

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 10, 2015
Start: 10:21 a.m.
Recess: 01:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E:

JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

ANTONIO REYNOSO
BARRY S. GRODENCHIK
ERIC A. ULRICH
HELEN K. ROSENTHAL
MARK LEVINE
RAFAEL L. ESPINAL, JR.
RITCHIE J. TORRES
ROBERT E. CORNEGY, JR.
ROSIE MENDEZ
YDANIS A. RODRIGUEZ

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

Rick Chandler
Commissioner
New York City Department of Buildings

Timothy Hogan
Deputy Commissioner for Enforcement
New York City Department of Buildings

Alexandra Fisher
Deputy Commissioner for Legal & Regulatory Affairs
New York City Department of Buildings

Akina Younge
Community Development Project
Urban Justice Center

Cynthia Weaver
Staff Attorney
Manhattan Legal Services

Chong Ku Wong
Resident

Gale Brewer
Manhattan Borough President

Ava Farkas
Executive Director
Metropolitan Council on Housing

Delsenia Glover
Staff
Tenants & Neighbors Organization

Eric Alugas
Tenant Leader
Harlem Tenants Against Tahl Propp

Dan Evans
Tenant Organizer
Goddard Riverside Law Project

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

Devon Johnson
Resident
New York City

Michael Arvanites
President
Safety Professional Association

Donald Ranshte
Senior VP
Building Trades Employers' Association

Bob Cacera [sp?]
Brooklyn Housing Preservation Alliance

Alejandra Nasser [sp?]
Flatbush Tenant Association

Valerie Enriquez [sp?]
Resident

Yolando Kodo [sp?]
Metropolitan Council on Housing

Jacklyn Baily [sp?]
Resident

Harriet Putterman
Board Member
Cooper Square Committee

Ferlando Guzeman
Deputy Director of Community Preservation
St. Nicks Alliance

Ava Farkus
Executive Director
Metropolitan Council on Housing

[gavel]

CHAIRPERSON WILLIAMS: Good morning

everyone on this nice spring day. Thank you for coming. My name is Council Member Jumaane Williams, Chair of the Councils Committee on Housing and Buildings. I'm joined today by Council Member Grodenchik, I got it right. Over the course of the last couple of years New Yorkers have seen countless heartbreaking headlines mourning the loss of someone that was working at a construction site somewhere across the city. We've always seen many New Yorkers who were injured as a result of the dangerous at... dangers at a construction site. And just two weeks ago the New York Times David Chen who I believe is... yeah who is here today wrote an expansive expose "Safety Lapses and Deaths Amid a Building Boom in New York" which talked about the increase in fatalities and injuries that have most... that have mostly affected undocumented immigrant laborers and far exceeds the rate of new construction. The expose highlights that as New York City and... one of the most expansive construction booms in the city history that we have lost far too many and often preventable tragic

1 events. To the families of those that we have lost
2 and to those who have been injured today let me say
3 clearly we hear you and we are here because of you.
4 As a city we must do everything we can to ensure
5 that your loved ones' lives were not lost in vain.
6 We pray for your healing and we pray for your
7 comfort. I want to at this time read a few of the
8 names of those we've lost in just last year and a
9 half alone. And I... forgive... if we've forgotten
10 anyone. Manuel Colorado, Gurmeet Singh, Lucas
11 Torloski [sp?], Francisco Cresby [sp?], Claudio
12 Patino, Airforce Veteran Christian Genisi [sp?],
13 Pedro Vasilico [sp?], Juan Soretzo [sp?], Angel
14 Munoz, Frank Delgado, Fernando Venegas, Peter Zeff
15 [sp?], and Dominick Deluca. I ask that we keep
16 their memories alive today throughout these
17 hearings. They were in the process of building up
18 New York for all of us. Saving New Yorkers' lives
19 is the reason that I will call... that I call this
20 hearing today. And today we'll hear from the
21 administration, stakeholders in the industry on
22 what we can do to better protect all New Yorkers
23 who encounter a construction site. We'll also hear
24 three bills. The first bill, proposed Intro number
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1
2 794A sponsored by myself will establish a taskforce
3 headed by DOB and composed of various city
4 agencies. Which would meet regularly to assess the
5 safety risks posed to construction workers,
6 pedestrians, and motorists at construction sites.
7 Further, on an annual basis the task force will be
8 required to submit recommendations to the mayor and
9 council on purposed measures to mitigate such
10 safety risks. Sponsored.. I sponsored intro number
11 794A to respond to the recent uptake in
12 construction related accidents. In addition to
13 construction workers being injured on the job, to
14 be explored in depth at a hearing we.. we held..
15 construction safety earlier this year. Pedestrian
16 and motors have also been seriously injured.. or
17 killed. According to recent reports data from the
18 Department of Buildings shows that from 2008
19 through 2014 there were 96 construction accidents
20 involving pedestrians and others passer by.
21 Resulting in 155.. injuries. Further in 2014 at
22 least 18 construction accidents involving
23 pedestrian and other passerby were reported, the
24 most of any year since 2008. The task force being
25 proposed would be among other things tasked with

