TIMOTHY HOGAN

DEPUTY COMMISSIONER OF ENFORCEMENT

NEW YORK CITY DEPARTMENT OF BUILDINGS

HEARING BEFORE THE NEW YORK CITY COUNCIL

COMMITTEE ON HOUSING & BUILDINGS

April 18, 2016

Good morning Chair Williams, members of the Housing & Buildings Committee and other members of the City Council. I am Timothy Hogan, Deputy Commissioner for Enforcement at the Department of Buildings ("Department"). I am joined by Assistant Commissioner for External Affairs Patrick Wehle, the Department's Buildings Marshal, Salvatore Agostino and Department of Housing Preservation and Development ("HPD") Assistant Commissioner of Housing Litigation Deborah Rand. We are pleased to be here to offer testimony on four pieces of proposed legislation related to the use of construction to harass tenants out of their apartments.

Performing construction work as a means to harass tenants is illegal. It puts the safety of tenants at risk and destabilizes families and communities. At the direction of Commissioner Chandler, the Department has renewed its focus on rooting out this illegal activity.

The Department participates in the Tenant Harassment Prevention Task Force, a partnership between multiple City and State agencies in which cellar-to-roof inspections are performed, investigations identify bad actors and enforcement is executed. Separately, the Department partners with HPD in performing inspections. In determining where to focus our attention we work with the Mayor's Office of Data Analytics to review a number of data points to determine

where tenant harassment is likely to occur. Given that the data alone will not identify all instances of harassment, equally important is our work with numerous organizations and elected officials who provide us with locations to inspect. Over the past fifteen months these efforts have resulted in the issuance of nearly 2,500 violations, 134 stop work orders and 39 vacate orders.

The Tenant Protection Unit within the Mayor's Office performs outreach to tenants in neighborhoods facing rezonings and addresses issues related to tenant harassment. Additionally, the Office of Civil Justice within the Human Resources Administration administers the Anti-Harassment Tenant Protection Legal Services Program. This Program provides access to legal services for low-income households enabling them to remain in their neighborhoods.

Administratively, the Department has put several reforms in place to help identify bad actors and ensure construction work does not proceed without appropriate protections in place for tenants.

When construction documents are filed with the Department, an owner needs to certify whether the building has any occupied dwelling units, and if so, whether they are subject to rent regulation. If they are subject to rent regulation, the owner is required to notify New York State Homes and Community Renewal (HCR) of their filing with the Department and that they intend to comply with HCR regulations. Additionally, applicants are required to file a Tenant Protection Plan with the Department whenever they are performing an alteration to a building in which any unit is occupied. The Tenant Protection Plan provides the means and methods by which the health and safety of tenants will be protected.

Historically, if an owner falsely stated on construction documents that their building was unoccupied when in fact it was, absent an inspection the Department had no means to verify the

accuracy of their statement. I am pleased to inform you that the Department has just executed a memorandum of understanding with HCR that will provide the Department with access to their database of rent regulated buildings. Once integrated into our system the Department will be able to verify the occupancy and rent regulated status of buildings for which construction work is planned. If this important information is not filed accurately with the Department, the application will not be approved and a violation will be issued.

While Tenant Protection Plans are required to be filed with the Department, unless a visit was made to the Department's offices to review them, historically tenants and the public would have no awareness of their existence, let alone what protections are to be put in place to keep them safe. The Department is now posting Tenant Protection Plans on our website. Furthermore, applications will not be approved and construction will not proceed without a Tenant Protection Plan that meets the Department's satisfaction.

I will now comment on the proposed legislation before this Committee.

Introductory Number 918 requires full plan examinations by the Department and prohibits final inspection by permit holders for multiple dwellings where more than ten percent of the units are occupied or where the owner has harassed tenants.

While the Department's primary mandate is to advance safe and Code complaint construction, we are also obligated to do all we can to ensure safe development happens swiftly. Allowing licensed professionals to self-certify their work is integral to hastening job creation and affordable housing construction. Prohibiting licensees from self-certifying their work will drastically increase the time and cost of development for owners and professionals, the vast majority of whom are not

engaging in the use of construction to harass tenants. Furthermore, the Department has no ability to determine the percentage of units in a building that are occupied.

A universe we can identify that merits extra scrutiny is owners who have been found guilty of harassing tenants. The Department supports requiring full plan examinations and Department-performed final inspections for a building or portion thereof where there is a court finding of an owner harassing tenants.

Introductory Number 924 requires conditions that resulted in a vacate order issued by the Department to be corrected within ten days. Given the harm displacement causes to tenants and other occupants of buildings, the Department issues vacate orders only when absolutely necessary due to conditions at a building presenting an immediate threat to the safety of occupants and the public. In 2015 the Department issued 1,969 vacate orders. Vacate orders are typically issued for structural problems or inadequate life safety systems. Correction of conditions that resulted in a vacate order within ten days is in many instances unrealistic or even impossible given the significant amount of work necessary to correct the condition or that the law does not allow correction, as is the case with many illegal conversions. When opportunities are available to reduce the safety risk such that occupants can inhabit the building the Department takes full advantage of them. For example, if a building is vacated due to inadequate sprinkler protection the Department can allow access on the condition that certified fireguards are stationed in the building. The Department welcomes the opportunity to discuss further the kinds of vacate orders where more can be done to compel correction and the form that would take.

Introductory Number 934 establishes a Real Time Enforcement Unit within the Department, charged with focusing on occupied multiple dwellings that received work without a permit

complaints, or with valid permits for the alteration of ten percent or more of the building's floor area or construction of an addition to the building. Work without a permit complaints would require inspection within two hours of receipt. Owners of occupied multiple dwellings with permits for work just described would be required to notify the Department within seventy-two hours of commencement of work and the Unit would be required to perform an inspection within five days after commencement of such work. Finally, the Unit would be required to issue an annual report on its activities.

There are 218,703 multiple dwellings throughout the City for which the Department received approximately 7,500 work without a permit complaints in 2015. In 2015 the Department issued approximately 61,823 alteration permits to multiple dwellings. The Department does not track how many multiple dwellings are occupied, nor do we track the percentage of floor area affected by an alteration.

In order to effectively respond to the enormous volume of complaints the Department receives a system of triage is used, where those complaints that present a greater threat to the safety of the public get inspected before complaints that present less of a threat. "A" complaints are potentially life threatening and receive an inspection within twenty-four hours. "A" complaints include structural instability and blocked egress. The Department has elevated the status of complaints concerning the use of construction to harass tenants and now treats them as akin to an "A" complaint to which we respond within forty-eight hours. Most work without a permit complaints are not life threatening and as such they do not receive an inspection within twenty-four hours, let alone two hours. Requiring inspections of all work without a permit complaints within two hours absent a tremendous investment of new resources would result in an increase in the amount of time

it takes for the Department to respond to actual emergencies. Given the limits of our resources and our obligation to use them responsibly, most work without a permit complaints should not receive the Department's highest attention.

Similarly, requiring inspections within five days of the commencement of work in occupied multiple dwellings whose floor area is being altered by ten percent or more or when an addition is being constructed is an inefficient use of limited resources. These inspections would negatively affect our response times for work more deserving of our prompt attention.

Introductory Number 944 requires public notice of construction in buildings with occupied units and establishes new regulations which would apply for one year following the issuance of a work without a permit violation.

Concerning public notice, the bill requires the Department to post a notice on its website indicating whether construction documents related to permitted work indicate any dwelling units being occupied. With our decision to post the Tenant Protection Plan on our website as explained earlier in the testimony, the Department now provides this notice. Additionally the bill requires posted permits to state whether the building will be occupied during construction. As an alternative to having occupancy included on a permit, worth consideration is requiring the Tenant Protection Plan to be posted in a public area of the building during construction.

