thank you, Council Member. With regard
16 to open market orders, as you mentioned, the vast,
17 vast majority of ERP work is completed utilizing
18 contractors who are awarded open market orders. For
19 the smallest of jobs, we utilize the handyman work
20 orders, and literally those are things like replacing
21 a valve or installing a slide bolt and lock if
22 necessary in certain situations as required, but,
23 again, the vast majority of work does go to
24 contractors through the OMO process. In terms of
25 contractors, just want to highlight that we utilize

2 mainly M/WBE contractors, and we generally, I think
3 the median work order amount that's awarded to the
4 small contractors is about 300 dollars per OMO.

5 CHAIRPERSON SANCHEZ: I shouldn't do this
6 from memory, but I will. A 2020 audit by the
7 Comptroller found that HPD didn't have the proper
8 controls in place to determine which open market
9 contractors or vendors are utilized by the agency,
10 not maintaining updated lists, not removing folks who
11 are unresponsive, issues like that. What kind of
12 changes has the administration made since this
13 Comptroller audit?

14 ASSISTANT COMMISSIONER CUCCHIARO: I think
15 the Comptroller's audit referred to our prequalified
16 list, and that is comprised largely of the M/WBE
17 contractors that I referred to a few minutes ago.
18 We've made a number of changes on the technology side
19 of the world to help us sort of better track things,
20 and we've also implemented some policy changes that
21 sort of change the way we interpret responsiveness as
22 allowable under the City's PBB rules.

23 CHAIRPERSON SANCHEZ: Thank you. Moving
24 back to the question of fee recovery with respect to
25 Emergency Repair, when charges move over to

2 Department of Finance, and Department of Finance is
3 not here today but they did receive the questions. I
4 was told that you would have their responses.

5 Department of Finance recovery of Emergency Repair
6 charges, what do those percentages look like?

7 DEPUTY COMMISSIONER SANTIAGO: Those
8 percentages are much lower than the ones that I gave
9 you on the fees. From the 2018 period, as of today
10 we've collected about 63 percent of the Emergency
11 Repair charges, and for the most recent Fiscal Year
12 it's 35 percent. I think, however, we're still
13 working on these numbers with the Department of
14 Finance because there are some additional caveats to
15 keep in mind in terms of the collections from these
16 periods. In the past, as part of the tax lien sale,
17 if money wasn't paid that was owed on, particularly
18 more Emergency Repair charges than fees because the
19 fees are so low as compared to the Emergency Repair
20 cost, if they weren't paid, they could be sold
21 through the tax lien sale. These numbers on
22 collections are really just exactly that, what was
23 billed and what was paid. It doesn't include what may
24 have gone for further enforcement on collection with
25 the Department of Finance so, again, we're working

2 with them through the data to try and understand what
3 that number would look like if you would consider the
4 tax lien sale collections.

5 CHAIRPERSON SANCHEZ: Got it. We're not
6 going to get into a hearing on the tax lien sale
7 because that will occur in the future I pretty much
8 can promise, but looking at the question of those
9 liens that go to DOF and face that highest level of
10 enforcement, being the tax lien sale or third party
11 transfer or something else, do you have that rate,
12 how many unpaid violations or overdue charges end up
13 going through one of those tax enforcement programs?

14 DEPUTY COMMISSIONER SANTIAGO: I don't.
15 Again, that's under the purview of the Department of
16 Finance and so I think that will be something we'll
17 have to work with them to understand. I think from
18 our perspective the fact that we've done the
19 emergency repair work is our goal and is our mission,
20 and we understand that they are the experts tax
21 collection and working with you all to make sure that
22 if we provided a service at the building for the
23 tenants, the owner might not appreciate that service,
24 but we made that repair, that the collections are
25 going to happen appropriately.

2 CHAIRPERSON SANCHEZ: Okay. It is a
3 frustrating thing to hear because I specifically
4 asked Department of Finance to share this because
5 it's important for this Council to understand, it's
6 important for the Council and the public to
7 understand how our programs are working. We're not
8 going to get into the tax lien sale and third-party
9 transfer. We have goals regarding those programs
10 (INAUDIBLE) those programs are about protecting
11 homeownership and about protecting those who are
12 vulnerable to losing intergenerational equity.
13 However, we do need to get to the bottom line of are
14 buildings using ERP as their handyman, are building
15 abusing the system, and so let me just ask it plainly
16 in that way. 62 percent collection of 2018 charges,
17 35 percent collection as of this time. These are very
18 low numbers, right, so folks are not paying their
19 charges and there are buildings that are using the
20 ERP programs multiple times, time and again. The vast
21 majority don't. Not talking about those. Focusing on
22 the bad actors, what do we know and how are we
23 preventing buildings from using the City as their
24 handyman?

2 DEPUTY COMMISSIONER SANTIAGO: Right.

3 Council Member, thank you for that question. I think
4 that goes back to why we started with the Alternative
5 Enforcement Program. ERP is one of the criteria under
6 which we select buildings for that program, and I
7 think we found some of the buildings are actually
8 just abandoned and that's why a lot of the emergency
9 repairs that need to happen fall to HPD to assist,
10 and that can happen under a number of scenarios that
11 doesn't implicate bad will. In some cases, property
12 owners die and no one comes and the estate is unable
13 to care for the property properly, to handle the
14 management of a property. In some cases, the owner is
15 not skilled enough to maintain the financial health
16 of the property. I think that there are a plethora of
17 scenarios that go into why this happens, and I think
18 through AEP is part of the way to weed some of those
19 folks out because once they do see the hefty fees
20 that will be billed they start using ERP if that was
21 their method of doing so before and I think, as you
22 said, we'll talk a little bit more about the AEP
23 program specifically, but that is the one program
24 amongst our enforcement programs that takes the

2 expenditure of ERP into consideration when selecting
3 properties.

4 CHAIRPERSON SANCHEZ: Got it. Let's go to
5 AEP. Just to start, and you will say it better than I
6 will, so can you lay out for us why was AEP created?
7 These 250 buildings that are selected for AEP every
8 year, what is their trajectory? How many of them are
9 getting out before the four-month period and what is
10 the trajectory for the rest?

11 DEPUTY COMMISSIONER SANTIAGO: Thank you,
12 Council Member. Yes, I will just, again, give
13 background and then I will turn it over to Assistant
14 Commissioner DeFina who oversees that program for
15 more of the detail around what we see there.

16 This program did start many years ago. We
17 are currently in round 15 of the program, and every
18 year basically we select another cohort of buildings
19 for the program. As I just said, the program was
20 initially created to really target buildings that not
21 only were having a lot of violations issued but were
22 having a lot of emergency repair work done in those
23 buildings in response to those violations where
24 clearly the owner was potentially using the City to
25 do their repairs for them or was really extending the

2 time and the bad conditions under which the tenants
3 were living. At that time, we were selecting 200
4 buildings a year from rounds one through seven and
5 then AEP has been amended multiple times over the
6 years where we now select 250 buildings and there are
7 actually two separate criteria for the selection of
8 the buildings. Having said that, I'm going to turn it
9 over to Assistant Commissioner DeFina.

10 ASSISTANT COMMISSIONER DEFINA: Good
11 afternoon, everyone. As AnnMarie mentioned, the goal
12 of AEP was to get at repeat users of our enforcement
13 activity so we really wanted, an example would be the
14 recurring leak. A landlord would just patch the leak,
15 not make the underlying condition, not address the
16 real need of the roof replacement, and it was that
17 constant 3-1-1 call, HPD would write a violation,
18 either the landlord or HPD would do emergency
19 repairs, and then a couple months later or a couple
20 weeks later it would start to leak again so the goal
21 was to get at repeat users of our enforcement
22 activity, and that's why the rules of the City of New
23 York criteria for AEP include a ratio of B and C
24 violations issued in the previous five years so we're
25 looking at recently issued B or C violations as well

2 as a certain amount of emergency repair charges so
3 for the smaller buildings, under 15 units, we're
4 looking at 5,000 dollars of Emergency Repair charges
5 that we spent, whether you paid it or not, so that's
6 where it's getting at landlords who might be using
7 our ERP to address their building. Buildings get
8 selected for the program, they get notice that they
9 are participating in it, and they basically have four
10 months to get their building discharged before being
11 subject to roof-to-cellar inspections and inspection
12 fees. In that four months, they need to correct 100
13 percent of their heat and hot water violations, 100
14 percent of all open mold C violations which is the
15 most immediately hazardous, 80 percent of mold B
16 violations, 80 percent of vermin violations, and 80
17 percent of all other B and C violations. An owner
18 that fails to do that is subject to a roof-to-cellar
19 inspection and order to correct where our staff will
20 then tell the owner you have to replace your roof,
21 you have to replace the boiler, replace the windows,
22 (INAUDIBLE), whatever system is causing the
23 violations is on the AEP order. It's posted at the
24 building. It's mailed to the owner. It's filed with
25 the County Clerk's Office as a lis pendens, and the

2 owner then has an opportunity to do that compliance
3 after that four-month period includes correction of
4 all the violations, the percentages that I mentioned
5 before. In addition, they have to comply with the AEP
6 Order to Correct, they have to pay whatever ERP
7 balance is open at Department of Finance or enter
8 into a payment agreement, they have to register their
9 building, and, once they meet compliance with that,
10 they can get discharged. I mentioned it's fee-heavy
11 so after the first four months, owners that fail to
12 get out in addition to receiving an Order to Correct,
13 they are charged a 500 dollar per dwelling unit
14 building inspection fee, and that's the next six
15 months of being in AEP, and it's for the performance
16 of routine inspections by AEP so it's 500 dollars per
17 dwelling unit, and, if the building remains in the
18 program after six months, it's a second 500 dollars
19 per dwelling unit fee so the initial inspection fee
20 caps out at 1,000 dollars per dwelling unit. They are
21 also subject to complaint inspection fees which is
22 200 dollars, and that's if a tenant calls 3-1-1 and,
23 as a result of that 3-1-1 call, we issue a B or C
24 violation, it's a 200-dollar complaint inspection
25 fee. They're also subject to a 100 dollar false

2 certification fee, which means if the landlord
3 certifies correction of a violation and we inspect
4 and we determine that it was falsely certified, it's
5 imposed a 100 dollar false certification fee. All the
6 fees get billed through the Department of Finance and
7 become a lien against the property.

8 CHAIRPERSON SANCHEZ: Got it. Thank you
9 for laying out that background and context on how it
10 works. Digging into how the program is working, I
11 understand that there have been 386 buildings that
12 have gone through AEP more than once. That's crazy
13 given this level of fines and fees and everything so
14 can you talk about the effectiveness of the program,
15 how many buildings are actually paying these fees
16 after the four-month, etc.?

17 ASSISTANT COMMISSIONER DEFINA: To date,
18 we have 3,387 buildings have gone through AEP. It's
19 15 years old. We do have repeat buildings. The
20 program, just to let you know, when the program does
21 receive the new list, we run the list every January
22 31st, what we do look at is to see how many of those
23 buildings were in repeat rounds. It is possible
24 repeats from this year might have been from 15 years
25 ago, which that's a big gap of time. We look at those

2 repeat buildings and, as a program, what we do is
3 look to see if any ownership has changed so sometimes
4 it's a matter of the old owner corrected it but now
5 it's a new owner. If ownership hasn't changed, AEP
6 under the statute, we have the ability to take
7 immediate action which removes that four-month
8 opportunity to get the building discharged and we go
9 right to issuing an Order. One of the things Program
10 looks at is is it the same owner, was it 15 years ago
11 or was it just a year ago, and also we do a quicker
12 inspection of the building to determine whether any
13 system replacements need to get done and, if we
14 believe system replacements need to get done, it's
15 the same owner, it hasn't been that much of a gap in
16 time since being back in AEP, we have the authority
17 to take immediate action so then we send those
18 landlords a notice basically saying we're taking
19 immediate action and you're being imposed the fees
20 right away, you're not having the four-month period.
21 Just another point, for buildings that do get
22 discharged in the four-month period before fees and
23 an order is imposed, those buildings that get
24 discharged are monitored by HPD's Division of
25 Neighborhood Preservation for at least one year, and

2 the whole point of that monitoring is it's eyes on
3 the building to make sure that if we see complaints,
4 if we violations start to trickle upwards, we could
5 try to address it then.