1
2 keeping people safe, and hopefully reversing this
3 trend. While the task was being proposed and the
4 bill is at... as it is currently drafted only
5 includes representative from city agencies.
6 Following conversations with stakeholders after
7 introducing the bill, I'm open to amending it to
8 include representatives from the construction
9 industry, unions, and other relevant stakeholders.
10 In order to ensure that the task force is inclusive
11 and that the recommendations that come out of the
12 task force include feedback from all relevant
13 stakeholders. Additionally, we are going to hear
14 two bills sponsored by my colleague, Council Member
15 Antonio Reynoso. Intro 939 would increase the
16 penalties for work without a permit and Intro
17 number 940 would increase the penalties for
18 violating a stop work order. I should note that
19 these two bills are part of a larger package to
20 reform the Department of Buildings and put an end
21 to construction as harassment. The hope is that the
22 increase penalties proposed in these bills will
23 serve to deter bad actors. I'd also like to thank
24 my staff for the work they did to assemble this
25 hearing including Nick Smith my Deputy Chief of

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2 Staff and Legislative Director, Jan Wilcox, and
3 Malaika Jabali, Counsel to the Committee Guillermo
4 Patino and Jose Conde, Policy Analyst to the
5 Committee Sarah Gasilum [sp?], the Committee's
6 Finance Analyst. As a reminder for those of you who
7 are testifying today please be sure to fill out a
8 card with the sergeant. With that said we have the
9 first panel from the administration that are.. is
10 going to testify today. It would be great if they
11 all said we support every bill and called it a day
12 but I have a feeling that might not be as easy as
13 the conversation will be but we look forward to it.
14 We have Commissioner Rick Chandler, Deputy
15 Commissioner Tip Hogan, Deputy Commissioner.. I'm
16 sorry, Tim Hogan, and Deputy Commissioner Alex
17 Fisher. Before we do that my colleague, Antonio
18 Reynoso has some bills and I assume an opening
19 statement. If you give us one second.

20 ANTONIO REYNOSO: Thank you very much
21 Chair Williams for giving me the opportunity to
22 speak on a couple of bills that I'm attempting to
23 pass today and hopefully getting the support of the
24 administration. So we're here for Intro's 939 and
25 940 today. These bills seek to increase fines for

2 work done without a permit or in violation of a
3 stop work order. These two bills are one part of a
4 package of 12 bills organized by a coalition of 11
5 council members and 22 community based
6 organizations from across the city called Stand for
7 Tenant Safety which seeks not to only ensure
8 protections for construction workers but also for
9 tenants who are living in buildings that are under
10 construction. We need to ensure that construction
11 workers lives are not being lost due to, as New
12 York Times called them, completely avoidable
13 accidents. And we need to ensure that landlords are
14 not able to use construction as a means to harass
15 and displate [phonetic] rent regulated tenants.
16 Intro 939 would increase the penalty for doing work
17 without a permit in one or two family dwellings to
18 eight times the amount of the fee payable for the
19 permit with a minimum of 1,000 dollars. For larger
20 buildings we will see a higher potential for
21 construction incidents and tenant harassments and
22 penalties will be larger, 28 times the fee payable
23 for the needed permit with a minimum of 10,000
24 dollars. Intro 940 will increase fines for working
25 while a stop work order is in effect from 5,000 to

10,000 dollars for the first violation and then from 10 to 20 for each subsequent violation.

Recently Stand for Tenant Safety advocates distributed 150 surveys to tenants in 57 occupied buildings undergoing major construction and also analyzed 3-1-1 complaints and violations issued to these 57 buildings. Their findings support the need for these bills. The 57 buildings had a total of 197 documented complaints for work without a permit but only 12 of those resulted in violations being issued and those in... in... it took inspectors an average of 58.4 days to follow up on these complaints, the average fine given was only 2,529 dollars. The 57 buildings also had 46 documented complaints for work done in violation of a stop work order only two stop work order violations were issued each only 400 dollars. The fact is that dangerous conditions are remaining unchecked and even while... when the violations are issued landlords consider them the cost of doing business and this needs to end. Additionally, landlords do not take these fines seriously and they often go unpaid. The average time period that fines go unpaid is just over two and a half years. To ensure

1 that intro three... 939 and 940 will be truly
2 effective we also need to hear and pass Intro's 930
3 and 931 introduced by Council Member Kallos which
4 would expand the properties where ECB Board finds
5 can be made... can be made a lien and collectable and
6 empower the ECB to commence foreclosure proceedings
7 based on these liens. Together these bills will
8 create a powerful... for landlords to undertake
9 dangerous work that threatens the safety of workers
10 and tenants. I look forward to hearing the DOB's
11 comments on these proposals and to have continued
12 conversations about the package of both proposed by
13 STS Coalition, many of whom members we'll be hear...
14 we will be hearing from today. Again Chairman
15 Williams I really appreciate the... the time you gave
16 me to be able to present this opening statement,
17 thank you.

19 CHAIRPERSON WILLIAMS: Thank you. Thank
20 you, if you can please raise your right hand. Do
21 you affirm to tell the truth, the whole truth and
22 nothing but the truth in your testimony before this
23 committee and to respond honestly to council member
24 questions?

25 RICK CHANDLER: I do.

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2 CHAIRPERSON WILLIAMS: I assume... you
3 too? Okay. You may start.