The bill also requires full plan examinations by the Department for a year after the issuance of a work without a permit violation. While the Department agrees bad actors should not be entitled to self-certify their work, the Department has concerns with this proposal as it makes no distinction between the building and an owner. As this bill is currently written, individual unit owners can be

penalized for the actions of other tenants in a building. Additionally when a unit with a work without a permit is sold, the new owner would be prohibiting from self-certifying. The Department welcomes the opportunity to discuss this further with the Council.

For a year after the issuance of a work without a permit violation at a building, upon receipt of an application for the same building the Department would be required to provide notice of the proposed work to the relevant borough president, council member and community board at least thirty days before the issuance of a permit. Local Law 10 of 2016 approved by this Committee on January 14th and taking effect on May 1st requires weekly notification of applications received, approved and disapproved to the same public officials. This weekly notification will include the applications for which notification is required by this bill.

Intro. 944 also doubles the civil penalty for a work without a permit violation on a building when received within one year of an initial work without a permit violation and authorizes the Department to impose an inspection fee for complaint-base inspections that result in a violation within one year following the issuance of a work without a permit violation. Although the Department supports complaint-based inspection fees and increasing civil penalties for repeat violators, the amount of the increase requires further discussion. Similar to requiring full plan-examinations resulting from work without a permit violations as explained above, as written the increased penalty will punish individual unit owners for the actions of other tenants in a building. The Department welcomes the opportunity to discuss this further with the Council.

The use of construction to harass tenants is a real and absolutely dreadful practice that requires landlords and their surrogates to be promptly identified and served with severe punishment. That said, rather than advancing solutions that paint all multiple dwellings with the same broad brush,

we ask for your support in advancing targeted solutions that use limited resources efficiently and ensure our attention is focused where needed and most productive.

Thank you for your attention and the opportunity to testify before you today. I welcome any questions you may have.

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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President New York City Council Committee on Housing and Buildings On Strengthening DOB Enforcement for Tenant Protection Monday, April 18, 2016

Good morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you Chair Williams and the members of the Committee for the opportunity to testify today regarding this package of legislative introductions that would strengthen tenant protection.

Each day, my office is inundated with complaints and concerns from tenants and advocacy groups regarding construction and alterations taking place in occupied buildings. Some of these cases are extremely serious where tenants are exposed to dangerous conditions, impacting their health and safety as well as their quality of life. My staff has found that in many of these situations, Department of Building's (DOB) permits have been granted, but either the applications contained false information or the construction is occurring outside the scope of the permit. Many of these abuses could be prevented by improving the Department of Building's policies for issuing permits and increasing its resources for citing and enforcing violations. Therefore, I would like to voice support for the following intros.

Introduction 0934-2015 seeks to establish a Real Time Enforcement Unit (RTEU) within the DOB. RTEU will improve responsiveness to complaints related to construction projects working without a permit and to two types of projects with valid permits: 1) projects that alter 10% or more of the existing floor area of the building and 2) projects that construct an addition to the building. I believe this is crucial because in all scenarios, tenants within a building often suffer from noise, dust inhalation, elevator shut-downs, hallways blocked with construction materials, and worse. In the most egregious cases, landlords use construction to harass rent-regulated tenants in order to push them out, generating a vacancy that they would then lease (legally or otherwise) at a steeply increased, unaffordable rent. Too often, the tenants that are driven from their apartments are the most vulnerable: the disabled, ill, or elderly, making the repercussions more severe. Because of the constraints on DOB's current system of enforcement,

response to these cases and subsequent action is often too late to help the tenants being harassed. The result is not only hardship for tenants, but the loss of affordable housing stock. Every day that such abuses go on is a day too long, and I believe that establishing a Real Time Enforcement Unit will help prevent unlawful construction from being used to harass tenants.

Introduction 0944-2015 seeks to increase the transparency and awareness of DOB procedures by requiring the public disclosure of a building's occupancy status. Local elected officials in the district and the Community Board would be notified of any buildings that perform work without proper permits or where construction documents might be falsified. This is a priority for my office. As I noted earlier, one of the biggest sources of tenant harassment is construction work in a building where the owner has certified to DOB that the building is unoccupied, when in fact there are tenants in the building who will be affected by the proposed work and who by law are entitled to protections under a Tenant Protection Plan (TPP). Tenants unfamiliar with DOB filing requirements and process would not know to verify whether their landlord has falsely certified that their building is "unoccupied." As a result, the work continues unmitigated and tenants suffer. In certain instances, tenants are trapped or endangered. Housing advocates have shared with my office countless cases of tenant harassment, including when landlords have removed a tenant's toilet, in the case of 90 Elizabeth Street; a building has 3,000 times the limit of lead in the building, at 102 Norfolk Street; and a landlord has removed the building's ventilation system, leaving gaping holes accessible to rodents, as in the case of 22 Spring Street. This is why it is critical that DOB must verify a building's occupancy status before granting work permits. In addition, DOB should make the status of a building's occupancy easily visible online and at the job site for everyone interested in verifying whether a filing is valid. By allowing tenants, as well as elected officials and advocacy groups, easier access to the reported status of the building's occupancy, falsified documents and illegal work can be halted earlier.

Another important aspect of Intro 0944 is notifying the appropriate Borough President, Council Member, and Community Board when construction documents are submitted for buildings where work has been done without a permit in the previous year. This will prevent bad actors from repeating their violations, adding an increase of checks and balances to their attempt to acquire new permits. As an additional measure of accountability, I also support the sections of Intro 0944 that seek to enhance penalties for violations and impose inspection fees where work has been done without a permit.

I am in support of Intro 0924-2015, which would ensure that DOB Vacate Orders issued in cases where conditions pose an imminent risk to the tenants or the public, are in fact "Vacate *and Repair*" orders. This would bring such DOB orders in line with parallel HPD orders and eliminate the loss of housing that currently transpires under DOB orders. Landlords who move out tenants on the grounds of unsafe building conditions will be held accountable to make the necessary repairs to cure those unsafe conditions. Currently, nefarious landlords can use DOB vacate orders as a method to remove tenants from a building—incentivizing them to allow conditions to deteriorate until a building is unsafe and a vacate order is required. By ensuring that a vacate order includes a requirement to correct unsafe conditions within ten days, the landlord will not be able to keep tenants removed indefinitely under the guise of an active vacate order. Additionally, this measure would stem the loss of rent-regulated housing in vacated buildings based on a tactic that landlords have been utilizing to self-report against their own extremely deteriorated buildings with the goal of obtaining DOB's permission to demolish the structures. Once demolished, regulated units are lost forever. Tying an obligation to remediate the conditions that trigger the vacate order would provide a much needed safeguard against losing more of the city's affordable housing.

While I support Intro 0924, I believe further steps can be taken to ensure landlords' adherence to the conditions of vacate orders. Fines should be assessed in increased increments for every day past the allotted ten days that conditions are not improved. There should be a mechanism for tenants to file grievances if they are having trouble returning to their building and believe that their landlord is actively preventing their return. If these grievances are investigated and found to have merit, fines should be assessed to the landlord, and tenants must be allowed to return to their units.

I believe Intros 0934, 0944, and 0924—with some amendments—will result in a better quality of life for tenants and support for the preservation of affordable, rent-regulated housing. I have heard stories from tenants who have had their locks removed, their heat and gas shut off for months, their hot water turned off, their elevators shut down, their phone and internet lines cut, their medical equipment compromised, their hallways filled with debris, and their lungs filled with dust—due in great part to the construction issues being addressed by this package of bills.