6 CHAIRPERSON SANCHEZ: That's very helpful.
7 My understanding is that there are a certain number
8 of buildings that, again, they are bad and they are
9 coming back into the program after a short period of
10 time, not addressing system improvements, things like
11 that. What are some of the tools that HPD has to sort
12 of escalate on them and specifically if you could
13 talk about in relation to alternative enforcement,
14 when does HPD pursue the 7A program?

15 ASSISTANT COMMISSIONER DEFINA: AEP is a
16 definitely a big referral source to 7A. Basically, we
17 want, especially if AEP is going to do work, if the
18 building's not being managed, and that's sometimes
19 the case, it's just that maybe the building is not
20 managed properly, their system work, if AEP does the
21 work, one of the reasons why 7A was actually put
22 under the Division of Special Enforcement, which is
23 the same division of AEP, is that we wanted to make
24 sure that if AEP does the work that we try to get a
25 7A administrator to protect the City's investment of

2 the system work. AEP makes referrals to 7A. A good
3 referral for 7A looks at conditions of a building,
4 they have to be dangerous to the life, health, and
5 safety so you're looking at really bad systems. A
6 boiler might need to be replaced, roof needs to be
7 replaced, there's plumbing leaks throughout the whole
8 building so the conditions have to be very poor. We
9 also look to make sure that the building is occupied
10 legally, that it's not illegally converted because
11 the 7A administrator's responsibility to do any work
12 would be then to make sure that the work is done. To
13 get permits, you need to have a building that's
14 occupied legally with no illegal conversions, and a
15 big factor is tenant support. If tenants are not
16 willing to support the 7A, we can't bring it. So what
17 the 7A unit does, the 7A unit at HPD is basically
18 responsible for overseeing the 7A administrator who's
19 appointed by the Housing Court judge. The 7A
20 administrator basically steps into the shoes, they
21 don't take ownership of the building, they just are
22 responsible for managing the building, and 7A goes
23 into the building before even referring a case to
24 litigation. They talk to the tenants. We have a
25 construction project manager and we have community

2 coordinators that meet with the tenants of a possible
3 7A building, explain the program, explain that rent
4 will have to be paid to the administrator, and then
5 we ask if they support the building. We need at least
6 1/3 of the tenants to support a 7A case before we
7 make the referral to go to housing litigation to get
8 the 7A appointed, and that goes the same for any
9 outside group that refers a building to 7A.

10 CHAIRPERSON SANCHEZ: I've heard from
11 advocacy organizations and individuals desires to
12 want to go through 7A because it is such a ramp-up.
13 Moving to 7A, when does HPD initiate, how bad does a
14 building have to be for HPD to initiate 7A?

15 ASSISTANT COMMISSIONER DEFINA: You need
16 major system work and really dangerous conditions.
17 Some examples of buildings that we've had referred to
18 7A in the past were roofs need to be replaced,
19 there's waste lines leaking throughout the building,
20 no one's maintaining, the landlord walked away,
21 there's no garbage pickup, garbage is piling up in
22 the building, there's rodents throughout the
23 building, raw sewage in the basement, the boiler
24 needs to be replaced so we look at a building
25 holistically, and it has to have conditions dangerous

2 to life, health, and safety, and then we make that
3 referral. It has to have the tenants' support. That's
4 the key part too.

5 CHAIRPERSON SANCHEZ: Got it. Why pursue
6 7A and litigation versus pursuing Department of
7 Finance tax enforcement action, something like TPT?

8 ASSISTANT COMMISSIONER DEFINA: The minute
9 a 7A gets appointed, they basically step into the
10 shoes of the landlord. If tenants are paying rent,
11 we've had buildings where tenants were holding money
12 in escrow, that money goes to the administrator, they
13 could get garbage collection, extermination services,
14 front door locks, and violations get corrected right
15 away, and then they would apply to HPD for a 7A loan
16 to do the capital work, the major work.

17 CHAIRPERSON SANCHEZ: Who retains the
18 ownership of a building that has a 7A administrator?

19 ASSISTANT COMMISSIONER DEFINA: The owner
20 still retains ownership, in order for a 7A to be
21 discharged it would be up to the Housing Court judge
22 to grant an owner's petition to discharge. Sometimes
23 it's the existing owner, sometimes owners sell the
24 property while it's in 7A and it's a new owner who
25 petitions the court to get control of the building

2 back, and, in the past, some buildings would go
3 through TPT.

4 DEPUTY COMMISSIONER SANTIAGO: I'm sorry.
5 If I could just add, Council Member, just because the
6 building is in bad condition doesn't mean the owner
7 isn't paying the property tax, and that is really
8 kind of the worst case scenario where you know the
9 owner has some money to do something because they're
10 paying the taxes but they're not reinvesting in the
11 property and so tax lien enforcement is not really
12 applicable in those scenarios. Just to support
13 Grace's point, our goal is to take the quickest route
14 to getting the repairs done. Even if there were taxes
15 to be collected, collecting those taxes or those
16 emergency repair charges are not going to get the
17 conditions corrected for the tenants in a fairly
18 quick manner.

19 CHAIRPERSON SANCHEZ: Do you have a
20 breakdown of that reality that you just mentioned? 7A
21 administration because there was no tax enforcement
22 to be done, there were no arrears, versus use of
23 other programs?

24 DEPUTY COMMISSIONER SANTIAGO: No, we
25 haven't done that analysis, Council Member, but we

2 can look at the buildings that are in the program
3 right now to see what they're tax liability is.

4 CHAIRPERSON SANCHEZ: What are the
5 incentives for those folks that decide to become
6 administrators to go through HPD's process, what is
7 in it for them?

8 DEPUTY COMMISSIONER SANTIAGO: I think
9 that that is one of the challenges of the program. 7A
10 administrators are paid based on the rent role and so
11 the way that it works is I believe they get a
12 percentage of what is collected after the basic
13 repairs are done so there is a challenge there for 7A
14 administrators. Many of the administrators are in the
15 business of tenant protection in some way. They work
16 for an organization or are part of an organization
17 that is looking to assist tenants in a bad place, and
18 so they kind of have an imperative to participate,
19 but, as you can imagine, most of the rents in these
20 buildings are fairly low to start with and that
21 contributes to why the owner has not done what they
22 need to do so that is a challenge.

23 CHAIRPERSON SANCHEZ: Thank you. Just one
24 more question that I forgot to ask on AEP. Do we have
25 information about what tenant harassment might look

2 like after a building goes into AEP or have you seen
3 cases of retaliation?

4 ASSISTANT COMMISSIONER DEFINA:

5 (INAUDIBLE) Anti-Harassment Unit, the Inspection
6 portion, is within my division. You will sometimes
7 actually see as a result of our anti-harassment
8 inspections, we issue so many violations that the
9 building will then be in AEP, which is a good thing
10 if conditions that are dangerous exist. It's also
11 common for AEP when they're doing their routine
12 inspections to see harassment and make referrals to
13 our Anti-Harassment Unit who then will call the
14 tenants and they do more of an interview so we
15 inspect but we also speak to the tenants to see if
16 the maintenance conditions are being used as a form
17 of harassment, and you can see anti-harassment
18 referrals from AEP buildings just like you could see
19 a building go from AEP to 7A. All the units work very
20 closely together. They're all related.

21 CHAIRPERSON SANCHEZ: Got it. Thank you.

22 Just to flag that for immediate response because it's
23 a detail but I know a property, 709 West 170th Street
24 in the Bronx, 331 West 14th Street in Manhattan,
25 examples of buildings who are seeking 7A

2 administrators and have shared with my office that
3 they've run up against barriers in connecting with
4 the agency and having the agency move those buildings
5 or help to move those buildings into the 7A program.
6 Are these on your radar?

7 DEPUTY COMMISSIONER SANTIAGO: Can you
8 repeat the first address? 709...

9 CHAIRPERSON SANCHEZ: 709 West 170th
10 Street in the Bronx, 331 West 14th Street in
11 Manhattan.

12 DEPUTY COMMISSIONER SANTIAGO: Yes. I
13 don't know if 709 is in AEP. We're aware of both of
14 these buildings, and we're monitoring. The concern
15 around 7A is also that there is an escalation of
16 enforcement against those properties in order to make
17 the case when we go into Housing Court to a judge
18 that the building owner is not providing what they
19 need to provide, and I believe, I don't have the
20 details of those properties but the addresses are
21 familiar to me so we can get some more information to
22 you, Council Member, about each of those properties.

23 CHAIRPERSON SANCHEZ: Great. Look forward
24 to that. Thank you so much. Moving to underlying
25 conditions, and, again, people who are watching this

2 hearing, folks in the public, the goal here is for
3 you to be familiar with all of the tools that HPD has
4 at its disposal and if you feel that your building
5 needs to go through one of these programs, if that
6 would help the conditions, email our office, call our
7 HPD, be in touch with the City so that we can work
8 with you. I want to raise awareness around these
9 programs. Underlying Conditions, shoutout to Council
10 Member Brewer who created this program when she was a
11 Council Member 15 years ago, but Council Member
12 Brewer created the Underlying Conditions Program via
13 Local Law to address persistent issues like mold and
14 leaks and to get at those underlying conditions so
15 can you talk about the Underlying Conditions Program
16 and specifically what successes that the agency has
17 seen with UC?

18 ASSISTANT COMMISSIONER DEFINA: Underlying
19 Conditions is a program within the Division of
20 Special Enforcement. As you know, it was created in
21 2013, and the program was designed to target
22 buildings that exhibit a high number of mold and leak
23 violations, and the reason why we were looking at
24 mold and leak violations is because it usually forms
25 the basis for other violations so it's not just mold

2 and leaks, but it could also lead to collapsing
3 ceiling, lead-based paint, pest infestation. The
4 program has been around since 2013. We look for a
5 percentage of apartments within a building that have
6 mold and leak violations that would indicate that
7 there's a problem with the building system. This
8 year, we recently made a change to the rules to
9 include information from the Department of Health and
10 Mental Hygiene to look at conditions that contribute
11 to asthma outcomes and other relevant health
12 indicators so this is the first year. We just
13 recently finished 2022, the inspections for this
14 round, and we are in the process of issuing
15 underlying condition orders for approximately 75
16 buildings.

17 Just going back to the criteria,
18 buildings three to five units must have at least 50
19 percent of their units have at least one mold or leak
20 violation, buildings six to nine units must have at
21 least 25 percent of the units have mold or leak
22 violations, and buildings that have 10 units or more
23 must have at least 15 percent of the units have such
24 violations. Owners that get selected for this program
25 receive a notice as well as the underlying conditions

2 order and what they're required to do is they have
3 four months to hire a registered architect or
4 professional engineer to inspect their building, look
5 at all of the violations and determine whether or not
6 there is a system needed and what the underlying
7 cause of the violations are. The architect or
8 engineer must then submit their report as well as a
9 number of affidavits to the Underlying Conditions
10 Program. Once we get a sufficient report and all the
11 required affidavits, the owner then must apply for a
12 dismissal request inspection and correct at least 80
13 percent of all the open mold violations. Due to
14 COVID, we did not select buildings in 2020 and 2021,
15 but, like I mentioned, we just finished the
16 inspections for 2022. Not including this current
17 year, there have been 444 buildings selected and 407
18 buildings discharged. We looked at a report in 2019,
19 and we found that a majority of the buildings that
20 went through the program did not have reoccurrences
21 of mold and leak violations.

22 CHAIRPERSON SANCHEZ: What percentage was
23 that?

24 ASSISTANT COMMISSIONER DEFINA: I don't
25 have the exact percentage, but we could get it for

2 you, but we had looked at this in 2019 to see the
3 effects of it, and it was overall pretty successful.

4 CHAIRPERSON SANCHEZ: That's exactly what
5 my next question was was about folks that were going
6 through this program on a repeated basis. Similar to
7 my line of questions before about AEP, underlying
8 conditions that are not corrected, do they then face
9 a higher, tougher enforcement program?

10 ASSISTANT COMMISSIONER DEFINA: What will
11 happen is, AEP is more stringent than Underlying
12 Conditions because with Underlying Conditions we're
13 issuing an order to the owner and basically telling
14 the landlord or owner you have to hire a professional
15 to tell us what the underlying condition. AEP, when
16 we issue an AEP order, the owner no longer has the
17 opportunity to hire their professional. It's now the
18 construction project manager who oversees the
19 building who determines what the underlying cause of
20 the violations are so there are buildings that get UC
21 and they don't comply and then on January 31st they
22 get picked up for AEP. Once an AEP order is issued,
23 the building gets discharged from UC because it now
24 has the AEP order.