4 RICK CHANDLER: Good morning Chair
5 Williams and members of the Housing and Buildings
6 Committee and other members of the City Council. I
7 am Rick Chandler, Commissioner of the New York City
8 Department of Buildings. I am joined by Deputy
9 Commissioner for Enforcement, Timothy Hogan and
10 Deputy Commissioner for Legal and Regulatory
11 Affairs, Alexandra Fisher. We are pleased to be
12 here to offer testimony on the... on the three pieces
13 of legislation this includes introductory number
14 794A which establishes a multi-agency task force to
15 assess safety risks at construction sites and
16 introductory numbers 939 and 940 which respectively
17 doubles the penalties for construction work
18 performed without a permit from the department and
19 work performed in violation of a stop work order
20 issued by the department. The department applauds
21 the council for pursuing remedies to enhance the
22 safety of construction sites and we welcome the
23 opportunity to share our perspective and engage in
24 a productive dialogue. Our mandated buildings
25 department is as broad as it is deep, there are

1 more than one million buildings and construction
2 sites throughout the city that are governed by the
3 city's construction codes, zoning resolution, the
4 state's multiple dwelling law and other
5 regulations. We enforce compliance with these laws
6 through our examination of buildings plans,
7 permitting, licensing functions, and inspections.
8 While our broad mandates certainly includes
9 advancing development in the interest in creating
10 jobs, schools and affordable housing everything we
11 do is conducted through the lens of safety. Safety
12 on construction sites and safety for all who
13 traverse in and around buildings. This year we've
14 seen a disturbing increase in unsafe construction
15 activity, an increase that out paces the recent
16 increase in construction activity. Through November
17 of this year there have been 439 construction
18 injuries up 78 percent from 246 in 2014 following a
19 record high 19 construction fatalities in 2008
20 during the six-year period between 2009 and 2014.
21 There has been an average of 5.3 construction
22 fatalities annually. In 2014 there were eight
23 fatalities. Through November of this year there
24 have been 11 fatalities, five at which are still
25

1 under investigation. The department determines a
2 fatality to be construction related if it occurs on
3 a construction site and was directly related to a
4 construction activity. The Occupational Health and
5 Safety Administration, OSHA within the United
6 States Department of Labor also tracks construction
7 fatalities however they define them more broadly.
8 Their count is typically higher given that they
9 include fatalities that are not directly related to
10 work on a building construction site such as
11 infrastructure projects and construction work
12 occurring off site. One construction related
13 fatality is too many. What we have seen this year
14 is a call to action from everyone involved in the
15 construction industry. The fact is many of these
16 construction accidents were easily avoidable had
17 workers or their managers followed the approved
18 plans and not cut corners. Workers fall... Worker
19 falls remain the primary driver of construction
20 related deaths. The time it takes to clip in or
21 ensure a railing is in place can be the difference
22 between life and death. Through an education
23 oversight and code reform the department makes
24 every effort to promote construction safety. That
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1 said the department will issue more than 150,000
2 work permits this year alone. The sheer volume of
3 construction in the city means that we cannot be at
4 every construction site every day. Ultimately
5 contractors need to create a safe environment for
6 their workers and each person on a construction
7 site needs to put together, needs to work together
8 to ensure that work conforms to approved plans and
9 is preformed safely. Furthermore, while the
10 department regulates construction in an effort to
11 protect the public by enforcing the safe guarding
12 provisions of the construction codes, OSHA has
13 jurisdiction over worker safety. The department is
14 advancing in a number of initiatives to protect the
15 safety of workers and the public all of which
16 adhare [phonetic] to one of the core tenants
17 [phonetic] of our building one city plan, which is
18 to take a more proactive approach to enforcement.
19 With additional resources committed by the mayor
20 and city council and this year's budget, the
21 department is in the process of hiring nearly 100
22 new inspectors. This significant increase in our
23 inspectorial ranks coupled with this week's launch
24 of the next phase of inspection ready which will
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1 equip inspectors with smartphones and tablets and
2 optimizes their routing through use of
3 sophisticated software will allow us to increase
4 the number of inspections we perform and improve
5 our response times. This past July the department
6 released a first of its kind, Industry Code of
7 Conduct. The Industry Code of Conduct is made
8 available to all who interact with the department.
9 Is issued to every licensee and sets forth the
10 standards to which professionals must adhere
11 [phonetic] to promote safe construction sites. The
12 department is undertaking a wholesale reengineering
13 of our plan examination process with the focus on
14 incorporating risk. Through this effort we will
15 have a risk base plan exam model which will
16 determine how we allocate resources for plan
17 reviews and enforcement inspections and will help
18 determine which types of projects need extra
19 scrutiny by our examiners and inspectors. The
20 department has established its first ever risk
21 management office which through the use of
22 sophisticated data... data analytics tools works to
23 identify sites that pose a greater threat to public
24 safety and mitigate dangerous buildings and
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1
2 worksite conditions. As we continue to staff this
3 office it has already proven effective in a number
4 of areas including identifying and prioritizing
5 inspections of buildings with potentially unsafe
6 and illegal gas hookups and working with industry
7 to identify buildings that have a specific type of
8 elevator with a potential defect for inspection.
9 Additionally, the department is focusing more of
10 its attention on buildings up to nine stories in
11 height where a disproportionate number of accidents
12 occur. Construction superintendents are registered
13 with the department and are required on new
14 building and demolition projects of up to nine
15 stories. The department has increased its
16 enforcement presence at these buildings with an eye
17 toward ensuring that construction superintendents
18 are exercising appropriate oversight consistent
19 with our approach to being more proactive with our
20 enforcement. Permit holders with a pattern of
21 noncompliance on major alteration projects for
22 buildings under nine stories will be required to
23 have a construction superintendent on site. The
24 department is also exploring requiring construction
25 superintendents on mid-sized alteration projects and