Thank you for the opportunity to testify, and I look forward to working with the members of the Committee to continue to protect the safety of tenants.

LEGAL

SERVICES

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TESTIMONY
IN SUPPORT OF

INTRO NO. 918, IN RELATION TO PROFESSIONALLY CERTIFIED APPLICATIONS FOR CONSTRUCTION DOCUMENT APPROVAL AND FINAL INSPECTIONS OF PERMITTED WORK

INTRO NO. 924, IN RELATION TO VACATE ORDERS

INTRO NO. 934, IN RELATION TO THE CREATION OF A REAL TIME ENFORCEMENT UNIT IN THE DEPARTMENT OF BUILDINGS

INTRO NO. 944, IN RELATION TO CONSTRUCTION WORK PERMITS

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL'S
COMMITTEE ON HOUSING AND BUILDINGS

PRESENTED BY:

TANGIER HARPER
STAFF ATTORNEY
MFY LEGAL SERVICES, INC.

APRIL 18, 2016

Introduction

MFY envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, community education and partnerships, policy advocacy and impact litigation. We assist more than 20,000 New Yorkers each year. The mission of MFY's Housing Project is to preserve affordable housing in New York City. In furtherance of that mission, MFY provides advice and representation to tenants citywide and vigorously litigates in Housing Court and administrative proceedings on behalf of NYCHA tenants and residents of primarily rent-regulated housing, including apartments, SROs and Three-Quarter Houses.

MFY supports the passage of the four bills before the Committee today as crucial to addressing harassment that tenants routinely face when landlords use deteriorated building conditions to drive tenants out of affordable and regulated housing. We focus our comments today on Intro 924-2015, which would require the NYC Department of Buildings, simultaneous with the issuance of any vacate order to building occupants, to issue to the building owner an order to correct conditions within ten (10) days.

It Is Common for Landlords to Use Vacate Orders to Drive Tenants from Their Homes

MFY serves hundreds of tenants every year who live in buildings that have deteriorated through landlords' failure to make required repairs. Landlords are immune to violations that pile up and are consequently deaf to complaints from tenants seeking the most basic repairs to their homes. Tenants are regularly displaced when the conditions become so serious, or when a catastrophic event occurs, such as a fire, such that the NYC Department of Buildings ("DOB") places a vacate order on an apartment or an entire building. While a vacate order is supposed to ensure the safety of the building's occupants, it can often serve as a windfall for the building owner who takes advantage of the placement of the vacate order to remove the tenants permanently.

Such was the case for the tenants of 783 Southern Boulevard, located in South Bronx. In May 2015, a small fire caused severe damage to four apartments and prompted the DOB to place violations throughout the building and to place a vacate order on each of those apartments. The tenants in those apartments were forced to move out. Among the displaced tenants was a blind, elderly person with severe disabilities. Instead of commencing repair work, the landlord did nothing. For six months, some tenants lived on the couches of their relatives or stayed in City

shelters. The tenants began to lose hope they would ever return home, and even considered relinquishing their rights to their apartments. It wasn't until MFY assisted the tenants to prosecute a Housing Court HP proceeding for repairs in September 2015 that any action was taken. Even after the case was commenced, the landlord refused to make any repairs at all, delaying the case for baseless reasons. MFY therefore amended the pleadings to bring in DOB as a respondent. Forced now to take action, DOB made the landlord complete the required repairs, and the tenants were restored to their homes – after nine months of displacement.

It is scandalous that a landlord used a fire to remove tenants paying affordable rents. It is even more scandalous that the landlord was able to take advantage of a vacate order, designed to keep people safe, from returning to their homes and causing them to potentially lose those homes forever. Yet, under the current law, this situation is all too common. Passage of Intro 924-2015, requiring that DOB issue a ten-day order to correct violations simultaneous with any vacate order, would close a dangerous and – for tenants, catastrophic – loophole that has allowed unscrupulous landlords to use safety laws to make tenants, including children and persons with disabilities, homeless. MFY enthusiastically supports passage of this law.

Conclusion

MFY Legal Services supports Intro 924, which will effectively prevent landlords from using vacate orders to displace tenants indefinitely, and require building owners to make immediate repairs upon issuance of a vacate order. It is an unburdensome, practical means by which DOB may ensure building safety without endangering affordable tenancies. It is also necessary in order to hold building owners accountable to the law and their tenants. As a member of the Stand for Tenant Safety Coalition, MFY also strongly supports the package of related bills recently introduced (Intros 918, 934, and 944), which together are an essential step towards ensuring housing is constructed, maintained and preserved in a manner that prevents the displacement of tenants from their homes.

TESTIMONY ON:
INTRO 934:Creation of a Real Time Enforcement Unit
in the Department of Buildings

PRESENTED BEFORE:
The New York City Council Committee on Housing and Buildings
Chair: Jumaane D. Williams

PRESENTED BY:
Karen Platt

Hello my name is Karen Platt. I am testifying on behalf of Intro 934, for a real time enforcement unit in the Department of Buildings

I have been a resident of the East Village for 30 years and was born and raised in Manhattan. The past few years have seen many buildings including mine at 522 E. 5th Street being renovated by new owners and it often feels like we are under siege by predatory landlords using construction, and the neglect of serious building issues, as forms of harassment to get rent stabilized people out of their apartments.

In my building alone, there have been 5 rent-stabilized apartments completely gut-renovated to become market-rate apartments, and they even added a floor in the basement, despite the fact that notices hanging in the lobby indicated the work would include only "minor alterations" with no change in egress.

There were many times when tenants from the building used the 311 system to file complaints that were either never responded to, or were labeled as "closed" or "resolved" without anyone in the building actually talking to an inspector, receiving correspondence from an inspector or knowing if anyone had actually come to inspect .

One of the first problems that started in the building after it changed hands was intermittent hot water, especially during the day. While the demolition crews were renovating vacant apartments, I suffered with intermittent hot water that went from hot to ice cold. 311 was unable to give me a time frame for sending an inspector. I needed the super who did not live on premises to let them in to the basement so it really was impossible to get the problem solved. I therefore had completely unreliable hot water for over two years.

Last summer we lost cooking gas in the building. It took weeks for an inspector to come out to respond to the no cooking gas complaints. It seemed like there was no organizing with regards to the inspectors' visits.

D.O.B. takes so long to send an inspector that by the time the problem finally gets addressed, we have spent a lot of time suffering with lack of services, or dangerous building conditions. This seems to goes unrecognized by the D.O.B. who also seems to be neglecting to issue appropriate fines and violations.

For serious safety issues, we desperately need inspectors who can come out to the buildings immediately, especially for important issues such as plumbing, leaks and related disasters, gas issues, collapsed ceilings, fumes, hot water issues, missing sidewalks, giant holes, etc. etc. We would like to feel safe and protected by the D.O.B. and that is why we need real time enforcement.

REBNY®
REAL ESTATE BOARD OF NEW YORK

Legislative Memo
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MEMORANDUM OF OPPOSITION

BILL: Intro No. 924
SUBJECT: In relation to vacate orders
DATE: April 18, 2016
SPONSORS: Espinal, Jr., Chin, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Mendez, Constantinides, Rose, Lander, Lancman, Rodriguez, Van Bramer

The Real Estate Board of New York ("REBNY"), representing over 17,000 owners, developers, managers and brokers of real property in New York City, opposes Introduction No. 924 because as set forth below, the proposed time frame is not adequate for performing corrections and securing relevant permits.