2 CHAIRPERSON SANCHEZ: Thank you so much.
3 That is very helpful. You're off the hot seat for a
4 second. That's very helpful to understand, and that
5 was my last question which you answered about the
6 Venn Diagram between those two programs.

7 Moving to Housing Litigation, this has
8 been area I've had a lot of questions about. There
9 seem to be endless opportunities for HPD to pursue
10 housing litigation to force the correction of issues
11 to recuperate charges and fees and etc., so when does
12 HPD seek housing litigation?

13 ASSISTANT COMMISSIONER WEITHMAN: Thank
14 you for that question, Council Member. The Housing
15 Litigation Division is part of the Enforcement and
16 Neighborhood Services Unit so our "clients" are all
17 of these programs that we've been discussing so most
18 of our referrals do come from these units, from the
19 AEP unit, from the UC program, from the Anti-
20 Harassment unit, from the Emergency Operations
21 Division, and the Housing Litigation Division brings
22 a host of different types of cases. The majority of
23 our cases are what we call comprehensive cases which
24 is where we sue an owner for the correction of all
25 the violations in the building as well as civil

2 penalties, and our goal is to obtain an order to
3 correct from the court so we can get the clock
4 starting to run for the owner to correct those
5 violations and kind of move forward from there
6 because our primary goal is always to get the
7 violations and the conditions corrected as quickly as
8 possible. We also seek warrants for access. We
9 receive those referrals from our Emergency Operations
10 Divisions when they are seeking emergency repairs and
11 either the owner has refused access or we can't
12 otherwise obtain access. We have to go into court to
13 seek an order in order for the contractors to be able
14 to access the building or the unit in order to make
15 those emergency repairs. We also bring cases against
16 owners where they have a high number of false
17 certifications of violations. In those cases, we do
18 seek penalties for those false certifications. We
19 also initiate 7A actions. Obviously during this time
20 of year, we have tremendous number of heat and hot
21 water cases which we do in rounds in Housing Court.
22 Finally, HPD is a statutory party to all tenant
23 actions in Housing Court so we are party to all of
24 those.

2 DEPUTY COMMISSIONER SANTIAGO: If I may, I
3 also want to point out that Marti's team, the HLD
4 team, works closely with community groups and
5 advocates who want to initiate their own 7A who
6 initiate their own group tenant actions on cases.
7 Often our attorneys are working with those attorneys
8 in terms of speaking through if we have a case and
9 they have a case to understand the perspectives of
10 each. Obviously, tenant advocate attorneys are
11 advocating for their clients and their tenants for
12 things that maybe HPD is not involved with. Our
13 attorney's goal is to get those conditions corrected
14 as quickly as possible for the safety of the tenants
15 so it's not only our own, and you heard the long list
16 of programs that Marti's unit supports and really as
17 a next step to some of these programs to make sure
18 that orders are enforced, vacate orders as well,
19 those types of things, to make sure that owners are
20 moving forward when any of these programs identify
21 that they're trying to stand in the way of making
22 repairs or having the repairs made.

23 CHAIRPERSON SANCHEZ: Thank you so much,
24 and it's really helpful to hear you describe that
25 goal, the goal is to improve the conditions, so are

2 there metrics you can share about okay, AEP didn't
3 work or Underlying Conditions didn't work, but when
4 we took the building to Housing Court, X percent
5 within X timeframe were able to see improvements? Do
6 you have information of that sort?

7 DEPUTY COMMISSIONER SANTIAGO: I would say
8 that it's very difficult to cull which input is
9 really the driver to make someone take an action. We
10 track how many violations get closed as a result of
11 our Housing Litigation cases. Often, one of these
12 other programs will provide a little bit of a push
13 and then HLD will provide the final push to get it
14 over the line. I don't know that we can separate out
15 which is the bigger driver of that improvement, but,
16 especially in anti-harassment cases, I think that
17 where we have done some work to look at building
18 portfolios, that has been a huge effort between the
19 Anti-Harassment team and the Housing Litigation
20 Division to move things forward together and really
21 kind of jointly get that response from the owner that
22 we're looking for.

23 CHAIRPERSON SANCHEZ: Got it. Thank you.
24 Look into that and let me know. The reason that I led
25 with that question is because, of course, one

2 document that I have seen multiple times and is cited
3 often is the very extremely low rate of collection by
4 the Judgement Enforcement Unit within the agency. I
5 think the Comptroller's audit was from 2016, and we
6 saw rates of collection of those judgements at 2 and
7 3 percent so that doesn't seem to be HPD's metric of
8 success, it's about the repairs, so let us know what
9 metrics you do have on that front, but on the
10 Judgement Enforcement Unit's rate of collection, can
11 you speak to present day?

12 DEPUTY COMMISSIONER SANTIAGO: Again, I'll
13 start off to just go back to something that I said
14 before to Council Member Aviles I think was the one
15 who raised the question. Our collection rate, again,
16 in cases I think where we have a court order with an
17 owner who has participated in the case I would say is
18 fairly high. Again, I don't have the numbers with me
19 today, but we can look at that. What we tried to talk
20 with that auditor about was these kind of judgements
21 where the request for the default penalty is
22 extremely high and then when the owner eventually
23 comes in and provides some evidence that conditions
24 were corrected, that judgement is reduced and so if
25 you use that huge 2 million dollar judgement as the

2 denominator in making that percentage it doesn't
3 really make sense in the long-run so what we're
4 really looking for is what is the collections on the
5 cases where we have someone in court doing that work
6 with us and we can look at that certainly and get
7 back to you, Council Member.

8 CHAIRPERSON SANCHEZ: Thank you so much.

9 One more question, and this is hyper-specific to the
10 Assistant Commissioner's Division, how is your
11 staffing? Are you short-staffed within the Litigation
12 Division?

13 ASSISTANT COMMISSIONER WEITHMAN: Thank
14 you for that question, Council Member. Yes, we do
15 have quite a few vacancies on the attorney lines
16 currently. We are doing everything in our power to
17 fill those lines. It has been challenging, and so we
18 are down, I think, approximately around the 20
19 percent for attorneys. Again, we are making all of
20 our efforts to fill those lines.

21 CHAIRPERSON SANCHEZ: All right. Thank you
22 so much. DOB, moving to the Certificate of No
23 Harassment Program.

24 DEPUTY COMMISSIONER SANTIAGO: Most of the
25 Certificate of No Harassment Program falls under the

2 Housing Litigation Division as well. I'm glad to have
3 Guillermo at the table as well, but...

4 CHAIRPERSON SANCHEZ: (INAUDIBLE)

5 DEPUTY COMMISSIONER SANTIAGO: Your
6 questions might actually go to us.

7 CHAIRPERSON SANCHEZ: All right. I will
8 defer to whoever has the answer. Just to get right to
9 it, there was a pilot program for the Certificate of
10 No Harassment. We are concerned that, especially in
11 gentrifying communities but in more communities than
12 just the gentrifying ones, there are owners that are
13 using construction as harassment. The question is
14 what outcomes has the pilot program achieved
15 including whether property owners have been deterred
16 from continuing to harass, what outcomes have we seen
17 from the pilot?

18 DEPUTY COMMISSIONER SANTIAGO: I think
19 that's for HPD so I will turn it to Marti.

20 ASSISTANT COMMISSIONER WEITHMAN: Thank
21 you for that question, Council Member. As you know,
22 the initial pilot program was implemented in 2018 and
23 the legislation was amended late last year, and we
24 ran our second iteration of the pilot program, the
25 building list, in June of this year. We did submit a

2 report to the Council last year. It was a little
3 difficult to really analyze the success of the
4 program based on the numbers of applications that we
5 had received by the end of the initial pilot program,
6 which was a three-year period mainly we think due to
7 COVID. Currently, we have received a total of 71
8 applications since 2018; 31 of those applications
9 received grants, 13 of them have been denied, and 2
10 of those went to a full hearing at OATH, and those
11 denials were a result of those hearings, 11 of them
12 did settle once we brought our proceeding at OATH, 19
13 of the applications have been withdrawn, and that can
14 only happen prior to HPD making a final
15 determination, two of the applications were rejected
16 for insufficient documentation, and we currently have
17 six pilot program applications pending. We continue
18 to look at all of the outcomes from these
19 applications, and we look forward to doing further
20 analysis of the success of the program.

21 CHAIRPERSON SANCHEZ: Can I just ask you
22 to expound upon what some of those statistics really
23 mean? What does it mean when a case settles, 11
24 settled, what does that mean?

2 ASSISTANT COMMISSIONER WEITHMAN: What
3 happens is when we receive an application, HPD
4 conducts an investigation so we go to the building,
5 we look at all of the conditions, we speak with
6 tenants, we speak with them about their experiences
7 during the prior inquiry period which is a period of
8 five years, any experiences they've had with
9 harassment in the building, we do a whole host of
10 other research looking at other agency data, we speak
11 with community groups who have knowledge of the
12 buildings, and the investigator issues their report,
13 it is reviewed by an attorney who makes a
14 determination as to whether or not there's reasonable
15 cause to believe that harassment did in fact occur
16 during that five-year period for the pilot program.
17 If they do make that reasonable cause determination,
18 then we issue an Initial Determination of Cause, and,
19 at that point, we commence a proceeding at OATH, at
20 the Office of Administrative Trials and Hearings, and
21 at that point an application can no longer be
22 withdrawn because there has been a determination made
23 and we move forward with the hearing, but the owner
24 does have a right under the statute and the rules to
25 settle without, you know it saves them some time as

2 far as getting the denial, they only can settle with
3 a denial, but it just starts the clock ticking for
4 them to have to wait five years to either reapply or
5 they can begin a process to engage with the agency on
6 a cure.

7 CHAIRPERSON SANCHEZ: Thank you so much
8 for that. Would you say that after a building is told
9 or whatever the process is for them applying for the
10 CONH, after they do that have you been able to tell
11 whether complaints about harassment have decreased?

12 ASSISTANT COMMISSIONER WEITHMAN: In a
13 particular building?

14 CHAIRPERSON SANCHEZ: In a particular
15 building.

16 ASSISTANT COMMISSIONER WEITHMAN: Sorry.
17 Just to clarify, this is just after the application
18 has been submitted, not after a grant or denial?

19 CHAIRPERSON SANCHEZ: Both.

20 ASSISTANT COMMISSIONER WEITHMAN: Both.

21 CHAIRPERSON SANCHEZ: Either case, yeah.

22 ASSISTANT COMMISSIONER WEITHMAN: As I
23 mentioned, once an application has been filed, we are
24 actively reaching out to tenants to hear from them,
25 both current and former tenants, so yes, we are

2 getting whatever complaints they have, we seek them
3 out. If an application has been granted and the CONH
4 thus goes forward then an owner can then obtain the
5 permits from the Department of Buildings for the
6 specific types of work that requires a certificate.
7 If we do receive complaints of harassment, we do
8 investigate those, and there is a mechanism under the
9 statute for us to rescind a Certificate of No
10 Harassment based on an investigation of any
11 harassment that may be found.

12 CHAIRPERSON SANCHEZ: I'd love to follow
13 up just because I see some of my advocates shaking
14 their heads about outreach and about whether HPD is
15 able to go in and speak to tenants so I'd love to
16 have more information on what that looks like, the
17 before and after, the if/then, if an owners does this
18 then HPD is able to enter a building and speak and
19 then so on and so forth, what you just described with
20 that process.

21 ASSISTANT COMMISSIONER WEITHMAN: If a
22 Certificate of No Harassment has been granted, the
23 only time we would follow up with tenants about
24 harassment is if they contact us, and they would have
25 the investigator's information who they can follow up

2 with, they can also file complaints with 3-1-1, but
3 that would then kind of trigger our looking further
4 into any allegations of harassment, and then we would
5 also follow up with the owner to find out what's
6 happening from them.

7 CHAIRPERSON SANCHEZ: Okay. Now, my
8 closing questions, I promise, and then we'll go into
9 public testimony. By the way, my 4-month-old is
10 downstairs, and he's been sleeping the whole time,
11 and I just keep texting my dad to be like hey, is the
12 baby alive, baby is alive, and it's really shocking
13 that they have not woken up because I guess they
14 believe these are important questions to be asked so
15 thank you, baby.