1 to require their presence for certain critical
2 operations. Most importantly the department is now
3 taking proactive enhanced disciplinary actions
4 against construction professionals that habitually
5 break the law. This effort not only removes
6 construction site... site's problem professionals who
7 put the safety of workers in the public at risk but
8 it also sends a broader message to the industry.
9 Too many construction professionals choose to
10 ignore violations issued by the department and
11 where the law allows the department is now seeking
12 other remedies to protect the safety of workers and
13 the public. The department now performs a more
14 holistic review of problem construction
15 professionals performance. A pattern of disregard
16 for the law will now result in our evaluating the
17 fitness of the license holder. Our legal and
18 regulatory affairs unit led by Deputy Commissioner
19 Fisher has begun to send this message through a
20 number of high profile disciplinary cases, a few of
21 which I'd like to highlight. In April of this year
22 a worker at 19... at 19 9th Avenue was killed after
23 construction site managers failed to ensure that
24 walls were properly shored during an excavation
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1 resulting in a cave in. Harco Consultants, a
2 general contractor was the company responsible for
3 allowing these unsafe worksite conditions. The
4 department began an investigation into the
5 contractor's safety record which showed they
6 repeatedly flouted safety laws and frequently
7 allowed hazardous conditions on other sites. Based
8 on these findings the department suspended Harco's
9 ability to operate for 30 days and place them on
10 five months' probation during which time additional
11 site safety personnel would be required on all of
12 their job sites. This enforce... this enforcement
13 action was unprecedented in this department's
14 history. Last month a similar action was taken
15 against another general contractor, The Rinaldi
16 Group following the issuance of dozens of
17 violations and a pattern of disregard for safety.
18 In September the department took action against
19 another major contractor after collaborating with
20 the city's law department the Department of
21 Buildings revoked the registration of general
22 contractor MRMV for amassing numerous violations.
23 In addition, this contractor has breached their
24 agreement with the law department to pay previous
25

2 penalties accruing more than 600,000 dollars in
3 interest and penalties on their previous debt. As a
4 result, we placed stop work orders on more than 400
5 sites where MRMD held work permits until a new
6 contractor could be hired. These are just
7 highlights of the proactive enhanced disciplinary
8 work the department is doing to influence change in
9 industry practices every day. Our goal is not to
10 punish workers on these sites but to make clear to
11 bad actors that there will be serious repercussions
12 for reckless behavior. The department's increased
13 staffing and cracked down on bad actors is in
14 direct recognition of the recent increases and
15 worker injuries and fatalities. It is time to move
16 to a point where we are actively removing problem
17 construction professionals from job sites. We will
18 not tolerate the mindset that construction
19 accidents and any resulting violations or fines are
20 simply the cost of doing business. With respect to
21 the legislation before this committee I would like
22 to begin by commenting on Intro 798. This
23 legislation establishes a taskforce to assess
24 safety risks at construction sites. Shared by the
25 buildings commissioner with the participation of a

1 minimum of seven other agency heads. The taskforce
2 will hold at least one hearing every six months and
3 advise the mayor and council on building
4 construction projects that may result in the
5 disruption of the use of sidewalks and streets. The
6 task force will study the safety record and
7 building code compliance of construction companies
8 over the preceding ten years and identify instances
9 where their actions have caused harm. And study the
10 conditions of the sidewalks and streets in the
11 vicinity of construction activity. Finally, the
12 bill requires an annual report by... be submitted to
13 the mayor in council which evaluates this
14 efficiency of the existing regulatory framework
15 recommendations to improve safety, a list of
16 construction companies that incurred repeated
17 violations of the building code and a list of
18 locations where permitted construction activity has
19 resulted in damage to the city's infrastructure.
20 The department's... the department already performs
21 much of this analysis sought by this legislation
22 and consults regularly with our partner agencies as
23 the proactive enforcement I highlighted earlier
24 demonstrates. Additionally, existing law requires
25

1 the department to review and update all of the
2 construction codes on a defined schedule. As part
3 of this process the department works with the
4 council and hundreds of other stakeholders devoting
5 thousands of hours of exhausted analysis on a
6 myriad of construction issues including safety. So
7 while we appreciate the intent of the bill we feel
8 that a taskforce would duplicate and divert
9 resources from the work we are already required by
10 law to perform during the code revision process. In
11 an effort to address unsafe instruction...
12 construction intros 939 and 940 seek to double the
13 penalties for construction work performed without a
14 permit from the department and work performed in
15 violation of a stop work order issued by the
16 department. Specifically, Intro 939 doubles the
17 work without a permit penalty for one or two family
18 dwellings from four to eight times the permit fees
19 and increase the minimum penalty from 500 to 1,000
20 dollars. The work performed without a permit on
21 other than one or two family dwellings the penalty
22 is doubled from 14 to 28 times the permit fee and
23 minimum penalty, and the minimum penalty is
24 increased from 5,000 to 10,000 dollars. Intro 940
25

1 doubles the penalty for per... for performing work in
2 violation of a stop work order from five to 10,000
3 dollars for the initial violation and from 10 to
4 20,000 dollars for each subsequent violation. The
5 overwhelming majority of construction accidents
6 occur on sites that have permits and are not
7 working in violation of a stop work order.

8 Therefore, while well intentioned we do not think
9 doubling penalties for working without a permit or
10 in violation with a stop work order is likely to
11 have much of an impact on addressing unsafe
12 construction. Furthermore, when considering
13 adjustments to the penalty structure it is
14 appropriate to find the right balance between
15 encouraging compliance with our laws and not
16 setting the penalties so high that they're ignored.