This legislation would require written vacate orders to require that the condition for which the vacate order was issued to be corrected in no more than ten days.

The time frame proposed in this bill is simply unreasonable. There are a number of reasons a vacate order may be issued, and most if not all are to ensure public safety from illegal, damaged, or immediately hazardous conditions. Correcting these conditions often requires permits, licensing, special equipment, or all of the above. Due to demand, supply, backlog at permit or license-issuing departments, or other extenuating circumstances, it may not be possible for these owners to secure the services required to meet this bill's vigorous ten-day deadline. Worse yet, requiring owners to rectify these conditions so quickly could result in the quality and safety of corrective work being sacrificed in exchange for speed, resulting in unnecessary and potentially harmful consequences for building owners and tenants.

Due to the unpredictable nature of acquiring licensing and permits and the range of reasons a vacate order may be issued, it is unreasonable to place a time limit on the correction of conditions requiring vacate orders. **For these reasons, REBNY opposes Intro No. 924.**

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Legislative Memo
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MEMORANDUM OF OPPOSITION

BILL:	Intro No. 918
SUBJECT:	In relation to professionally certified applications for construction document approval and final inspections of permitted work
DATE:	April 18, 2016
SPONSORS:	Chin, Menchaca, Johnson, Kallos, Levin, Levine, Mendez, Reynoso, Rosenthal, Lander, Rodriguez, Van Bramer, Rose

The Real Estate Board of New York ("REBNY"), representing over 17,000 owners, developers, managers and brokers of real property in New York City, opposes Introduction No. 918 because as set forth below, the legislation would effectively cripple repair work needed to be performed on many residential buildings.

The bill states that construction or related documents pertaining to R-2 occupancies (which are primarily apartment buildings and apartment hotels) will no longer be subject to anything less than full examination if they are more than 10 percent occupied or if the occupancy is owned by someone who, in the past 15 years, has been found in court to have failed to fulfill his or her duties as the owner per section 27-2005 of the housing maintenance code. Buildings that fall into either of these categories would also now be subject to final inspections.

Self-certification is a mechanism that exists to relieve the administrative burden on DOB and facilitate quick repairs by streamlining the process to obtain permits. If self-certification were eliminated or greatly reduced, as would be the case were this bill enacted, DOB would be overwhelmed with a series of plan reviews and other applications, slowing down the permitting process construction, renovation, and repair which will adversely affect the production, preservation and production of affordable housing.

REBNY takes no issue in increased accountability for unlawful building owners, but has concerns with the number of buildings this legislation would inadvertently affect. A new owner of a 100-unit building, 11 units of which are already occupied, should be allowed to self-certify in order to make repairs or additions to his or her building without being subject to full document examination or final inspections. These renovations may also sometimes be necessary on a time-sensitive basis in order to attract residents to a building which may be losing the owner money due to its low occupancy.

For these reasons, we oppose Intro No. 918.

Housing Conservation Coordinators
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April 18, 2016

Testimony in Support of Intro. 944

Betsy Eichel, Tenant Organizer, Housing Conservation Coordinators

My name is Betsy Eichel and I am a tenant organizer with Housing Conservation Coordinators, a nonprofit legal service and tenant advocacy organization based in Hell's Kitchen. I am here to testify in favor of Int. No. 944. Thank you for allowing me to speak at this hearing today.

I organize buildings in Hell's Kitchen, Chelsea and the Upper West Side, where affordable housing is extremely scarce. Landlords want to get the already dwindling number of rent-regulated tenants out so they can take advantage of hot markets and charge rents many times greater than what current tenants pay. One way they are getting tenants to leave is by commencing construction in occupied buildings that is unsafe, disruptive and dangerous enough that tenants can no longer tolerate the conditions and leave of their own volition. The coalition Stand for Tenant Safety arose in response to this problem, which is happening throughout the city. HCC is a member of this coalition.

I have worked in several buildings where the management claimed a building was unoccupied in order to bypass restrictions and speed up planned renovation or demolition work. In fact, the problem is so prevalent on the west side that a group of concerned tenants in Chelsea formed the "Community & Residents Protection Working Group", or CRP, to help tenants decode long, jargon-filled DOB permit applications and determine if their landlord had lied about occupancy. Landlords know that they can avoid a "Tenant Protection Plan" and other precautions if the building is unoccupied, even only on paper.

In a particularly egregious example, the 8 tenants of 15-19 West 55th Street learned that their landlord wanted to convert their rent-stabilized building into a commercial hotel—and that the landlords submitted paperwork for the DOB that claimed the building had no rent-regulated tenants. After a flurry

of emails between advocates, state and city elected officials and the DOB, the application was amended to reflect that there were in fact rent-stabilized tenants, and a tenant protection plan was provided. But by that point, it was too late; work had already begun that had disrupted tenants' lives and made them feel unsafe in their long-time homes. The landlord faced no consequences for their deception.

In the current system, there is simply not enough accountability for landlords who are careless or intentionally trying to get rent-regulated tenants to leave. It is easy for landlords to plead ignorance or go back and update their paperwork to reflect the actual occupancy of a building, but until they face real consequences, tenants pay the price for landlord deception. This bill would require construction work permits on DOB's website to disclose the reported occupancy status of the building, with the added enforcement measure of requiring landlords who have done work without proper permits in the past to submit their future construction plans to the local Community Board, council member and borough president, forcing more accountability.

Rent-regulated tenants are under immense pressure throughout the city; city agencies need to use their considerable power and resources to ensure that tenants' rights are protected and landlords who game the system face consequences. I wholeheartedly support this bill.

TESTIMONY ON:
INTRO 934:Creation of a Real Time Enforcement Unit
in the Department of Buildings

PRESENTED BEFORE:
The New York City Council Committee on Housing and Buildings
Chair: Jumaane D. Williams

PRESENTED BY:
Karen Platt

Hello my name is Karen Platt. I am testifying on behalf of Intro 934, for a real time enforcement unit in the Department of Buildings

I have been a resident of the East Village for 30 years and was born and raised in Manhattan. The past few years have seen many buildings including mine at 522 E. 5th Street being renovated by new owners and it often feels like we are under siege by predatory landlords using construction, and the neglect of serious building issues, as forms of harassment to get rent stabilized people out of their apartments.

In my building alone, there have been 5 rent-stabilized apartments completely gut-renovated to become market-rate apartments, and they even added a floor in the basement, despite the fact that notices hanging in the lobby indicated the work would include only "minor alterations" with no change in egress.

There were many times when tenants from the building used the 311 system to file complaints that were either never responded to, or were labeled as "closed" or "resolved" without anyone in the building actually talking to an inspector, receiving correspondence from an inspector or knowing if anyone had actually come to inspect .

One of the first problems that started in the building after it changed hands was intermittent hot water, especially during the day. While the demolition crews were renovating vacant apartments, I suffered with intermittent hot water that went from hot to ice cold. 311 was unable to give me a time frame for sending an inspector. I needed the super who did not live on premises to let them in to the basement so it really was impossible to get the problem solved. I therefore had completely unreliable hot water for over two years.

Last summer we lost cooking gas in the building. It took weeks for an inspector to come out to respond to the no cooking gas complaints. It seemed like there was no organizing with regards to the inspectors' visits.

D.O.B. takes so long to send an inspector that by the time the problem finally gets addressed, we have spent a lot of time suffering with lack of services, or dangerous building conditions. This seems to goes unrecognized by the D.O.B. who also seems to be neglecting to issue appropriate fines and violations.