16 I want to close with some additional
17 questions that I had on the Heat Sensor Pilot
18 Program. I'm not going to ask these 10 questions, but
19 let me just see here. In terms of the way that the
20 Heat Sensor Program is carried out, so the landlords
21 are putting these sensors throughout buildings, in
22 the living rooms, etc., and then they are reporting
23 and signing affidavits to HPD saying what the
24 temperatures were, reporting on the temperatures. How

2 does the agency verify that tenants have been
3 providing access to temperature data?

4 DEPUTY COMMISSIONER SANTIAGO: Thank you,
5 Council Member. Unfortunately, the expert on this is
6 our Assistant Commissioner Mario Ferrigno who
7 couldn't be here today. I will try to answer to the
8 best of my ability, but he may need to correct me on
9 some of the specifics in terms of your written
10 questions.

11 Once the heat sensors are installed, the
12 owner, as you said, does have to provide the agency
13 with the list of apartments in which those sensors
14 were installed. We are required to do re-inspections
15 every few weeks to ensure that heat is being
16 provided. We do try to go to those apartments where
17 the tenants have the heat sensors and we go to some
18 apartments where tenants refused the sensors as well.
19 We require the data to be sent to us I believe three
20 times during the course of the heat season so we can
21 verify that the data is being collected and being
22 provided. I do not know if it's the inspector or it's
23 someone in the office who may verify with the tenants
24 about their access to the information, but we can get
25 that information to you.

2 CHAIRPERSON SANCHEZ: Thank you so much. I
3 want to acknowledge Council Member Brewer who also
4 created the Underlying Conditions Program. You are
5 such a boss. Thank you for joining.

6 Okay. That's helpful, and we can follow
7 up. I think many of these questions depend on those
8 nitty-gritty details so I can send heat sensor
9 questions as a followup, but I have some questions
10 here around the relationship between a backlog or
11 having a deficit of inspectors available and then the
12 biweekly inspections, some of these program
13 requirements, and how HPD is able to meet those
14 requirements. I will ask about scheduling of
15 inspections. I receive just the most complaints about
16 HPD's inspectors going into buildings when tenants
17 are not available, giving the landlord a heads up but
18 not the tenants, and that resulting in conditions not
19 being addressed, and so what is HPD doing to
20 modernize the way that inspections are scheduled,
21 have you considered creating an app to schedule
22 inspections or any other changes that you've
23 considered making in order to streamline that
24 process?

2 DEPUTY COMMISSIONER SANTIAGO: Thank you,
3 Council Member. Yes, we've heard requests for that as
4 well, and I think it's a service we would love to
5 provide. It's a very complicated thing to schedule
6 for us because we always want to have the flexibility
7 to handle the most dire thing that comes in,
8 especially during heat season where we feel that we
9 can understand whether a building has heat or not by
10 going to any unit. It might slow us down to schedule
11 those because we can go and hit an entire block and
12 hopefully be able to get that done in a short time.
13 Some of the other limiting factors for us are things
14 like you can come up with an average time that it
15 takes to do an inspection so you can come up with an
16 average number of stops that can be scheduled for a
17 day, but, unfortunately, our inspectors too often run
18 into situations which extend the time needed for an
19 inspection, and so that makes it very complicated for
20 us to not overschedule people, and I think just as
21 bad as leaving a card if someone's not home and
22 telling them please call us to schedule an inspection
23 if you still need us, is to make a lot of people wait
24 home and then not be able to come. This is technology
25 that we would like to look into and really would

2 require a lot of work, but we understand the benefit
3 of it and so something for us to just try and figure
4 out how to address tenants' needs to do that. Again,
5 as I said, when we go and tenants aren't home, we
6 leave a card and ask them to call us. We send a
7 letter as well both on the Code Inspection side and
8 on the Emergency Repair side to try and get in
9 contact with as many as tenants as we can when we
10 need to do those inspections.

11 CHAIRPERSON SANCHEZ: Thank you, and I
12 look forward to working more with you all on that.
13 Just a closing question and this is specifically from
14 the 179th East 93rd Street Tenant Association. They
15 have shared with my office that their landlord,
16 Goffman, routinely falsely certifies. There's just
17 complaint after complaint, and it wastes tenant time,
18 the base goal being to get repairs made and to
19 improve conditions. I don't know this landlord
20 myself, I don't know the details myself, but a
21 building like this and a landlord like this that is
22 routinely falsely certifying, you mentioned that the
23 Litigation Unit goes after them. What else? What is
24 the suite of tools that HPD has to go after these bad
25 actors?

2 DEPUTY COMMISSIONER SANTIAGO: Thank you,
3 Council Member. Again, I think this is where we want
4 to look again at the Public Advocate's
5 recommendations, and we have our own ideas about
6 other ways in order to stop bad actors who routinely
7 falsely certify. I think it is something that we want
8 to look at, that we want to strengthen our tools to
9 be able to combat because right now it is a difficult
10 position for us to be in.

11 CHAIRPERSON SANCHEZ: Thank you. I am in
12 strong support of that piece of legislation. I just
13 want to give the floor to Council Member Brewer for a
14 bit.

15 COUNCIL MEMBER BREWER: I know this was
16 asked. I've been doing this work a long time. How
17 many inspectors do you have? How many vacancies? How
18 many do you need? The same thing on the legal
19 department, how many to help on these topics? I know
20 you discussed it before. I'm convinced that without
21 different pay and virtual we're not going to be able
22 to hire anybody.

23 DEPUTY COMMISSIONER SANTIAGO: Thank you,
24 Council Member. If you'll give me a second, we...

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2 COUNCIL MEMBER BREWER: The Mayor and I do
3 not agree on that topic, however. You can't say
4 anything, but I can. You've got to have different
5 schedules. Go ahead. I'm listening.

6 DEPUTY COMMISSIONER SANTIAGO: For
7 inspectors, our current headcount is 257.

8 COUNCIL MEMBER BREWER: Okay, for
9 inspectors, yeah.

10 DEPUTY COMMISSIONER SANTIAGO: Attorneys
11 was your other?

12 COUNCIL MEMBER BREWER: Attorneys.

13 DEPUTY COMMISSIONER SANTIAGO: 33
14 attorneys.

15 COUNCIL MEMBER BREWER: Okay. Now what
16 have you had at the max, how many inspector vacancies
17 do you have?

18 DEPUTY COMMISSIONER SANTIAGO: We have
19 over 100 inspector vacancies right now.

20 COUNCIL MEMBER BREWER: Okay, and how are
21 you going to fill them?

22 DEPUTY COMMISSIONER SANTIAGO: I
23 apologize. Just to reiterate what we've said, we have
24 improved our outreach significantly over the past
25 year, realizing..

2 COUNCIL MEMBER BREWER: Haven't hired
3 anybody, it hasn't made a difference.

4 DEPUTY COMMISSIONER SANTIAGO: We have
5 hired about 20 inspectors.

6 COUNCIL MEMBER BREWER: 20 out of 100.

7 DEPUTY COMMISSIONER SANTIAGO: Let me say,
8 we've hired 50 or 60 inspectors, but we've lost
9 people at the same time, and so we are moving in the
10 right direction, not as quickly as we would like.

11 COUNCIL MEMBER BREWER: And you think
12 that's because of salary or inability to have a
13 flexible schedule or what do you attribute it to
14 because this has not been true in the past to this
15 extent?

16 DEPUTY COMMISSIONER SANTIAGO: I think as
17 all the city agencies have said over COVID, the
18 hiring freeze thing..

19 COUNCIL MEMBER BREWER: Yeah, yeah, yeah.

20 DEPUTY COMMISSIONER SANTIAGO: Put us in a
21 behind position, and we are trying to catch up with
22 that now.

23 COUNCIL MEMBER BREWER: Okay, and how
24 about the attorneys, ma'am? I've known this woman 40
25 years, just so you know.

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2 ASSISTANT COMMISSIONER WEITHMAN: We're
3 about 20 percent down on attorneys.

4 COUNCIL MEMBER BREWER: 20 percent down,
5 so you have 33 attorneys now...

6 ASSISTANT COMMISSIONER WEITHMAN: Yeah.

7 COUNCIL MEMBER BREWER: So you need
8 another, my math isn't that good.

9 ASSISTANT COMMISSIONER WEITHMAN: 17 or
10 so.

11 COUNCIL MEMBER BREWER: You need another
12 17 more?

13 DEPUTY COMMISSIONER SANTIAGO: No, we have
14 13 vacancies right now.

15 COUNCIL MEMBER BREWER: 13 vacancies in
16 terms of attorneys?

17 DEPUTY COMMISSIONER SANTIAGO: Correct.

18 COUNCIL MEMBER BREWER: Okay. I've not
19 heard of any attorneys being hire by the City because
20 people want to be virtual.

21 ASSISTANT COMMISSIONER WEITHMAN: We did
22 just fill a couple. That's why (INAUDIBLE)

23 COUNCIL MEMBER BREWER: Okay, and the
24 other question is, maybe I should know this, but how
25 many average inspections per day can an inspector do?

2 I see them. I know how hard that work is, but just
3 generally what's the average per day that an
4 inspector can do?

5 DEPUTY COMMISSIONER SANTIAGO: Thank you,
6 Council Member. It depends on the borough somewhat
7 too because travel time factors into how many you can
8 do. It depends...

9 COUNCIL MEMBER BREWER: I only care about
10 Manhattan, you know how I am, but you can do
11 citywide.

12 DEPUTY COMMISSIONER SANTIAGO: Only
13 Manhattan.

14 CHAIRPERSON SANCHEZ: I care about the
15 Bronx.

16 DEPUTY COMMISSIONER SANTIAGO: Manhattan
17 and the Bronx are two of the easier boroughs because
18 everything is close together, and the buildings are
19 big so a lot of people. An inspector doing just
20 complaint inspections can probably do about 15
21 inspections a day.

22 COUNCIL MEMBER BREWER: 13 a day?

23 DEPUTY COMMISSIONER SANTIAGO: About 15 a
24 day if they're not doing lead inspections. As soon as
25 you hit a lead inspection, of course, which requires

2 you to inspect the whole apartment, that slows you if
3 you find a child under 6 in the apartment.

4 COUNCIL MEMBER BREWER: Is lead up or
5 down, just curious, in terms of the number of
6 complaints? NYCHA's doing a great job. With all due
7 respect, Health and Housing need to coordinate
8 better. You need to coordinate better according to
9 people who used to work for the City who complain to
10 me.

11 DEPUTY COMMISSIONER SANTIAGO: I will take
12 that under advisement, Council Member, but we
13 definitely work very closely with the Health
14 Department on lead.

15 COUNCIL MEMBER BREWER: Okay.

16 DEPUTY COMMISSIONER SANTIAGO: The number,
17 I'm sorry, your question was?

18 COUNCIL MEMBER BREWER: Whether it's up or
19 down in terms of lead complaints.

20 DEPUTY COMMISSIONER SANTIAGO: Lead
21 complaints are up, and that is mostly because of the
22 changes in the law over the past several years so now
23 a child just has to spend 10 or more hours in an
24 apartment. The rules have changed so it's hard to
25 compare to previous periods.

2 COUNCIL MEMBER BREWER: I sent a letter.
3 I'll send it to you again just because it needs to be
4 answered about this topic.

5 DEPUTY COMMISSIONER SANTIAGO: Thank you.

6 COUNCIL MEMBER BREWER: Thank you.

7 CHAIRPERSON SANCHEZ: Thank you, Council
8 Member, and happy to follow up jointly.

9 On behalf of Council Member Hanif,
10 Proposed Intro 243 in relation to posting space
11 heater safety notices, does HPD support this
12 legislation? Do you have any recommendations for
13 changes?

14 DEPUTY COMMISSIONER SANTIAGO: Thank you,
15 Council Member. We absolutely agree with the intent
16 of the bill which is to educate tenants and owners
17 about the safety of space heaters and how to use them
18 safely. We just would like to talk with the Council
19 Member more about maybe more effective ways to do
20 that communication and outreach. As you may know,
21 there's a lot of signs already that owners are
22 required to post and just one more sign we're not
23 sure is the way to get people's attention to the
24 importance of the issue and so we'd be happy to have
25 those conversations.

2 CHAIRPERSON SANCHEZ: Great. Thank you so
3 much. Before I finish with my line of questions,
4 could you please commit to sending us at the City
5 Council the relevant program budgets, crosswalks to
6 budget codes, and capital project IDs so that we can
7 have productive discussions during the budget
8 hearings come this spring?