17 If we set penalties too high we also risk driving
18 work underground without the benefit of department
19 regulation which may in turn result in more unsafe
20 construction. It is essential that we hit
21 construction professionals who jeopardize the
22 safety of workers in the public where it works. We
23 believe there are more effective ways to do so when
24 increase... then increasing penalties. As explained
25

1
2 earlier in my testimony the department is now
3 pursuing a number of enforcement strategies that we
4 believe are more effective. This includes hiring
5 additional inspectors and outfitting them with
6 technology incorporating risk analysis into our
7 enforcement, more aggressively suspending licenses
8 and registrations and attaching liens to the
9 property in the limited instances where we can. The
10 department supports amending state law to expand
11 the city's lien authority to include more
12 department issued violations. Thank you for your
13 attention and the opportunity to testify before you
14 today and I welcome any questions that you may
15 have.

16 CHAIRPERSON WILLIAMS: Thank you
17 Commissioner. We've also been joined by Council
18 Members Rosenthal and Torres. And thank you for
19 your testimony. And also I meant to applaud your
20 efforts that were mentioning here even before you
21 began of pulling some of the registrational
22 [phonetic] licenses of some of the bad actors in
23 the industry. May have a couple questions about
24 that. I know a lot of that was unprecedented so I
25 just wanted to applaud you... [cross-talk]

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RICK CHANDLER: Thank you.

CHAIRPERSON WILLIAMS: ...doing that.

[cross-talk]

RICK CHANDLER: Thank you.

CHAIRPERSON WILLIAMS: First in your testimony you mentioned differences between work that's on a construction strike... on a construction site and work that we've done on infrastructure projects and construction work occurring offsite. Can you explain difference...

RICK CHANDLER: Well I'll start and Commissioner Hogum might be able to supplement. But you know construction work offsite often times there's prefabricated work that's done on a site that's done in a factory building or done at a steel fabrication shop or a precast concrete location elsewhere and then shipped to the job site. If accidents occur at those locations, we don't consider that related to the job... the actual construction site for which we issued a permit. Another example would be material delivery, if someone is making a material delivery and pulls a vehicle or a delivery vehicle to the site and encourage an accident as they are unloading

1 material that's not something that we would include
2 in the... in the job site. So those are the
3 differences between what we... we count as accidents
4 and fatalities as compared to OSHA. Because we
5 don't... we would not investigate those further as
6 compared to what OSHA would do.
7

8 CHAIRPERSON WILLIAMS: And
9 infrastructure is bridges, tunnels... [cross-talk]

10 RICK CHANDLER: Oh absolutely. Anything
11 outside into the street etcetera.

12 CHAIRPERSON WILLIAMS: So if an accident
13 occurred in a prefab that's not DOB that's OSHA?

14 RICK CHANDLER: Yes. Or labor.

15 TIMOTHY HOGAN: Council Members one of
16 the accidents that was counted by labor this year...
17 or by OSHA this year. There were welding a steel I
18 Beam for a building. And the steel I Beam in the
19 factory rolled over on top of the worker who was
20 doing the welding. So they considered that a
21 construction related death because the guy was
22 making an I Beam to be used in a building but it
23 did not happen on a construction site it happened
24 in a factory in Brooklyn.
25

CHAIRPERSON WILLIAMS: Thank you.

Another sentence furthermore while the department regulates construction in an effort to protect the public by enforcing safeguard... provisions of the construction code OSHA has jurisdiction over worker safety. Can you explain that, what that means practically speaking? Are you saying that OSHA is responsible for worker safety on the site but you're not?

TIMOTHY HOGAN: There's two ways of looking at it. The... the main thing to look at is... is that we do... we are empowered to handle protection of the public as it relates to the site and protection of the site. So the... the installation of railings, the installation of stairwells, etcetera... covering of holes, blocking of elevator shafts affect the fire department who does inspections, the buildings department who do inspections. We are construction workers so they are required to protect that site. If a worker is injured on the site, we can issue violations for failure to safeguard. But the actual incident related to that construction worker who'd injured falls under the jurisdiction of the federal

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2 government which is OSHA. So we don't have
3 jurisdiction to write a violation for the... the
4 incident that we related to a serious injury we can
5 only write the safeguard side, that they failed the
6 safe guide... safeguard the public on the site OSHA
7 has to write the violation for... [cross-talk]

8 CHAIRPERSON WILLIAMS: So just... [cross-
9 talk] ...just give... say that with an example. If a...
10 if a... a... a worker didn't have the proper harness
11 and they fell and were killed.

12 TIMOTHY HOGAN: Right so if... if the
13 construction company failed to supply a harness
14 they failed to... they failed to safeguard the
15 workers. But the actual violation for... for the
16 related injury or... or potential death of that
17 person falls on OSHA to issue the violation on
18 them.

19 CHAIRPERSON WILLIAMS: And what does...
20 what does DOB... what violation do you get?

21 TIMOTHY HOGAN: We would issue a failure
22 to safeguard.

23 CHAIRPERSON WILLIAMS: And then what
24 violation could the federal government give?
25

2 TIMOTHY HOGAN: I can't talk directly to
3 what OSHA issues but their fines are... are different
4 structure and they actually issue the violation for
5 the resulting injury.

6 CHAIRPERSON WILLIAMS: I'm just trying
7 to figure out is there... is this a difference
8 without any real consequence or is there a real
9 difference with real different consequences.

10 TIMOTHY HOGAN: It... it... it's a very fine
11 line and I... and I know it's hard to understand but
12 the federal government retains the authority to
13 write the violation for creating the dangerous
14 condition for the worker. All we can do is write
15 that they failed to safeguard. We don't have any
16 authority to write on the specific injury that
17 occurred to the worker.