For serious safety issues, we desperately need inspectors who can come out to the buildings immediately, especially for important issues such as plumbing, leaks and related disasters, gas issues, collapsed ceilings, fumes, hot water issues, missing sidewalks, giant holes, etc. etc. We would like to feel safe and protected by the D.O.B. and that is why we need real time enforcement.

Legal Services NYC

TESTIMONY OF LEGAL SERVICES NYC REGARDING PROFESSIONALLY CERTIFIED APPLICATIONS FOR CONSTRUCTION AND FINAL INSPECTIONS OF PERMITTED WORK, VACATE ORDERS, THE CREATION OF A REAL TIME ENFORCEMENT UNIT, AND CONSTRUCTION WORK PERMITS (INT. NOS. 918, 924, 934, AND 944)

New York City Council
Committee on Housing and Buildings
April 18, 2016

My name is Chris Copeland, I am a staff attorney with Bronx Legal Services, and here with me is David Fillingame, a staff attorney with Manhattan Legal Services. We speak today on behalf of Legal Services New York City (LSNYC). Thank you for the opportunity to give testimony before the New York City Committee on Housing and Buildings.

Legal Services New York City (LSNYC) is the largest provider of free civil legal services in the country, with deep roots in all of the communities we serve. Our nineteen neighborhood offices and outreach sites across all five boroughs of New York City represent tens of thousands of low-income tenants annually in their efforts to remain in their homes and to keep their homes habitable. At the core, LSNYC's mission is to provide expert legal assistance that improves the lives and communities of low income New Yorkers.

As staff attorneys in Manhattan and the Bronx, Mr. Fillingame and I work closely with low-income tenants in rapidly changing neighborhoods where tenants too often, and increasingly so, experience manifold types of harassment from landlords. And more often than not, these harassing tactics are designed to displace rent-stabilized tenants from their apartments and to replace them with higher paying tenants. With these concerns in mind, we thank the City Council for holding this hearing pertaining to Intros 918, 924, 934, 944, and 1157, and we believe that these code amendments would have a positive impact on the clients we serve.

Intro 944

As a housing staff attorney in Manhattan I work closely with low-income tenants in rapidly changing neighborhoods who experience harassment from their landlords in the form of construction and in particular, illegal construction. My colleagues and many of our partner organizations could all share stories of how illegal construction has dramatically disrupted our clients' lives. One of the most powerful

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and dangerous tools building owners can use and have used to harass long-term tenants and drive them from their homes is disruptive and destructive construction in the buildings where they live.

Passage of the code amendments in Intro 944 that create additional safeguards for construction from building owners that have engaged in illegal construction in the past and enhanced penalties against building owners who repeatedly perform illegal construction would benefit the low income clients we serve. In our experience, the existing safeguards and civil penalties are insufficient to deter building owners from engaging in this conduct again and again.

In one recent case, a landlord in East Harlem was cited four separate times for work without a permit over an eight month period. The fourth citation came when, in the course of doing an illegal gut renovation of a vacant apartment directly underneath my client's apartment, they removed a load bearing wall, destabilizing my client's entire apartment, sinking the floor and forcing her and her family to leave the apartment for several days so emergency shoring work could be done to correct this reckless construction.

My colleagues often see similar situations where building owners are gut renovating vacant apartments without permits, engaging in unauthorized electrical or plumbing work that leads to the shut off of gas services for months, and other disruptive, dangerous construction. Furthermore, when building owners start work without applying for permits, landlords do not provide tenant protection plans as part of their construction work; accordingly, construction sites are left unattended and unprotected with hazardous demolition debris traveling to common areas and tenant-occupied apartments. As a result, tenants' physical health is adversely affected from over exposure to airborne dust and dirt particles confined in tight spaces. Their mental health is also negatively affected by losing a sense of security in their own homes. When such construction literally moves the ground underneath a tenant's feet it can be a powerful tool for landlords to drive tenants away from their longtime homes.

Our experience shows that often times, the existing threat or imposition of civil penalties in these situations is inadequate in ceasing harassing behavior and protecting the rights of tenants to live safely, with dignity, and in freedom from the arbitrary destruction and demolition of their homes. It seems that some landlords may treat existing civil penalties for illegal construction as simply part of the course of doing business. Enhanced penalties for repeat offenders, such as those called for in the new proposed section 28-213.5, are necessary to deter those building owners that repeatedly engage in illegal construction without regard to the current consequences.

New safeguards such as those in Intro 944 are needed to ensure that building owners who have engaged in work without a permit in the past are subjected to additional scrutiny in the future. The amendments to Section 28-104.2.1 are also important to ensure that building owners applying for permits are not subjected to anything less than a full examination when they have a recent history of engaging in work without permits. My colleagues in Brooklyn represented tenants in a building where the landlord had previously engaged in illegal construction in his building while allowing it to become so rundown and dilapidated that it was placed in HPD's Alternative Enforcement Program. Still the Department of Buildings approved this owner's application to build two stories on top of this four story building that was already collapsing. As would be expected this additional construction caused the further collapse of the existing structure and the eventual displacement of six of the eight original tenants. It is difficult to believe the landlord would have been permitted to engage in this reckless construction if his application had been subjected to the full examination that this bill would call for.

Intro 918

The exceptions that Intro 918 bring to the administrative code also add important safeguards against building owners who use construction as a tool of harassment, especially when that owner already has a documented record of harassing tenants. There is no reason why applications for construction on buildings where people live should ever be subject to anything less than full examination. The examples I've shared above and the experiences of our other attorneys throughout the five boroughs show the dangerous and potentially disastrous consequences that can follow when construction projects by owners of multiple dwellings are not subject to full scrutiny.

Protections against illegal and dangerous construction around and underneath one's home are essential to preserving affordable apartments and safeguarding tenants' lives. We think these proposals are steps in the right direction to protect low-income tenants. We thank the City Council and look forward to working with the Committee in addressing these serious issues.

Intro 924

As Mr. Fillingame highlighted, landlords often engage in illegal construction that creates hazardous, uninhabitable conditions in an effort to displace low-income tenants from their homes. When the conditions created reach such a dangerous level, they inevitably necessitate vacate orders from the Department of Buildings—another related tactic landlords employ to permanently displace tenants from their homes.

Currently when the Department of Buildings issues a vacate order due to dangerous conditions in a building, section 28-207.4 of the administrative code mandates that the Department of Buildings reduce the order to writing, listing the specific reasons for the order. Under this regime though, landlords simply allow their buildings to languish in disrepair long enough to permanently displace the tenants and replace them with wealthier ones. And although the Department of Housing Preservation and Development (HPD) currently issues its own vacate orders along with orders to correct the conditions in place, this has proved inadequate.

Intro 924 takes a major step toward enabling the Department of Buildings itself to resolve this problem, and it would eliminate any duplication of efforts between the Department of Buildings and HPD. It would amend the administrative code by requiring landlords to correct the conditions for which the vacate order was issued within 10 days. In other words, this bill gives the Department of Buildings the power to limit the amount of time a landlord may allow conditions to persist in a building. As such, we believe that Intro 924 would have a positive impact for our clients.

Intro 934

Landlords often use another deplorable tactic to displace rent-stabilized tenants: they engage in illegal construction work, which often creates uninhabitable conditions for the tenants in the building. As Mr. Fillingame mentioned with respect to Intro 944, Intro 934 too would get at the kind of behavior engaged in by the landlord who owns the building located at 140 4th Avenue in Brooklyn. There, the landlord received permission from the Department of Buildings to add two stories to a four-story tenement, which was so dilapidated that HPD had placed it in its Alternative Enforcement Program. The construction caused manifold problems throughout the building: it kicked up copious amounts of dust and debris, caused joists to buckle, created water leaks and electrical problems, interrupted heat and hot water service, and collapsed some of the ceilings. As a result, six of the eight original tenants were displaced.