9 DEPUTY COMMISSIONER SANTIAGO: Our budget
10 office is certainly reviewing that request. We don't
11 have that much capital in our area, but certainly the
12 other funding sources.

13 CHAIRPERSON SANCHEZ: Great, and headcount
14 data. Wonderful. Thank you so much. There's a lot of
15 good information that we exchanged today. I will very
16 closely be looking for your followup letter with more
17 detailed information. Again, it's a priority for this
18 Council, it's a priority for me to protect what we
19 have. We're not going to make any sort of dent in the
20 housing crisis if we have a revolving door and we're
21 losing units due to code enforcement issues so thank
22 you for the work that you do and thank you for
23 working with us to make it even better.

24 DEPUTY COMMISSIONER SANTIAGO: Thank you,
25 Council Member. We appreciate the opportunity to talk

2 about our programs. I know that some of them are
3 complicated and some of them are weedy, but we
4 appreciate the opportunity.

5 CHAIRPERSON SANCHEZ: Thank you.

6 COMMITTEE COUNSEL SON: We will now turn
7 to testimony from members of the public who have
8 registered to testify, both in-person and via Zoom.

9 If you're joining us via Zoom, please
10 listen for your name to be called and you will
11 receive a prompt to unmute. Please accept that prompt
12 before you begin.

13 In the interest of time, all members of
14 the public will be set to a two-minute clock so that
15 we can hear from all who have registered to testify.

16 First, we will hear from Samuel Stein
17 followed by Emily Goldstein, Noelle Francois, and
18 Jackie Del Valle.

19 SERGEANT-AT-ARMS: Time starts now.

20 SAMUEL STEIN: Am I on? Can you hear me?

21 COMMITTEE COUNSEL SON: Yes, we can hear
22 you.

23 SAMUEL STEIN: Wonderful. Thank you to the
24 Committee for holding this hearing. My name is Sam
25 Stein. I'm a Senior Policy Analyst at the Community

2 Service Society, and I'm a member of the Right to a
3 Roof Coalition. I've supplied more extensive written
4 comments, and I'll briefly summarize the
5 recommendations from them now.

6 The first recommendation is to increase
7 civil and financial penalties. At the end of 2020, in
8 each of New York City's five boroughs, between 65 and
9 85 percent of open code violations in rent-stabilized
10 buildings remained unresolved for a year or more. The
11 current financial penalties are not enough.

12 Second recommendation is to extend
13 proactive enforcement as we have talked about today.
14 Throughout 2019, New York City spent 48 million
15 dollars across more than 10,000 properties to correct
16 dangerous issues in rental buildings. A year later,
17 landlords have paid back less than 8 million dollars
18 of the 48 million dollars in costs. We must be
19 serious about both doing proactive enforcement and
20 recouping the cost.

21 Third recommendation is to expand and
22 reform 7A. Between 2016 and 2019, an average of 23 7A
23 cases were filed in housing courts. In contrast,
24 there are currently close to 10,000 chronically
25 distressed buildings in New York City representing

2 over 115,000 apartments. The 7A process must be
3 reformed to be quicker and more accessible to
4 tenants.

5 The fourth recommendation is to integrate
6 NYCHA into the mainstream code enforcement system.
7 NYCHA residents should have the same rights and
8 protections that other tenants can access, the right
9 to HPD code enforcement and inspections, and the
10 leverage to get those code violations cited and have
11 repairs completed.

12 Our fifth and final recommendation is to
13 bring CityFHEPS inspection standards in line with
14 Section XIII. The City should make biannual
15 inspections standard and ensure that city dollars are
16 not being pocketed by landlords who have not
17 maintained healthy and safe living conditions.

18 SERGEANT-AT-ARMS: Thank you. Time has
19 expired.

20 SAMUEL STEIN: As I said, there's much
21 more detail and data on these issues in our
22 testimony. Thank you for the opportunity to speak.

23 CHAIRPERSON SANCHEZ: Thank you so much,
24 Sam. Could you just repeat for 7A reform, 23 cases
25 filed, 10,000 businesses in distress with 115,000

2 apartments is what you shared? Okay. I guess thumbs
3 up or thumbs down. All right, well, thank you so much
4 for testifying, and I'll surely be following up with
5 questions on your testimony.

6 SAMUEL STEIN: Thank you.

7 COMMITTEE COUNSEL SON: Next, Emily
8 Goldstein followed by Noelle Francois and Jackie Del
9 Valle.

10 EMILY GOLDSTEIN: Good afternoon. My name
11 is Emily Goldstein. I'm the Director of Organizing
12 and Advocacy with ANHD. ANHD is also a cofounder of
13 the Right to a Roof Coalition, a coalition that Sam
14 just mentioned as well.

15 Really appreciate you holding this
16 hearing. Code Enforcement is the unsexy but one of
17 the most important issues to actually ensuring that
18 residents of New York City have safe, affordable, and
19 healthy housing, and it's a huge priority for both
20 ANHD members and in the coalitions we're working
21 with.

22 I submitted written testimony. There's a
23 lot in there. I want to particularly focus on the
24 issue of civil penalties. We're strongly supportive
25 of increasing the amounts of civil penalties. They're

2 ridiculously low right now and don't actually serve
3 as any sort of a real deterrent to landlords who are
4 violating the law repeatedly. We also have some
5 recommendations for how to strengthen Intro 583 in
6 addition to what's in there already. We really think
7 this issue that's been discussed already in this
8 hearing of when and how our fines and penalties
9 actually collected is hugely important if the
10 penalties are on paper but aren't actually happening
11 in practice. They don't have the impact that they're
12 intended to have, and this is an issue that we hear
13 repeatedly as a frustration from tenants, organizers,
14 attorneys. They go to Housing Court, they go through
15 the entire process, and then the settlements
16 essentially wind up reducing or waiving the penalties
17 that could've been collected. We also think that
18 there could be improvements to the language around
19 sort of adding the watchlist that's proposed to Open
20 Data and making sure that all that information is
21 transparent and accessible. What's in there is really
22 good. We just have a few additional suggestions. We
23 also have a few suggestions to make sure that
24 landlords are not able to hide behind LLCs in order
25 to avoid the watchlist because we want to really make

2 sure that that piece of the legislation acts as
3 intended.

4 Happy to answer any further questions.
5 There's more in the written testimony and thank you
6 again.

7 CHAIRPERSON SANCHEZ: Excellent. Thank you
8 so much, Emily. I'm going to turn it to Council
9 Member Brewer who has a question for you.

10 COUNCIL MEMBER BREWER: Thank you. I feel
11 so positive about ANHD because of the work you've
12 done on data at the courts.

13 EMILY GOLDSTEIN: Thank you.

14 COUNCIL MEMBER BREWER: Does any of that
15 data help us with inspections and some of the work
16 that this Committee is focused on? To me, that would
17 be very helpful to have that data.

18 EMILY GOLDSTEIN: Yeah. I don't have it
19 all in front of me, but obviously we can work with
20 you on it. I think a lot of the data that we've work
21 so closely with you on helps to point to, in
22 particular, how to figure out which buildings should
23 be considered for things like the watchlist, which
24 buildings should be considered for expanded proactive
25 enforcement. That data is really our best tool for

2 thinking about how buildings need to be put into
3 those programs and then, when we look at that data
4 and crosscheck it against the list of what's already
5 in those programs, I think it can help to answer some
6 of the issues and questions you all have been raising
7 about where are these programs effective, where the
8 City's tools working as they should be, and where do
9 we need to take a closer look.

10 COUNCIL MEMBER BREWER: The amazing data
11 committee that you put together, is that still active
12 and is this data readily available or will be readily
13 available so it could be used? I was never quite
14 clear how it was being used.

15 EMILY GOLDSTEIN: Yeah. There's a bunch of
16 different data works so hopefully I'm going to refer
17 to the right thing. ANHD has the Displacement Alert
18 Project. That is all online and readily available. It
19 has several different components so people can look
20 at it in different ways, by district, on a map, etc.
21 It's all online and publicly available, and we're
22 happy to do trainings on how to use that data.

23 COUNCIL MEMBER BREWER: Okay.

24 EMILY GOLDSTEIN: We also work with
25 collaboratives of other organizations that are

2 interested in trying to get access to additional data
3 and improve the City's Open Data systems so that we
4 can then add that to tools like that.

5 COUNCIL MEMBER BREWER: I should know
6 this, because you mentioned LLCs and hiding behind
7 which has been going on forever, is that addressed
8 ever?

9 EMILY GOLDSTEIN: There's been some
10 improvements, but it's still sort of a persistent
11 problem and so, in particular, we think the sort of
12 who owns what is really helpful in that regard, but
13 we think there are ways, I'm just flipping to the
14 right page, that things that could be done. For
15 example, enforcing owner registration requirements so
16 that individuals and their contact information is
17 actually on file, if it's the same individual and the
18 same contact information across LLCs, then we can
19 actually get to the people. Requiring individuals to
20 declare what other buildings they're agents on when
21 they do those registrations so that all that
22 crosschecking doesn't have to happen after the fact
23 and requiring declarations what LLCs people own. We'd
24 be happy to work with you on those.

25 COUNCIL MEMBER BREWER: Thank you.

2 CHAIRPERSON SANCHEZ: Thank you so much,
3 Emily.

4 COMMITTEE COUNSEL SON: Next is Noelle
5 Francois followed by Jackie Del Valle and Rima Begum.

6 NOELLE FRANCOIS: Thank you. Can everyone
7 hear me?

8 COMMITTEE COUNSEL SON: Yes.

9 NOELLE FRANCOIS: I want to begin my
10 testimony by thanking the Chair, Council Member
11 Pierina Sanchez, the Members of the Committee, and
12 the co-Sponsors of Intro 434 for recognizing the
13 opportunity to make our city safer.

14 My name is Noelle Francois, and I am the
15 Executive Director of Heat Seek, a non-profit that
16 works with tenants experiencing insufficient heat in
17 their apartments in the wintertime. We use smart
18 temperature sensors to accurately and reliably
19 document the indoor temperatures during the winter
20 months and help tenants prove when the temperature in
21 their apartment is too low. I've spent the past eight
22 years of my professional career using web-connected
23 temperature sensors to help tenants document
24 violations of New York City's Heat Law and have
25 unique insight into Intro 434. I'll be providing some

2 additional written testimony but would like to take
3 this opportunity to give recommendations to improve
4 the expansion of the Heat Sensors Bill.

5 Last winter, Heat Seek provided our own
6 temperature sensors to 58 families across New York
7 City who were struggling to get adequate heat during
8 the heat season. The temperature sensors documented
9 over 17,000 hours where the temperature was below the
10 legal limit from just 58 apartments. It is clear from
11 our own analysis that a low number of heat violations
12 does not equate to a warm apartment. Real-time
13 temperature monitoring gives us a much more complete
14 picture of what's actually happening inside a
15 tenant's apartment, and we believe that it should
16 become a more prominent component of the City's heat
17 enforcement.

18 Heat Seek supports the expansion of the
19 Heat Sensors bill along with the expansion of
20 resources and staff to allow HPD to adequately carry
21 out the program and ensure 100 percent participation.
22 With this expansion, we would like to see the
23 following improvements.

24 First, we believe that automatic data
25 transmission is a critically important new addition

2 of the Heat Sensor Program. We're excited about this
3 provision. HPD should use this data to affirmatively
4 send inspectors to a building when they see that that
5 building is currently in violation based on the real-
6 time data that they're receiving.

7 Next, we believe additional tenant
8 education is needed to make the program a success. We
9 don't believe HPD should rely on landlords to
10 adequately educate tenants about a punitive program
11 that they've been enrolled in. We'd like to see HPD
12 provide a detailed description of the program to
13 tenants along with a way for the tenants to take
14 action if their landlord is not complying.

15 SERGEANT-AT-ARMS: Thank you. Time has
16 expired.

17 CHAIRPERSON SANCHEZ: Thank you so much
18 for your testimony. I just want to make a PSA. It's
19 really helpful for us Council Members to have your
20 testimony in advance so we can read it. I remember
21 when I was in your shoes. You just never get a chance
22 to read the whole thing, but, if we can skim, then we
23 can ask questions. I'm not saying that just to you
24 but just to the world. Thank you so much for your
25 testimony, and I look forward to following up.

2 COMMITTEE COUNSEL SON: Thank you so much.
3 We will now hear from Jackie Del Valle followed by
4 Rima Begum and Jessica Bellinder.