18 RICK CHANDLER: Chair Williams...

19 [pause]

20 CHAIRPERSON WILLIAMS: Go ahead.

21 RICK CHANDLER: I would... I would just
22 refer you to the fact that our mandate is to
23 produce regulations related to safety of a
24 construction site. And as I testified earlier about
25 the thousands of hours of work that's gone into our

1 requirement to develop codes we developed chapter
2 33 of the 2014 codes which is a revision of the 20...
3 2008 codes. And it is about site safety, the
4 construction of site safety and it does not refer
5 to the actual individual workers themselves. So yes
6 we're required... this site is required to maintain a
7 site in itself that's safe and it doesn't directly
8 refer to the workers. So for... example before it
9 might have been OSHA may... and I can't... I'm not an
10 expert in what OSHA would write but I think they
11 would may... they may write something about a harness
12 not being provided we would write the fact that the
13 safety of the site in general is not provided. I
14 realize it's a fine line and if we would look at
15 our testimony between you and I last time we had
16 this discussion we had this very same discussion
17 about that fine line... fine line. And I know it's...
18 can be frustrating.

20 CHAIRPERSON WILLIAMS: Even with that
21 fine line do you feel that DOB has all the... the
22 tools necessary to enforce safety on the
23 construction site?

24 RICK CHANDLER: I think that our Chapter
25 33 of our code stands alone among any city in the

1
2 united states as being the most restrictive and
3 has... is the most comprehensive safety guidelines
4 and safety provisions for any construction site in
5 the New York City. It stands alone among any city
6 in this country... compared to any city in the world.

7 CHAIRPERSON WILLIAMS: You mentioned the
8 industry code of conduct which I thought was very
9 good. So congratulations on that. I did want to
10 know what happens... is... is there any enforcement to
11 it or is it primarily informational?

12 ALEXANDRA FISHER: The industry code of
13 conduct is intended to be a summery of what the
14 obligations that are contained in our codes are as
15 to professionals and those who file with us. And
16 the enforcement is through the codes. So if you are
17 administrative code we use that to enforce against
18 contractors, licensees, and so forth.

19 CHAIRPERSON WILLIAMS: So it's... it's...
20 it's an informational mechanism but if you violate
21 some of them there can be enforcement behind it?

22 ALEXANDRA FISHER: That's correct.

23 CHAIRPERSON WILLIAMS: You mentioned for
24 buildings under nine stories there'll be a
25 requirement for a construction superintendent. I

1 just want to understand the difference. I know
2 there's been some issues of people complaining of
3 not enough site safety supervisors. And I just
4 really want to understand the difference between
5 the site safety supervisor, the construction
6 superintendent, other types of people that are
7 there supposed to maintain safety of a construction
8 site.
9

10 ALEXANDRA FISHER: Okay let's see if I
11 can start. Site safety managers are required on
12 construction sites for major buildings, basically
13 those that are 10 stories and over.

14 CHAIRPERSON WILLIAMS: I'm sorry can you
15 move a little closer?

16 ALEXANDRA FISHER: Oh sure, sorry.

17 CHAIRPERSON WILLIAMS: Thank you.

18 ALEXANDRA FISHER: Site safety managers
19 are required on buildings that are 10 stories or
20 over. And currently we have 1,056 licensed site
21 safety managers. When the commissioner started at
22 DOB it was taking about 18 months to approve new
23 site safety managers. Today the wait time is less
24 than six months, in most cases as of September we
25 had 26 site safety manager applications pending and

1
2 only seven of those had waited for longer than six
3 months. We've also taken steps to lighten the
4 workload for site safety managers to address the
5 potential concern for a shortage of them including
6 by dropping the requirement that they be present
7 for certain façade jobs. Construction
8 superintendents have a different area of
9 jurisdiction. They're on sites that are less than
10 ten stories. And they have a broader responsibility
11 than site safety managers. Does that help?

12 CHAIRPERSON WILLIAMS: Sure. One second,
13 sorry.

14 ALEXANDRA FISHER: I can also say that
15 we're considering making some changes to the
16 regulations surrounding construction
17 superintendents so that additional work falls
18 within their realm.

19 CHAIRPERSON WILLIAMS: So you... you
20 mentioned... It says permit holders with a pattern of
21 noncompliance on major alteration projects for
22 buildings under nine stories will be required to a
23 have a construction superintendent on site. Is that
24 a change... required before?

25

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2 ALEXANDRA FISHER: That's something that
3 we believe we can do currently but it is a change.
4 It will be a new way of... of addressing problem
5 sites.

6 CHAIRPERSON WILLIAMS: What was it
7 before the change?

8 ALEXANDRA FISHER: Yes. Let... to be clear
9 the construction superintendents are already
10 required on new buildings that are under nine
11 stories as well as demolitions. What we are
12 thinking of doing is where there is a bad actor we
13 would also then incorporate having construction
14 superintendents on other projects that they have
15 besides the new buildings.

16 CHAIRPERSON WILLIAMS: Do you feel that...
17 [cross-talk]

18 RICK CHANDLER: I just wanted to make
19 sure that you got that distinction.

20 CHAIRPERSON WILLIAMS: Yeah.

21 RICK CHANDLER: Because it's our
22 language and we talk about it every day I'm not
23 sure you got it. That... it's... it's required for new
24 buildings...