The remaining tenants now face evictions because the building's landlord is claiming they must temporarily vacate their apartments so that he can repair the very problems his construction caused. As is, misguided and dysfunctional city policies will reward this owner for his flagrant violations of the law by permitting him to rent the six vacant apartments at market rate. Intro number 934 would stem these types of harassing practices.

Intro 934 establishes a much needed real time enforcement unit within the Department of Buildings. The Real Time Enforcement Unit would be responsible for enforcing the construction codes when it receives complaints related to work without a permit. And, most importantly, the Unit would enforce the codes in real time. That is, Intro 934 mandates the Unit to inspect buildings where work is allegedly being performed without a permit within two hours of the receipt of a complaint. The bill also mandates the Unit to initially inspect buildings with valid permits within five days of commencement of such work, and to make periodic unannounced inspections until the work is complete.

Such real time enforcement would curb the types of tenant harassment where landlords engage in illegal construction that creates such deplorable conditions that tenants ultimately vacate their apartments, because the Unit's real-time enforcement would prevent conditions from persisting for so long that they wear tenants into submission and displacement.

We believe that these bill proposals take important and increasingly needed steps in the right direction to protect ever-endangered low-income tenants. We thank the City Council for its efforts and we look forward to working with the Committee in addressing these serious issues.

Respectfully submitted,

David Fillingame,
Staff Attorney, Manhattan Legal Services

Chris R. Copeland,
Staff Attorney, Legal Services NYC-Bronx

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Testimony of Jane Li before the
New York City Council Committee on Housing and Buildings

Monday, April 18th, 2016

Good morning and thank you to Chairperson Jumaane Williams and the Committee on Housing and Buildings for the opportunity to testify today. My name is Jane Li, and I am a Housing Staff Attorney at the Community Development Project at the Urban Justice Center. I am testifying in support of **Int. 918, Int. 924, Int. 934, and Int. 944.**

The Community Development Project (CDP) formed in September 2001 to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities by winning legal cases, publishing community-driven research reports, assisting with the formation of new organizations, and providing technical and transactional assistance in support of their work towards social justice. For more than 10 years, CDP has offered support on housing issues to community non-profits by providing legal representation for group housing cases, participating as a member in legislative campaigns, and conducting relevant research projects based on pressing housing issues. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

CDP is a member of the coalition Stand for Tenant Safety (STS), working to end the use of aggressive residential construction as a form of tenant harassment. The four bills being heard today are part of the coalition's twelve bill legislative package that strengthens tenants' rights and hold unlawful landlords accountable. These four bills in particular focus on the need for transparency and timely enforcement of the law throughout the construction process, from the permitting process to the execution of the construction work.

With the NYC housing crisis and the incentive to turn over vacant apartments into luxury rentals, opportunistic landlords use every chance and every tactic to push out tenants in order to flip the apartments. In our practical experience as lawyers for rent regulated tenants, we have seen time and time again the link between landlords who harass tenants and landlords who rush through construction documents. These landlords only receive a slap on the wrist for falsifying documents or lying in the self-certification process.

Int. 918 and Int. 944 would close the loopholes in the construction permitting process that allows unscrupulous landlords to cheat the system. **Int. 918** focuses on the kinds of building sites where the landlords are likely to be engaging in harassment tactics through their construction work: this bill would close a loophole in the self-certification process by requiring a full DOB inspection before issuing permits in buildings where more than 10% of the units are occupied or if the landlord has been found guilty of tenant harassment. **Int. 944** focuses on adding transparency for the construction process itself: this bill requires that landlords submit their construction plan to various community stakeholders, that they post permits in the building

so tenants can see if there is falsified information in the permits, and requires that landlords who have already been penalized of doing illegal construction work without a permit do not simply get a rubber stamp on a new permit application. By closing these loopholes in the permitting process and increasing the transparency of the construction plans and permits, landlords will have more incentive to act within already existing law, and tenants and neighborhood stakeholders can help DOB identify lying landlords.

Once construction work starts in an occupied building, tenants are DOB's strongest ally in holding bad acting landlords accountable. However, too often the current enforcement system works against tenants. Based on our coalition's survey of over 150 tenants experiencing construction as harassment, 70% of tenants rated DOB fair or poor in addressing their problem, and in fact almost a quarter of all respondents said that the problem was not address at all. Secondary research on the buildings of tenants surveyed found that the average response time between a complaint being filed and a DOB inspection was over 42 days, with the longest response time in a surveyed building being 926 days. With such a lag in response time, tenants' lives are being put at risk and the city agency that is supposed to support them is missing a valuable opportunity to identify and punish those conducting illegal construction. **Int. 934**, requiring the DOB to create a "Real Time Enforcement Unit" is essential to address the needs of tenants and enable DOB to catch the bad actors. Without a Real Time Enforcement Unit, DOB's response time is not just negligent, it is deathly irresponsible. We cannot need to wait for another tragedy to happen to make this change.

DOB's current system also enables landlords to ignore dangerous housing conditions due to construction work when they irresponsibly issue vacate orders without orders to correct. In the end, this leads to the city being complicity in the construction eviction of tenants from their buildings and neighborhoods. Again, tenants should be DOB's biggest ally in making sure illegal construction is not happening, but when DOB issues a vacate order without an order correct, they have given the landlord exactly what they wanted. A building with a vacate order and no order to correct gives landlords the eviction of vulnerable tenants on a silver platter, providing no pressure on the landlord to get tenants back in the building by correcting the underlying issues. A vacate order, while a powerful tool to protect tenants' safety in a dangerous construction zone, becomes a permanent eviction notice and the permanent loss of affordable housing when not issued simultaneously with an order to correct. **Int. 934** will ensure that landlords know that creating dangerous conditions is not a short cut to an eviction or a short cut to destabilizing apartments: dangerous conditions must be address in a timely manner or the landlord should suffer serious consequences.

These four bills address major loopholes in DOB's enforcement tools. These bills, in addition to the eight other bills in the STS legislative package, aim to mitigate the perverse incentives that drive landlords to conduct aggressive, major, often illegal construction in an occupied building without sufficient oversight. If we let the status quo continue, the city risks another construction related tragedy, at which point passing this kind of preventative legislation will be too late. The City Council must pass **Int. 918, Int. 924, Int. 934, and Int. 944.** and the rest of the STS legislative package this year so that DOB will have a much needed increase in their enforcement tools. This change will allow DOB to ensure that they address aggressive, illegal construction in a timely manner, preventing a crisis before it becomes too late.

亞洲人平等會
房屋及社區服務部
Asian Americans for Equality
Housing & Community Services

STAND FOR TENANT SAFETY

STS COALITION

TESTIMONY

IN SUPPORT OF

INTROS. 0918, 0924, 0934 AND 0944

PRESENTED BEFORE:

THE COMMITTEE ON HOUSING AND BUILDINGS

PRESENTED BY:

DONNA CHIU, ESQ. & MS. XIU CHANG ZHANG
DIRECTOR OF HOUSING AND COMMUNITY SERVICES
ASIAN AMERICANS FOR EQUALITY (AAFE)

APRIL 18, 2016

Asian Americans for Equality
111 Division Street • New York, NY 10002
Tel: 212-979-8988 • Fax: 212-401-4275 • www.aafe.org

NeighborWorks®
CHARTERED MEMBER

My name is Donna Chiu and I am the Director of Housing and Community Services at Asian Americans for Equality (AAFE). I am here with Ms. Xiu Chang Zhang, a long term resident of 211 Madison Street to testify in support of Intros 0918, 0924, 0934 and 0944.