5 JACKIE DEL VALLE: Hi. Good afternoon,
6 Council Member Sanchez and Brewer and everyone else
7 who's there. I can't quite see any more what Council
8 Members are left, but thank you for having this
9 hearing and inviting me to testify. My name is Jackie
10 Del Valle, and I'm with TakeRoot Justice and the
11 Stabilizing NYC Coalition. TakeRoot Justice fights
12 with tenants and community groups to demand better
13 living conditions, affordable rents, and a voice in
14 the policies that shape their neighborhoods. We
15 helped hundreds of tenants and dozens of tenants'
16 associations file lawsuits for repairs in Housing
17 Court including buildings damaged by fire.
18 Stabilizing NYC is a Council-funded coalition to
19 organize tenants against predatory equity,
20 harassment, and displacement. We hold speculative
21 landlords accountable for unsafe building conditions
22 and neglect.

23 We strongly support Intro 204 and 583 to
24 increase fines for owners for multiple, multi-year,
25 uncured violations resulting in multi-inspections.

2 The current fines and the inability of HPD to collect
3 them renders the fines negligible, allowing landlords
4 to flout the law. These increases and the enforcement
5 of them constitute a bare minimum of what is needed
6 to meaningful enforce NYC Habitability Law.

7 We strongly support Intro 337 which by
8 means of sending tenants the list of violations will
9 help address those violations, especially in
10 buildings that have a long backlog. Tenants have the
11 right to know about the health and safety conditions
12 of their homes. As the pandemic made clear, not every
13 household has access to their buildings' violations,
14 and this info will help tenants fighting for repairs
15 and fair rents. It's criminal how much of a family's
16 income goes to a landlord unwilling to make repairs.

17 We ask that the Council pass Intro 434.
18 The Heat Seek program which uses technology to
19 monitor heating must be expanded and properly
20 administered. Winter is here. The reality is that
21 many landlords don't provide adequate heat, leading
22 many tenants to use costly and unsafe space heaters.
23 Intro 243 must be passed to ensure electric heaters
24 are used safely.

2 The City of New York through HPD has a
3 responsibility to ensure tenants have safe housing
4 through the oversight of private landlords. It's
5 clear that landlords are not keeping buildings safe
6 and are not providing adequate heat, and HPD is not
7 doing enough about it. Buildings should not be
8 allowed to rack up...

9 SERGEANT-AT-ARMS: Thank you. Time has
10 expired.

11 JACKIE DEL VALLE: Okay.

12 CHAIRPERSON SANCHEZ: Okay. Thank you so
13 much, Jackie. I appreciate your testimony.

14 COMMITTEE COUNSEL SON: Next we will
15 hear from Rima Begum followed by Jessica Bellinder
16 and Dannelly Rodriguez.

17 RIMA BEGUM: Hi there. Just want to make
18 sure you can hear me.

19 COMMITTEE COUNSEL SON: Yes, we can hear
20 you.

21 RIMA BEGUM: My name is Rima. I am the
22 Associate Director of Housing Stability Program over
23 at Chhaya CDC and a rent-stabilized tenant myself.
24 We're a non-profit organization that builds power,
25 housing stability, and economic well-being of

2 Southeast Asians and Indo-Caribbean communities in
3 New York City. I'm just going to go over my
4 recommendations for some of the bills instead of
5 reading out my testimony.

6 In regards to Intro 163, Intro 484, I
7 understand the need to use technology to be more
8 efficient as a City. in my years of experience as an
9 organizer, some of our housing inspectors don't do
10 quality inspections because they are overworked and
11 the agency is severely underfunded. I repeatedly hear
12 stories from tenants and inspectors that inspectors
13 only spend a few minutes in apartments and ignore
14 certain prompts to look into certain rooms or places.
15 A general 15- to 20-minute inspection is probably now
16 going to take five minutes if we were to pass this.
17 If photos are to be used, there should be no impact
18 to our regular standard inspection, and I do not see
19 that explicitly written into these bills. Photos
20 won't provide enough information on the quality of
21 work, which is exactly where the Housing Maintenance
22 Code fails New Yorkers and the bill sponsors need to
23 think about this.

24 In regards to Intro 243-A, we are in
25 support of this bill and ask that the bill go a bit

2 further by requiring landlords to mail tenants a copy
3 of this notice regarding space heater safety and an
4 alternative option is to provide this as a notice
5 required during lease renewal signings. These notices
6 should be translated into the spoken languages in New
7 York City.

8 In regards to Intro 337, we are in
9 support of this bill and ask that this be done in the
10 top 10 languages spoken in New York City.

11 In regards to Intro 434, we are in
12 support of expanding the Heat Sensor Program and ask
13 that this program like this be independent of
14 landlord intervention.

15 SERGEANT-AT-ARMS: Thank you. Time has
16 expired.

17 RIMA BEGUM: Thank you.

18 CHAIRPERSON SANCHEZ: Thank you so much.
19 Update for everyone. The baby is now awake so we'll
20 see how it goes but they're not crying yet so keep
21 going.

22 JESSICA BELLINDER: Good afternoon. My
23 name is Jessica Bellinder. I'm a Supervising Attorney
24 with the Legal Aid Society, Bronx Neighborhood
25 Office. I work in the Group Advocacy Practice, and we

2 have a citywide practice that represents tenants'
3 groups largely to enforce the Housing Maintenance
4 Code and try to address tenant harassment and enforce
5 tenant rights.

6 Our funding is through the Anti-
7 Harassment Tenant Protection Funding from HRA, and
8 part of my reason for being here today is to ensure
9 that we're aware that this is funding that supports
10 all of the legal services providers in the city,
11 largely who do affirmative tenant work to assert
12 their rights when HPD, which only apparently has a
13 line for about 40-odd attorneys for the entire city,
14 can't possibly be expected to enforce the Housing
15 Maintenance Code for everybody. We are very excited
16 that you are having this hearing, and we look forward
17 to working with you in the future on additional
18 issues. We really would like to see a review of the
19 entire Housing Maintenance Code and the variety of
20 laws that intersect with each other to make them more
21 accessible both for advocates and landlords and
22 tenants and make them a more seamless resource of
23 legal information. Everyone has said it, at least all
24 the advocates will say it. You can raise the fines
25 and civil penalties as much as you like. Unless

2 there's real enforcement through imposition of those
3 fines to the collection of those fines and through
4 the Housing Courts interpretation of the application
5 of the law, you're not going to see a huge change in
6 landlord behavior and so while we applaud the
7 increase in the fines and we believe that they are
8 legally supportable and our testimony kind of goes
9 into some of the issues that might surround the
10 issues of raising fines, we believe that more also
11 needs to be done by HPD to enforce those and to
12 collect them at higher levels so that they actually
13 act as a deterrent.

14 We'd also like to just say that we agree
15 that the CityFHEPS program should be brought in line
16 with the HPD enforcement standards, and we have some
17 real concerns about some of the legislation which is
18 detailed in our testimony. While we believe that much
19 of it is well-intentioned, there are some real
20 potential unintended consequences for tenants in
21 terms of the burden of proof with respect to the
22 photos and privacy issues with respect to the photo
23 requirement. We also don't want to diminish the
24 landlord obligation to provide adequate heat, which
25 we are concerned that the information about safe

2 space heaters might unintentionally do and so we want
3 to make sure that, to the extent that we're going to
4 require that notice, that there be a strong
5 countervailing obligation to inform tenants of their
6 rights to adequate heat and how to make those
7 complaints and how to enforce those complaints. I
8 think I will leave it at that for now since I'm over
9 my time, but I appreciate the chance to talk to you.

10 CHAIRPERSON SANCHEZ: Thank you so much.
11 You have a question from Council Member Brewer.

12 COUNCIL MEMBER BREWER: I'm a real Open
13 Data nut so is there any way that you use what ANHD
14 was talking about to see where there are challenges
15 in the future in terms of maintenance, etc.? Is that
16 something that would be helpful to you? Do you use
17 it? Do you use any data...

18 JESSICA BELLINDER: Yeah, we love Open
19 Data. We use it all the time to help us identify
20 buildings that we want to reach out to because not
21 every borough has as many aggressive tenants'
22 associations as we would like. We would love to see
23 more tenant organizing as well and really strong
24 tenants' associations, but one of the ways that we
25 identify buildings, if they aren't coming to us, is

2 to look at the Open Data and look at vacate orders,
3 to look at persistent problems with rats or other
4 conditions that are recurring on a regular basis and
5 then we reach out to those tenants.

6 COUNCIL MEMBER BREWER: So you do that on
7 a regular basis?

8 JESSICA BELLINDER: We do. Not as much
9 perhaps as we would like, but we certainly do make an
10 effort to do that.

11 COUNCIL MEMBER BREWER: Are you aware of
12 the work that ANHD is doing with the data and the
13 courts and so on or that's not come across your desk?

14 JESSICA BELLINDER: I am aware of the work
15 that they do with data related to buildings. I don't
16 know that I know exactly what you mean by the work in
17 the courts so I would want to know a little bit more
18 about that.

19 COUNCIL MEMBER BREWER: We'll follow up.
20 Thank you very much.

21 JESSICA BELLINDER: Thank you.

22 CHAIRPERSON SANCHEZ: Thank you so much.

23 COMMITTEE COUNSEL SON: Next,
24 Dannelly Rodriguez followed by Faceli Alvarez,
25 Kelly Grace Price, and Doreen Mohammed.

2 DANNELLY RODRIGUEZ: Good afternoon. It's
3 pronounced Dannelly. Appreciate you.

4 COMMITTEE COUNSEL SON: I'm sorry about
5 that. Thank you.

6 DANNELLY RODRIGUEZ: It's all right. No
7 worries. Happens all the time. Good evening. Dear
8 Committee on Housing and Buildings. My name is
9 Dannelly Rodriguez, and I'm a Staff Attorney with the
10 Tenants' Rights Coalition at Queens Legal Services, a
11 borough office of Legal Services NYC.

12 Many of our clients live in rent-
13 stabilized units, Section XIII units, and NYCHA, all
14 of which are subject to the Housing Maintenance Code.
15 For our clients, the Housing Maintenance Code is a
16 main tool for enforcing the right to a safe home.
17 When landlords neglect to adequately maintain or
18 repair their buildings, the Housing Maintenance Code
19 is a tool that we can utilize their rights. Also,
20 many of our tenants live in NYCHA in decrepit
21 conditions and is consistently on the top of the
22 Public Advocate's Worst Landlord List based on the
23 number of outstanding violations and maintenance
24 issues. These open violations jeopardize the safety
25 and dignity of our clients.

2 I also want to take this opportunity to
3 emphasize that meaningful HPD Code Enforcement in
4 NYCHA buildings would greatly benefit hundreds of
5 thousands of low-income New Yorkers. NYCHA is the
6 largest landlord in the city and, at present, HPD
7 does not post violations, conduct inspections unless
8 ordered by a court, or issue fines against NYCHA for
9 violations of the Maintenance Code. Yet, as noted,
10 NYCHA is consistently one of the worst landlords with
11 the most outstanding repairs. The legislation
12 proposed here today is a huge step in the right
13 direction, and we need it to be even more powerful if
14 these protections were explicitly extended to NYCHA
15 residents.

16 I'm also here today to speak as more than
17 a legal services Staff Attorney but also as a former
18 tenant in a Section XIII apartment with repair
19 issues. My parents still live within Section XIII
20 housing so I have direct experience living with and
21 addressing these conditions. I have used the
22 Maintenance Code to solicit repairs for me and my
23 family. One of the most pressing issues is the lack
24 of heat. This issue is even more urgent now as go
25 into the cold winter months. Here's how it often

1 plays out in the current system. A tenant lacks heat
2 so they file a complaint with HPD. Landlord gets
3 notified so they turn up the heat. HPD sends an
4 inspector, confirms the heat is on and working, but
5 after the inspection, the landlord turns the heat off
6 or provides it intermittently and no subsequent
7 violation is issued. Because there's no record of
8 lack of heat, no civil penalties can be assessed to
9 incentivize the landlord to adequately heat the
10 building and a tenant-initiated court action for lack
11 of heat is unlikely to be successful. Here, we see
12 the lack of heat, oversight, and accountability in
13 one fell swoop. I think two of the most important
14 parts of this bill are number 243 and 434.