25 CHAIRPERSON WILLIAMS: New buildings.

1
2 RICK CHANDLER: ...demolitions. So there's
3 many many applications that are alterations that
4 don't fall into that requirement to require the
5 construction superintendent. So what we are
6 investigating is requiring construction
7 superintendents to be at more of these jobs that
8 have alterations specifically if they have
9 particular types of work that might have a higher
10 risk than other types. For example, if you are
11 putting in a new foundation, placing some concrete,
12 erecting some steel even if it's an alteration. So
13 these things are under consideration right now.
14 It's not been... we haven't reached a point where
15 we're able to propose something but... clearly it's...
16 it's... in an effort to try to expand where we would
17 have more safety personnel...

18 CHAIRPERSON WILLIAMS: Do you feel that
19 there is a... there is a shortage of site safety
20 supervisors? Do we need additional... do we need to
21 look at that so we can get more online? What is
22 your assessment?

23 ALEXANDRA FISHER: We don't believe
24 there is a current shortage of site safety
25 managers.

1
2 RICK CHANDLER: I... I think that's
3 something that you hear a lot and we have no
4 evidence of that. So... And it's... site safety manager
5 instead of supervisors if I may be so bold as to
6 correct your language. Because it's something that
7 is thrown out a lot. There's... site safety managers...
8 we see no evidence of that.

9 CHAIRPERSON WILLIAMS: Have there ever...
10 have there been any accidents on sites where there
11 were no site safety managers?

12 RICK CHANDLER: Sure. Yeah because site
13 safety managers are a... for ten stories and above of
14 a certain size of building. [cross-talk]

15 CHAIRPERSON WILLIAMS: So I guess...
16 [cross-talk]

17 RICK CHANDLER: ...certain sites. So you
18 know the majority of accidents occur in buildings
19 that are under 10 stories.

20 CHAIRPERSON WILLIAMS: Have... do you know
21 of any accidents that were 10 stories or more where
22 there were no site safety managers?

23 RICK CHANDLER: No.

24 CHAIRPERSON WILLIAMS: Thank you. And
25 the jobs that were nine stories or less did they

1
2 have... did they not have construction... what was it
3 called, construction site supervisor...

4 RICK CHANDLER: I don't have that exact
5 information. We do know that the majority of
6 accidents happened to buildings that are under
7 nine... that are nine stories or less and in
8 alterations. So without having specific data I
9 would say what's this... one moment chairman. So of
10 the 11 fatalities that we mentioned earlier nine of
11 them were in buildings nine stories or less. So I...
12 I think that answers your question.

13 CHAIRPERSON WILLIAMS: Did they... did you
14 know if they had con... construct... what are they
15 called, construct...

16 RICK CHANDLER: Construction
17 superintendent.

18 CHAIRPERSON WILLIAMS: ...superintendent.
19 Did they have construction super...

20 RICK CHANDLER: No. I would say no on
21 all of... if not all of them then almost all of them.

22 CHAIRPERSON WILLIAMS: Thank you so... so
23 your change is to fill a gap that you...

24 RICK CHANDLER: We're exploring that
25 because we think that that has... may have a major

1
2 impact because we look at other data related to
3 violations, complaints, and our response to these
4 types of... of accidents were showing nine stories
5 and less and so this is part of our effort to be
6 more proactive. And so once we have a plan more
7 fully vetted then we will start executing.

8 CHAIRPERSON WILLIAMS: Thank you. Now...
9 now to some of the steps that you were taking that
10 were unprecedented. I know that as mentioned Harco
11 Contracting was I guess suspended for 30 days.
12 There was another group that was suspended. And
13 MRMD had their registration general contract I
14 assume revoked. When you suspended is it a
15 suspension of license, suspension of the general
16 contractor registration? What is that called when
17 you do the suspension?

18 ALEXANDRA FISHER: So we're suspending
19 the general contractor registration under which
20 they pulled the permits that led to problem
21 conduct. And then the entire company can't do any
22 work and they can't pull permits during that
23 suspension period.

24 CHAIRPERSON WILLIAMS: So Harco, that
25 happened for 30 days?

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ALEXANDRA FISHER: That's correct.

CHAIRPERSON WILLIAMS: And MRMD is indefinite right now?

ALEXANDRA FISHER: MRMD is out of business.

CHAIRPERSON WILLIAMS: Out of business. So how did you make... how do you... why was Harco... and I assume Renaldi for only 30 days where as MRMD was obviously...

ALEXANDRA FISHER: The MRMD situation was a little bit different. It was based on some work that the law department was doing to attempt to collect debt that they owed city for violations whereas Harco and Renaldi... their conduct was brought... brought to our attention and we took a look at their safety record and determined that there would be an opportunity here to put a stop to an attempt to rehabilitate the contractors that going forward their work is safer than it has been in the past.

CHAIRPERSON WILLIAMS: Thank you. I have additional questions and I'm going to come back to particularly ask questions about my bill. I'm going to give Council Member Reynoso the privilege of

1 asking about his bill, then Council Member
2 Rosenthal, and Torres. And we'll give everyone five
3 minutes to ask questions.
4

5 COUNCIL MEMBER REYNOSO: Thank you
6 Chair. Appreciate it. Just have a... a couple of
7 questions regarding your... your concerns over... over
8 those that we have. You highlighted here that on
9 sites that have permits... accidents are occurring on
10 sites that have permits and are not working a
11 violation of stop work orders, do you have specific
12 information as to how many... how many... what
13 accidents are happening in sites that have permits
14 and not work... and are not working in violation of a
15 stop work order. And... or at least give me the
16 information of the ones that are happening in
17 places where there is no permit or there is no stop
18 work order. Do you have that information and data?