We want to thank Councilmember Williams for scheduling this hearing and to the Councilmembers that introduced the legislation.

AAFE is a non-profit organization with a community office based in and serving Chinatown and the Lower East Side for over 40 years. AAFE is a member of the Stand for Tenant Safety – STS – Coalition. STS is a citywide coalition of community organizations working with residents to fight back against their landlords using construction as a harassment tactic. Through this community driven effort, we are seeking systemic reform of the Department of Buildings.

Construction as harassment is one of the most prevalent housing issues AAFE staff is confronted with on a daily basis. We have been working with the residents at 43 Essex Street, 90 Elizabeth Street, 173 Henry Street, and 211 Madison Street to combat this issue. We have seen the kinds of problems today's bills seek to address and believe they can help protect other tenants from having to suffer through what our tenants experienced.

We support Int. No. 0918 because this will require DOB to conduct its own inspection or investigation before issuing any permits for construction work in buildings where more than 10% of the units are occupied. DOB investigations will make it harder for owners - like the ones that own 173 Henry Street – to engage in illegal alteration of its apartments. The owners have repeatedly taken down walls and moved fixtures around to make the apartments larger without any DOB work permits. Despite tenants' calls to 311 to complain about this, the owner has refused to provide access to DOB inspectors prompting DOB to close these complaints.

We also support Int. No. 0924, which will allow DOB to issue orders to correct simultaneously with full or partial vacate orders. For too long, the burden has been placed on tenants like those living at 43 Essex Street to take affirmative action to force an owner to correct the problems that underlie a full or partial vacate order. For too long, tenants have been force to bring a case in Housing Court if they wanted their owners to take care of their obligations. This bill will help DOB enforce the law to ensure the owner is taking corrective action.

We also support Int. No. 0934, which will create the Real Time Enforcement (RTE) unit and allow DOB to respond in a timelier manner to complaints. We believe the Real Time Enforcement unit will make it easier for tenants to coordinate with DOB to provide the inspectors with timely access to the construction problems they have witnessed. The tenants we are helping rarely if ever get to coordinate with DOB in any way to have the inspectors come while the unpermitted construction was happening. Often, when the DOB inspectors do inspect, the illegal construction work is already completed or the workers have left and the DOB inspectors can no longer get access. The result is DOB closes the tenants' complaint.

Asian Americans for Equality
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We also support Int. No. 0944, which will no longer allow an owner to self-certify if he has done construction work without a permit; and allow DOB to provide written notice of the construction plans. This bill will help our tenants at 211 Madison Street where the owner falsified the permits to say the building was unoccupied.

Ms. Xiu Chang Zhang has lived at 211 Madison Street for over 13 years. For the past year and a half, Ms. Zhang and her neighbors – most of whom are monolingual, Chinese seniors living alone in rent stabilized apartments – have experienced the kinds of construction problems today's bills seek to address.

About one year ago, the owner began major construction at the building, first starting with concrete work in the basement, which it did not have any permit to do. The tenants called 311 to file complaints while the concrete work was happening. We're not sure whether or not DOB came to inspect, but we know DOB inspectors did not come while the owner was engaging in the illegal concrete work because there has been no violation for this. When the tenants started to look into the owner's filings with DOB, we learned the owner had falsified the permits to say the building was unoccupied. The tenants also filed 311 complaints about this. Then, the owner engaged in gut renovation work in the vacant units, despite that the DOB work permits only allowed for light carpentry work.

For many months, the construction caused the building to shack and vibrate. Needless to say, the noise was also unbearable. Many of the tenants – who are very old – were afraid for their lives. The tenants called 311 to file complaints, but the tenants didn't see any change from those calls. More recently, the owner was doing unpermitted electrical work that caused DOB and Con Edison to shut off the cooking gas. After living months without cooking gas, the tenants were forced to sue the owner in Housing Court to force him to fix the problem. The tenants have not had cooking gas since December 2015 and still do not have cooking gas.

The tenants should not be forced to live in a construction zone with routine shut downs of essential services and constant demands on them to provide access for them to install equipment for unnecessary upgrades. The owner will force them to pay for these upgrades through an MCI. They should not be forced to live like this. Thank you for your time.

ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, INC.

ANHD
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TESTIMONY OF EMILY GOLDSTEIN, BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS INTROS 918, 924,934, 944

April 18, 2016

Good Morning. I'd like to start by thanking Chairman Williams and the members of the Committee for the opportunity to testify today.

My name is Emily Goldstein and I am the Senior Campaign Organizer for the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of New York City neighborhood based housing and economic development groups, including CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have nearly 100 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units.

I am here to testify in support of the four bills before the committee today: Intro 918, Intro 924, Intro 934, and Intro 944. ANHD is a member of the coalition Stand for Tenant Safety (STS), working to end the use of aggressive residential construction as a form of tenant harassment. The bills before the committee today are part of a larger package of twelve pieces of legislation designed to prevent dangerous and unlawful behavior by landlords, strengthen tenants' rights, and preserve New York City's stock of affordable housing.

The affordable housing crisis in New York City has reached its most serve level in decades as housing in New York City has grown increasingly unaffordable to many residents and families. The 2014 and 2011 Housing Vacancy Survey found that over half of all New York City renters were rent-burdened, paying more than 30% of their household income in rent. While almost a third of New York's renters were severely rent-burdened, paying more than 50% of their household income in rent.

Tenants in many neighborhoods are coming under increasing pressure from landlords looking to take advantage of skyrocketing market rents. While many building owners obey the law, too many bad actors put the health and safety of tenants in danger in search of higher profits.

Two of the pieces of legislation before the committee today would loopholes in the construction permitting process. **Intro 918** would prevent landlord self-certification for the DOB permit process specifically in those buildings where tenants are most likely to face construction as harassment, and where improper construction is most likely to put tenants in harm's way. By focusing on buildings where more than 10% of units are occupied or where owners have a history of bad behavior, the proposed legislation effectively focuses DOB resources in the permitting process.

ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, INC.

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Intro 944 creates important transparency and notification processes so that tenants and elected officials will be aware of construction plans and permits, and can verify that any construction work occurring is in fact permitted. The legislation further ensures that landlords with a history of illegal construction work face appropriate scrutiny in future permit applications.

Intro 934 would create a new Real Time Enforcement Unit, to ensure that DOB will be better equipped to partner with tenants in addressing problems related to construction, and respond to tenant complaints in a timely and efficient manner. Tenants are the best eyes and ears the city has to monitor construction and catch possible problems or violations early, because they are on site every day, living their lives in the buildings where the construction is happening. Tenants in buildings where unpermitted or unsafe construction work is occurring need prompt responses from DOB to protect their health and their homes. And landlords will be less likely to violate DOB rules if they know that a more robust enforcement process is likely to catch them doing so.

Finally, **Intro 924** would ensure that vacate orders do not become a mechanism by which landlords are able to constructively evict tenants who would otherwise have the right to remain in their homes. A vacate order that is not accompanied by an order to correct essentially punishes tenants for a landlord's wrongdoing. Vacate orders are important and necessary tools to remove tenants from immediately hazardous situations; but the result must be the correction of the hazard to allow tenants to return promptly to their homes, not the displacement of tenants with no consequences for the landlord.

Together, these four pieces of legislation would prevent unscrupulous landlords from taking advantage of loopholes in the DOB system, and ensure appropriate enforcement of the laws and regulations governing construction in residential buildings. ANHD urges the committee to pass the bills before you today, and to advance the remaining 8 bills in the STS legislative package for hearings as quickly as possible.