15 Specifically, in 434 the requirement that HPD conduct
16 heat inspections in identified buildings every two
17 weeks and addition of the tenant's ability to have a
18 heat-related data transmitted from the new sensors to
19 HPD is critical in relaying real-time lack of heat
20 information to HPD. This bill will empower HPD to
21 automatically issue fines for heat violations. It
22 will also increase the number of buildings selected
23 for this program threefold, and we implore you guys
24

2 to consider that we do that with the rest of the
3 city.

4 In general, the proposed legislation
5 greatly increases accountability for landlords to
6 make certain that they adequately make repairs and
7 provide essential services to tenants instead of
8 being able to merely certify they made repairs
9 without any certifications.

10 For these reasons, we believe these bills
11 are a major step towards ensuring enforcement of the
12 Housing Maintenance Code for all tenants and please
13 read the rest of our testimony for more particular
14 details on the rest of the bill.

15 Thank you and all power to the people.

16 CHAIRPERSON SANCHEZ: Thank you so much.
17 It's helpful to hear it at the dais, that experience
18 of you call, the heat inspector comes then the heat
19 was on magically but then it goes away so absolutely
20 one would look forward to working with on that.

21 DANNELLY RODRIGUEZ: Appreciate you. It's
22 a serious issue, and I really want to implore the
23 importance of expanding this to NYCHA. They're living
24 in shambles right now, and it's unacceptable what the
25 City's allowing to happen in the most black and brown

2 community in our city so I appreciate your time and
3 thank you for allowing me to testify.

4 CHAIRPERSON SANCHEZ: Thank you.

5 COMMITTEE COUNSEL SON: Thank you so much.

6 We will now hear from Faceli Alvarez followed by
7 Kelly Grace Price and Doreen Mohammed.

8 FACELI ALVAREZ: Thank you. Good
9 afternoon. My name is Faceli Alvarez. I am a member
10 of Make the Road New York. I have lived in Bushwick
11 for 16 years with my family and I live in a
12 stabilized rent apartment. Bushwick is one of the New
13 York neighborhoods where many tenants have to move
14 out from their apartment due to a lack of repair,
15 security, and service. It is common to see buildings
16 with hundreds uncorrected violations for several
17 years. Even though the new (INAUDIBLE) Maintenance
18 Code (INAUDIBLE) violations such as Type C violation
19 to be fixed within 24 hours. (INAUDIBLE) and still
20 have this practice of harassing their tenants by not
21 making repairs to push tenants to leave their
22 apartment or facilitate gentrification. The Housing
23 Code Enforcement system is not working. It is not
24 uncommon to find tenants who (INAUDIBLE) to do some
25 urgent repair to their apartment and the response

2 they received is the building is pretty old and I
3 need to demolish. Therefore, I need you to move.
4 Another type of answer is if you want repairs you
5 must pay me more rent or you can look for another
6 apartment. In the past, there was leaking in my
7 apartment. The Fire Department came, broke down the
8 wall, and found the broke pipe and shut down the
9 water in this building. On another occasion, the
10 toilet was leaking dirty water down to the second
11 floor. After six weeks, (INAUDIBLE) came and opened
12 the floor, made a big hole, left and never came back
13 to fix it. After one year of repeatedly calling 3-1-1
14 and the City can't fix the leaking and cover the
15 floor. The landlord is just ignoring (INAUDIBLE). The
16 penalty of violation of the Housing Maintenance Code
17 are very light, and many times the Housing Department
18 doesn't collect the fine, and the owner must
19 (INAUDIBLE) to a new repair. We say it is time to
20 pass a strong law and higher penalty (INAUDIBLE) to
21 make sure that those fees are actually collected.

22 SERGEANT-AT-ARMS: Thank you. Your time
23 has expired.

24 FACELI ALVAREZ: Thank you.

25 CHAIRPERSON SANCHEZ: Thank you so much.

2 COMMITTEE COUNSEL SON: Thank you. Kelly
3 Grace Price followed by Doreen Mohammed.

4 KELLY GRACE PRICE: Hi. Good afternoon.
5 I'm Kelly Grace Price from Close Rosies. I don't
6 usually appear at this Committee to testify. I wanted
7 to talk specifically today about the legislation
8 calendar, and I also want to bring in some of my own
9 experience of living in a building that was in the 7A
10 program that has continued violations.

11 I already turned in my written testimony.
12 Some of you may or may not have reviewed it. I want
13 to quickly point out some of the legislation
14 discussed today. I agree with everything that the
15 advocates have already said before me from the wonky
16 times that inspectors show up to landlords just
17 turning on heat at the last minute for inspections.
18 All of that happens all the time. Specifically, about
19 the bills slated today, I'm trying to figure out why
20 Council Member Marte and Holden basically have the
21 same bill with different sponsors under different
22 Intro numbers. The bill is a terrible idea to begin
23 with. I outlined the points for why the bill is a
24 terrible idea extensively in my testimony. Please
25 take a moment to read it. I've been a photography

2 professional, building photography databases in this
3 city for 20 years. It's no easy feat. It's not an
4 easy thing to do. It's a very behemoth undertaking
5 with all kinds of privacy concerns. Please refer to
6 my written testimony.

7 I also, instead of going down point by
8 point the various bills on the slate today, I wanted
9 to point out specifically regarding the Heat Sensor
10 Program. It's yours, Committee Chair Sanchez. I'm
11 trying to figure out why Class B housing stock is
12 omitted from this bill. I live in a Class B building,
13 an SRO, and it doesn't make sense that only Class A
14 housing stock is participating in this bill. I think
15 it's a slippery slope, a bad precedent to start
16 parsing out Class B from Class A housing stock when
17 you're talking about legislation. Those are the
18 things that I wanted to get on the verbal record.

19 SERGEANT-AT-ARMS: Thank you. Time has
20 expired.

21 KELLY GRACE PRICE: I know my time has
22 expired, but I just want to point out...

23 CHAIRPERSON SANCHEZ: I'm sorry. I have a
24 screaming child, and I want to get through all the
25 testimony. I do promise to read your testimony.

2 KELLY GRACE PRICE: I just want to point
3 out I live in a building..

4 CHAIRPERSON SANCHEZ: I'm sorry. I'm so
5 sorry. We don't have time, but we'll follow up with
6 you, Kelly from Rosies.

7 COMMITTEE COUNSEL SON: Thanks very much.
8 Doreen Mohammed followed by Sateesh Nori and Mike
9 McKee.

10 DOREEN MOHAMMED: Hi everyone. This is
11 Doreen Mohammad speaking. I've been waiting hours to
12 testify. I'm at my doctor's appointment so I just
13 want to point out that we need to make these hearings
14 a lot more publicly accessible for people most
15 affected. I want to try to keep it as brief as
16 possible, but there needs to be a lot of overhaul of
17 HPD. There have been many advocates like Dannelly was
18 just testifying about it. So many people have
19 insufficient heat, insufficient hot water, often no
20 heat, no hot water, and it's like a phone tag game
21 with HPD and never leads to action. People have
22 rodents in their apartments. People have windows or
23 lack of insulation. I'm one of those. There just
24 needs to be a lot better of a process. It's really
25 unacceptable that our rents continue to spike but

2 then we don't get the services that we need, even
3 though we're paying for, or even if you're not paying
4 for it, I just think it's just a human rights issue.
5 It's cold winter. It's a rainy day. Growing up in New
6 York, it's always been the problem with insufficient
7 heat. We saw how people need to use electric portable
8 heaters plugged in. It's caused fires and hazards and
9 that shouldn't be necessary. The temperature
10 requirements by the law are also insufficient. For
11 me, having an apartment that faces the water, that
12 doesn't actually meet the needs. You need it like 75
13 degrees and higher all the time so I just wanted to
14 come on here and say that and I hope that there will
15 be actual true action and leadership, especially for
16 NYCHA. There's so many people that don't have heat
17 and hot water. People went without gas for months
18 last winter. I wouldn't be surprised if it happened
19 again. There's just insufficient accountability from
20 our government and our agencies, and a lot of reform
21 needs to happen. Thank you.

22 CHAIRPERSON SANCHEZ: Thank you so much.

23 COMMITTEE COUNSEL SON: Thank you.

24 Sateesh Nori and then Mike McKee and Robert Altman.

25

2 SATEESH NORI: Good afternoon. I'm Sateesh
3 Nori, Executive Director of JustFix, a New York City
4 space civic technology non-profit that creates tools
5 to support the tenant movement. Our tools serve to
6 advance housing justice and empower tenants to
7 address housing conditions and obtain repairs. Since
8 2016, we have helped approximately 800,000 tenants
9 through our various tools and products. Our team of
10 12 engages with tenants, housing organizers, and
11 partner organizations to help level the playing field
12 between landlords and tenants. We also encourage the
13 Council to focus on NYCHA tenants. We offer the
14 following input on the bills being considered here
15 today.

16 On Intro 163, photographic evidence can
17 be compelling proof of housing conditions. Photos are
18 useful in housing part actions and in Housing Court
19 and as proof in support of abatements and non-payment
20 proceedings. However, while a photo may support the
21 existence of a violation and demonstrate its gravity,
22 the absence of a photo should not be held up as poof
23 that a violation does not exist. JustFix urges the
24 Council to make sure that photographic evidence
25 submitted by housing inspectors does not serve as a

1 shield, conclusive evidence of the lack of
2 violations. If photos are to be a feature of
3 inspections, why not let tenants take photos of the
4 conditions and have them be part of the inspection
5 report? HPD already had a shortage of inspectors and
6 100 unfilled positions. Tenants have the proper
7 incentives, their own health and safety, to report on
8 violations and document them.

10 On Intro 337, JustFix asks to ensure that
11 tenants have accurate and current information about
12 housing conditions, violations, and resources to
13 address these issues. Our Who Owns What Platform was
14 accessed by 300,000 users last year to research their
15 landlords. Information about open Housing Maintenance
16 Code violations is important for tenants who seek to
17 address these conditions, tenants who need to be
18 aware of dangerous conditions outside of their
19 apartments but in their buildings, and by housing
20 seekers who need to know about the health and safety
21 issues and their prospective homes. This bill
22 attempts to address these issues by requiring a
23 mailed notice. However, once a year is not enough.
24 Given the violation information is online and
25 accessible in real-time, tenants should be able to

2 sign up for text alerts about new and existing
3 violations in their buildings or in any buildings.
4 Text alerts would provide such relevant information
5 to people when they need it and in a way that most
6 people access information.

7 I have also submitted written testimony.
8 Thank you very much.

9 CHAIRPERSON SANCHEZ: Great. Thank you so
10 much. JustFix is an excellent resource. My team uses
11 it all the time so I want to just appreciate the
12 website and your testimony today.

13 SATEESH NORI: Thank you very much.

14 COUNCIL MEMBER BREWER: I would ditto
15 that. I'm a big JustFix fan. Thank you.

16 SATEESH NORI: Thank you very much,
17 Council Member Brewer.

18 COMMITTEE COUNSEL SON: Thank you. Mike
19 McKee followed by Robert Altman and Audrey Johnson.
20 I believe Mike McKee is not present. We will move to
21 Robert Altman followed by Audrey Johnson and John T.
22 Maher.

23 ROBERT ALTMAN: Thank you. Am I
24 on? COMMITTEE COUNSEL SON: Yes.

2 ROBERT ALTMAN: Thank you. I submitted
3 written testimony as well so I am not going to repeat
4 what you already have in front of you. I'm just going
5 to emphasize I think two points. I'm a little
6 different here today because I represent landlords
7 who are more often than not very responsible but no
8 landlord is perfect so I have to figure out how do we
9 do something where we don't necessarily harm the
10 landlord and hit them with these much higher fines
11 that are being proposed. I've given it some thought,
12 and often we can have a situation or sometimes your
13 bad landlords are never going to fix this without
14 enforcement but good ones will, and there should be
15 some time allowed to be able to fix the violation
16 before (INAUDIBLE) can remain low. If it's not fixed
17 within a week or two or without some time constraint
18 which you decide upon, then it goes to the higher
19 fee.

20 Next, this is becoming something of a pet
21 peeve of mine that things are being added to the
22 leases and being posted, and someone did some
23 research for me and I can see that there are now 18
24 different signs that have to be posted in a building.
25 When you have so much, sometimes you have nothing,

2 and maybe it's time to think about what really should
3 be posted and how it should be posted because such a
4 large amount of things that get posted I would think
5 most of the tenants' eyes would glaze over so how do
6 we actually do something (INAUDIBLE) we keep adding
7 and adding and adding to the signage before we can
8 actually make it so that it's useful for the tenants
9 when they need it and so that their eyes don't glaze
10 over. I have some ideas on this..