NYSAFAH

NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

Testimony before the New York City Council Committee on Housing and Buildings

Int. 918 – *In relation to professionally certified applications for construction document approval and final inspection of permitted work*

Int. 924 – *In relation to vacate orders*

April 18th, 2016

On behalf of the New York State Association for Affordable Housing (NYSAFAH), we would like to thank Chair Williams and the members of the Committee on Housing and Buildings for the opportunity to submit comments on Int. 918 and 924. NYSAFAH supports the intent of the legislation to protect tenants in instances where buildings are being materially altered or vacated due to hazardous conditions. However, the requirements outlined in Int. 918 and 924 are not an efficient mechanism for achieving these goals, particularly in residential buildings where there is an existing commitment to affordability. As such, NYSAFAH opposes Int. 918 and 924 as currently written.

Int. 918: ***In relation to professionally certified applications for construction document approval and final inspection of permitted work***

The preservation of affordable housing will become significantly more difficult under Int. 918. By eliminating the self-certification option for any occupied buildings with greater than 10% occupancy and requiring final inspection by the Department of Buildings (DOB), Int. 918 will add significant delays on the front end of projects and cost – in the form of interest expense – on the back-end. Additionally, these requirements will increase the administrative burden on DOB, further exacerbating delays and increased cost for preserving affordable housing.

The requirements outlined in Int. 918 are particularly poorly matched with this type of preservation work, where the intent is to *preserve* affordability. These jobs are under regulatory agreements and long term affordability plans, and are undertaken by developers committed to maintaining the affordability of those units. In addition to raising the cost and making preservation of affordable housing more difficult, Int. 918 will adversely impact the tenants this legislation endeavors to protect by creating delays to needed repairs, which in many cases have been deferred for years. As such, any revisions to Int. 918 should exempt projects that have or will have regulatory agreements and affordability requirements as these only delay improvements to projects in which tenants are already protected.

Int. 924: ***In relation to vacate orders***

NYSAFAH recognizes the Council's intent to return residents impacted by vacate orders to their homes as quickly as possible and ensure that inhabitable conditions are not used to deliberately

displace tenants. However, as with Int. 918, Int. 924 is similarly inappropriate for affordable housing governed by regulatory agreements with a commitment to long-term affordability. Vacate orders are issued to address and protect tenants from imminently hazardous conditions. The requirement to correct underlying conditions in the 10-day timeframe proposed in Int. 924 may simply be impossible. The process of appropriately remediating such conditions requires assessing the issue, identifying the best method for correction, and securing the necessary permits, licensing, equipment and services, in addition to the time it takes to do the work to correct. Additionally, imposing an infeasible and arbitrary 10-day timeline that does not take into account the scope is not an effective way to ensure the safety and quality of corrective work.

We look forward to working with the Council and the administration to achieve the intended goals of Int. 918 and 924 while also ensuring the important work of preserving affordable housing is not compromised. We thank you again for the opportunity to submit testimony and for your consideration of NYSAFAH's comments.

NYSAFAH is the trade association for New York's affordable housing industry statewide. Our 390 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSAFAH's members are responsible for most of the housing built in New York State with federal, state or local subsidies.

Contact: Alexandra Hanson, Policy Director alexandra@nysafah.org (646) 473-1209

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 02/16/16

(PLEASE PRINT)

Name: Ana Rosa Granados (B.6.A)

Address: 260 Broadway, Brooklyn NY

I represent: Nayary Torres (translation)

Address: 94 Franklin Ave

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Grace DeFina

Address: 100 Gold street, NY, NY

I represent: NYC HPD

Address: 100 Gold Street, NY, NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition all bills

Date: _____

(PLEASE PRINT)

Name: Emily Goldstein

Address: 50 Broad St.

I represent: ANHD

Address: 50 Broad St.

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: Jane Li

Address: 123 William St, 16th Floor, 10038

I represent: WC-CDP

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 981 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: BETTE GAIG

Address: 90 ELIZABETH ST APTS

I represent: 90 ELIZABETH ST TENANTS

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ROLANDO GUZMAN

Address: 306 UNION AVE

I represent: UNITED NEIGHBOR ORGANIZATION

Address: 306 UNION AVE

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 944 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/8/16

(PLEASE PRINT)

Name: Jack Underwood

Address: 260 Broadway Brooklyn

I represent: Brooklyn Legal Services Corp A

Address: 260 Broadway Brooklyn

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 944 Res. No. _____

☒ in favor ☐ in opposition

Date: 4/8/16

(PLEASE PRINT)

Name: Nayarny Torres

Address: 94 Franklin Ave, Brooklyn, NY

I represent: Myself

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 934/944 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: Chelsea Blocklin

Address: 456 Throop Ave Brooklyn NY 11221

I represent: Los Sures

Address: 434 S. 5th St BK NY 11211

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0934 Res. No. _____

☑ in favor ☐ in opposition

Date: 04/08/16

(PLEASE PRINT)

Name: Melsenia Glover

Address: Manhattanites Neighbors

I represent: Housing Conservation Coordinators

Address: 777 10th Ave

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 944 Res. No. _____

☐ in favor ☐ in opposition

Date: 04/08/16

(PLEASE PRINT)

Name: Xiu Chong Zheng

Address: 111 Division street

I represent: Asian Americans for Equality

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 944 Res. No. _____

☑ in favor ☐ in opposition

Date: 04/08/16

(PLEASE PRINT)

Name: Betsy Eichel

Address: 777 10th Avenue

I represent: Housing Conservation Coordinators

Address: 777 10th Avenue

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 934 Res. No. _____

☑ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: DAVID CHANG

Address: 35-11 85TH STREET, APT 3H, QUEENS 11372

I represent: WE ACT FOR EJ

Address: 1854 AMSTERDAM AVE, NY, NY 10031

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT) DOB

Name: Timothy Hogan, Deputy Commissioner

Address: Agostino., Patick Wehle

I represent: HPD: Deborah Reed ? HPD

Address: Teri Davis Merchant

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 984 Res. No. _____

☒ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: Tangier Harper

Address: 2099 Broadway 4th Fl. 10007

I represent: MFY Legal Services, Inc.

Address: 299 Broadway

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 918, 924, 934 Res. No. 944

☒ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: Donna Chiu + Ms. Xiu Chang Zhang

Address: 111 Division Street

I represent: Asian Americans for Equality

Address: 111 Division street

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 944, 916 Res. No.

☒ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: David Fillingame

Address: 2272 Second Avenue, NY, NY 10035

I represent: Legal Services NYC

Address: 40 Worth, Ste 606 NY, NY 10013

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 918 and 934 Res. No.

☒ in favor ☐ in opposition

Date:

(PLEASE PRINT)

Name: NIKKI LEGER

Address: 30 SICKLES ST.

I represent: Myself & Cooper Sq.

Address:

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 924/34/44 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/18/2016

(PLEASE PRINT)

Name: Hally Chu

Address: 1 Centre St. 19th Fl. NY NY 10007

I represent: Manhattan BP Gale A. Brewer

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 924 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Frank Ricci

Address:

I represent: Rent Stabilization Assoc

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 4/18/16

(PLEASE PRINT)

Name: Chris Copeland

Address: 349 E. 149th St. 10th Fl. Bronx

I represent: Legal Services NYC

Address: 40 Worth, New York, NY

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 934 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Seth Wandersman

Address: 210 Rivington St #7

I represent: _____

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Karen Platt

Address: 522 E 5 St #8

I represent: Myself

Address: _____

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