11 SERGEANT-AT-ARMS: Thank you. Time has
12 expired.

13 ROBERT ALTMAN: Thank you.

14 CHAIRPERSON SANCHEZ: Thank you so much,
15 Robert. Appreciate it.

16 COMMITTEE COUNSEL SON: Audrey Johnson
17 followed by John T. Maher and Shaun Lumpkin. I
18 believe Audrey is not present. We will move to John
19 Maher who is also not present. Next, Shannon Lumpkin
20 followed by Renatta Raffi (phonetic) and Deborah
21 (phonetic) Wallace.

22 SHANNON LUMPKIN: Hello. I'm Shannon
23 Lumpkin. I'm with the Opera House Tenants Union in
24 Bushwick Brooklyn, District 34, Council Member
25 Gutierrez is our representative. First of all, I want

2 to thank all of you, the City Council Members
3 present, especially the Chair for everything that
4 you're doing on behalf of tenants' rights as well as
5 all of the advocates who have been testifying as
6 well.

7 I'm a below-the-knee amputee and a Ewing
8 sarcoma survivor and discovered when I went through
9 this that my landlord was literally willing to put my
10 life into great levels of risk in order to get me
11 out, to not start a union, to not fight against them.
12 One of the things that I want to bring up in this is
13 that the process of analyzing the code violations.
14 Our building has over 170 violations right now. Many
15 of them got closed without being properly inspected,
16 and it had to do with the lack of contacts between
17 tenants and HPD, the ability for us to be home on a
18 permanent basis, but as soon as we do start to stand
19 up for ourselves, in our situation and our landlord
20 according to JustFix and Who Owns What, amazing, is
21 associated with over 4,000 buildings, and I fear that
22 other people who don't have the neighborhood...

23 SERGEANT-AT-ARMS: Thank you. Time has
24 expired.

25 SHANNON LUMPKIN: Thank you.

2 CHAIRPERSON SANCHEZ: Thank you.

3 COMMITTEE COUNSEL SON: Renatta Raffi,
4 Deborah Wallace, Lyric Thompson, and Susan Berkowitz.

5 I believe Renatta Raffi is not present.
6 Deborah Wallace also not present. We'll move to Lyric
7 Thompson and Susan Berkowitz followed by Robert
8 Thibault and Corey Ortega.

9 LYRIC THOMPSON: Hi. How are you? My name
10 is Lyric Thompson, and I was going to go through all
11 of these bills really quickly but I don't think we
12 have enough time so I'm going to focus on the Twin
13 Park Fire and my experience in dealing with HPD and
14 having noncompliant doors.

15 We've had an issue with our doors since
16 the building was built. It was fraudulently signed
17 off by two corrupt DOB inspectors who were nicked by
18 DOI in 2015, Artan Mujko and Gordon Holder. Now this
19 has been a root issue that has caused many, many
20 problems including and not limited to our doors. For
21 eight years, I've been fighting with HPD over doors.
22 For the first four and a half years, HPD wrote and
23 removed violations on a door that was never supposed
24 to be installed on the building. Now, we had hundreds
25 of inspections at that point. I can't help but think

2 that one or maybe two inspectors should've picked out
3 the fact that this door should've not been on the
4 building. However, they never caught that. I learned
5 that fact when the door was sealed shut and the
6 tenants were unable to leave the building. When we
7 opened the door, we realized it had no fire rating
8 and there was a hole in our smoke-stopping wall.

9 Getting HPD to write violations for these conditions
10 has been problematic because HPD does not train their
11 inspectors in the NFPA Codes that govern these doors.

12 Now, I've heard a lot of hoop and ha, a lot of
13 excuses as to oh, we have different codes, we had
14 different standards, we have different blah, blah,
15 blah. At the end of the day, ladies and gentlemen,
16 people are dying of smoke inhalation while they flee
17 for their lives because HPD cannot be bothered to
18 offer a training class that covers the standards for
19 the doors that they are paid and legally required
20 pursuant to Multiple Dwelling Law 50-A.4 to enforce.

21 I have had to go to the New York Times to have the
22 proper violations written, which were just removed
23 just this week, just removed. Now, DOB wrote
24 violations this week for our door not being in
25 compliance where HPD removes the violations. I have

2 video of the door if you'd like to see it. Now with
3 regard to videos and accepting videos, tenants should
4 be able to submit a video if there is a violation of
5 violating condition. Waiting on HPD to spy something
6 with their eye is really not a feasible or a workable
7 solution. An example would be my building is flooding
8 right now as I'm talking to you. If it's raining
9 outside, my building is flooding. Now, HPD was out,
10 again when they removed the violations on the door,
11 they were looking at the gutters. HPD said oh, I
12 don't see any rain coming down so call 3-1-1 when it
13 rains. My basement floods every time it rains. Now, I
14 don't mean to be rude, I don't mean to be ugly, but
15 nobody has time to deal with this agency that can't
16 even be bothered to let you know when they're showing
17 up. You just had a baby. If I show up to your house...

18 COMMITTEE COUNSEL SON: Thank you. I
19 believe your time. Lyric Thompson, thank you so much
20 for your testimony. I believe we are at time. We are
21 happy to receive your written testimony. Thank you.

22 LYRIC THOMPSON: Okay. Have a nice day.

23 COMMITTEE COUNSEL SON: Thank you so
24 much. We will now move to Susan Berkowitz, Robert
25 Thibault, and Corey Ortega.

2 SUSAN BERKOWITZ: Hi. My name is Susan
3 Berkowitz. I'm a tenant, and I represent a building
4 in Gravesend Brooklyn. We are a very unique
5 situation. We are a building that is everything from
6 Section XIII to co-op owners, and we have 113 units.
7 We've had 10 years of heat issues, and we are
8 currently in the sensor program. We have been chosen
9 this year to be in the sensor program so I thought
10 you might want some feedback and I will add this into
11 testimony. I know we don't have a lot of time.

12 My experience with it so far is that
13 they're relying on the landlords to put up signage to
14 let the tenants know about the program. This does not
15 work. It is very confusing for tenants to have
16 inspectors coming in every two weeks just randomly.
17 It's not efficient. They did put up a sign for self-
18 closing doors because we are getting other violations
19 on top of the ones we already have, but we have a
20 population that is a lot of elderly and immigrant
21 population, does not speak English. Therefore, they
22 have no idea what's going on. The only reason I found
23 out about it is because I have been in the Heat Seek
24 program, and I have a sensor in my house along with
25 another tenant who also had one for the past eight

2 years, and it has been generating multiple
3 violations, hundreds and hundreds and thousands of
4 hours of violations. However, I've only gotten a few
5 heat violations. I've gotten OMOs which has not
6 restored the heat. This is before going on this
7 program this year. All that has resulted in my
8 building being chosen, which is great. However, the
9 implementation of this program is problematic. Also,
10 they can only get B violations for when the
11 inspectors come in and note that the sensors are not
12 present, but I'm going to elaborate more about it
13 because I think you do need feedback from buildings
14 that are participating.

15 CHAIRPERSON SANCHEZ: Thank you. That's
16 really helpful.

17 COMMITTEE COUNSEL SON: Thank you. Robert
18 Thibault followed by Corey Ortega, Frank Richie
19 (phonetic) and Warren Schreiber.

20 ROBERT THIBAUT: Hi. My name is Robert
21 Thibault, and I'm a member of the 117/127 West 141st
22 Street Tenant Association. We are currently in a
23 battle with our slumlord, Guardian Realty, who has
24 for decades left residents with unaddressed leaks,
25 mold, rats, and mice in residents' homes and their

1 racist employees have consistently made inadequate
2 repairs in tenant apartments so mold comes back and
3 leaks persist. Currently, there are 40 open C
4 violations at one 117 West 141st and 53 open C
5 violations at 127 West 141st Street. New York City
6 HPD Code Enforcement practices are institutional
7 procedures that create structural violence in the
8 lives of tenants while continuing to let property
9 owners avoid carrying out repairs by certified
10 professionals. For example, HPD does not provide
11 tenants with advance notice of inspections as cited
12 by the New York State Comptroller in a September 24,
13 2020, audit. How could any business function if they
14 just showed up not knowing if the customer is home?
15 It's crazy. HPD's Housing Maintenance Code clearly
16 states that the term indoor mold hazard means any
17 condition of mold growth on an indoor service,
18 building structure, or ventilation system including
19 mold that is within wall cavities that is likely to
20 cause harm to a person and has been cited as a
21 violation by the Department. This means any mold
22 should be remediated by a licensed mold contractor
23 regardless of what class HPD decides that that
24 violation is.
25

2 SERGEANT-AT-ARMS: Thank you. Your time
3 has expired.

4 ROBERT THIBAUT: All right. Great. Thank
5 you.

6 CHAIRPERSON SANCHEZ: Thank you so much.

7 COMMITTEE COUNSEL SON: Thank you. Corey
8 Ortega.

9 COREY ORTEGA: How do you do? My name is
10 Corey Ortega. I'm a lifelong rent-stabilized tenant
11 of 39 years currently on rent strike and a Board
12 Member of the 510/513 West 134th Street Tenant
13 Association where this previous Heat Sensor bill was
14 announced on my block because of the amount of
15 violations recorded.

16 The reason for my testimony, I support
17 this slate of efficiency bills. That's what I call it
18 because, as a manager, that's what it is, especially
19 the Heat Sensor bill. I'm a person of color in a low-
20 income neighborhood, I'm Dominican American, and let
21 me try to humanize this experience. As a professional
22 who's worked hard to get where I am but have had to
23 overcome struggles along the way just to get to work
24 or school as a child, as an adult. I'm going to tell
25 you something that happened two years ago. I wake up

1 in the morning, it's cold. There's no heat from the
2 night before. There's no hot water. I have to dress
3 professionally. I have to go to work. I have to
4 represent clients so what do I do? I did what my
5 mother taught me when I was a child growing up in the
6 same apartment I live. We got some water, we put it
7 in a pan, and we heat it all the way and we put it in
8 another bucket that we use to mop, and we put it in
9 the bathroom, and this is us taking a shower with a
10 little cup then at the end, you splash it all on you.
11 Because I live in a low-income neighborhood doesn't
12 mean I'm going to accept low standards, and I support
13 this bill wholeheartedly because it's going to change
14 future generations. I'm used to it now. I'm still
15 going through it, but I'm okay, but there are going
16 to be future generations of professionals that are
17 going to have to go through this. These bills will
18 stop that from happening, and with the nine seconds
19 that I have left we have to then organize after this,
20 right? I heard wonderful things from some amazing
21 people and organizations have been fighting this from
22 jump. Now's the time to after this hearing organize
23 the tenants, the tenant leaders, the tenant
24 associations to support Council Member Sanchez as
25

2 Chair and the Council Members supporting this bill to
3 pass it in 2023. Thank you so much. God bless.

4 CHAIRPERSON SANCHEZ: Thank you so much,
5 Corey.

6 COMMITTEE COUNSEL SON: Thank you. Next
7 Frank Richie and Warren Schreiber. I believe Frank
8 Richie is no longer present, and Warren Schreiber is
9 also not present so I will turn it to the Chair to
10 close the hearing.

11 CHAIRPERSON SANCHEZ: Thank you so much to
12 our Counsel, to my entire team, to our Sergeants, to
13 everyone who is still here. I appreciate you,
14 especially those of you who got here right at the
15 beginning of the hearing and you're still with us.

16 I just want to again emphasize the
17 importance and gratitude for the discussion for
18 everyone who participated but the importance of
19 talking about these Code Enforcement programs and
20 what's working and what's not. The implementation of
21 pilot programs, if we don't look back and see how
22 they've been working then we will not have
23 opportunities to improve and programs like 7A which
24 are supposed to be the end-all, be-all of
25 enforcement, if there are issues with that program or

2 if we're not utilizing it to the extent that we need
3 to be as a City then that needs to be revisited and
4 we need to do more to keep our buildings safe.

5 Again, I just want to thank everybody,
6 and I, in closing, will just say if you're watching
7 if you live in a building that has substandard
8 conditions, please continue to call 3-1-1, please
9 continue to call all of your elected representatives,
10 myself, anyone. We need all the data points in order
11 to make a dent in the problem of problematic
12 buildings so thank you all for your time and energy.

13 [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 14, 2022