19 RICK CHANDLER: We don't have it at that
20 level of detail.

21 COUNCIL MEMBER REYNOSO: So... so just
22 anytime a statement is being made like that saying
23 you know this... this legislation won't help because
24 it would only be affecting a very small number of...
25 of I guess bad actors or whatever it is we would

1
2 appreciate you give us the data on whether it's 80
3 percent are happening... 20 percent are happening
4 what is... what is the number, just not making a
5 blanket statement without any information to back
6 it up.

7 RICK CHANDLER: We'll get back to you
8 with that.

9 COUNCIL MEMBER REYNOSO: Okay I would
10 appreciate that. The second thing... So I'm very
11 concerned over what you guys did with Harco
12 Consultants and what you did with MRMD. In the
13 Harco consultant situation someone died and Harco
14 gets a 30-day suspension and a five-month probation
15 which in my eyes is a slap on the wrist. It truly
16 is a slap on the wrist. That is... that is... I'm going
17 to show you why I think it makes no sense. Then in
18 MN... MRMD from what I understand and the information
19 you gave us today no one died but they owe you
20 money. So... and they get... they get all their work
21 permits removed. Or they... they've completely... let
22 me make sure that I get this correct. You revoked
23 the registration of the general contractor that
24 owes you money but you give a 30-day suspension to
25 someone who took a life by being unsafe. So can you

1
2 explain to me if M... MRMD had any sites in which a
3 fatality happened... Well that's the question. Did
4 any fatality ever happen on the MRMD site?

5 ALEXANDRA FISHER: In the case of MRMD
6 this is a contractor that had been doing a lot of
7 work over a lot of time. And as time was
8 progressing their work was deemed to be unsafe and
9 we did not want to wait for a fatality to occur.

10 COUNCIL MEMBER REYNOSO: But did anyone
11 die?

12 ALEXANDRA FISHER: Not that we're aware
13 of, no.

14 COUNCIL MEMBER REYNOSO: So no one died
15 for MRMD but because they owe you 600 thousand
16 dollars you take away... you take away their license.
17 But then in this one case with Harco who you also
18 said that they... they got the 30 days and the five
19 month probation but you also said their safety
20 record which showed they repeatedly flouted safety
21 laws and frequently allowed hazardous conditions on
22 their sites. So these guys are also bad players
23 for... for quite some time and you have information
24 that proves that. And because of their... their lack
25 of I guess oversight or... or wanting to have safety

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2 conditions for their workers someone dies and they
3 get 30 day suspension and a five month probation.
4 No one dies on MRMD and they get their complete
5 license revoked. Do you understand why this doesn't
6 seem to address the issue that we have where people
7 are dying on these jobs and DOB might not be doing
8 enough. But when money is at stake or the city is
9 not being paid then you can jeopardize your
10 license. So what's worth more; 600 thousand dollars
11 or a life of a construction worker?

12 ALEXANDRA FISHER: If I may address
13 that; in the case of MRMD the money that is owed to
14 the city is for their safety violations. So in
15 order to enforce on the safety issues that they've
16 raised they were issued violations and they refused
17 to pay them. That's why they're out of business.

18 COUNCIL MEMBER REYNOSO: So... yeah...

19 ALEXANDRA FISHER: If I...

20 COUNCIL MEMBER REYNOSO: ...what I'm...

21 ALEXANDRA FISHER: If I may just also
22 say...

23 COUNCIL MEMBER REYNOSO: Yeah...

24 ALEXANDRA FISHER: ...on Harco there is a
25 criminal case pending as a result of that fatality.

1 COUNCIL MEMBER REYNOSO: Right.

2 ALEXANDRA FISHER: So that's one issue.

3
4 And whenever the agency suspends and puts
5 contractors on probation there are some fairly
6 complicated downstream impacts including all the
7 workers that work for those companies including the
8 owners who have the projects that are being worked
9 on so we are very sensitive to making sure that
10 we're balancing everybody's concerns in these
11 issues. Our goal... [cross-talk]

12 COUNCIL MEMBER REYNOSO: So...

13 ALEXANDRA FISHER: ...is to both penalize
14 and to rehabilitate the contractor.

15 COUNCIL MEMBER REYNOSO: Okay so
16 rehabilitate a contractor. So... so I... so that's what
17 I'm trying to say. The amount of money that I'm
18 trying to make sure that we can get... the fines... an
19 increase... the increasing of fines to something that
20 substantial and makes it so that it hurts their
21 pocket right now for someone doing work with...
22 without a... let's say they have no permit and they
23 do the work and they got a 5,000 dollar fine. That
24 is... that is... that's crumbs compared to the amount
25 of money they're going to make with the work that

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2 they just done without a permit. So I guess what my
3 concern here is that you guys haven't done enough
4 personally. I don't think DOB has done enough. You
5 only started doing some work thereafter because the
6 numbers are getting out of control and people are
7 dying on these sites. And that when you come into a
8 hearing I understand you have internal works... work
9 that you're going to do to try to improve your
10 situation but also the city council and the public
11 have a role in assisting you in doing your job or
12 what we find is extremely important through law.
13 And these pieces of legislation I think actually
14 have some... some merit to them. And what I don't
15 think has merit is money versus lives in the case
16 that you presented to us. So we don't think... I
17 don't think you're doing enough. And I'm hoping
18 that we can get to a place where you do support
19 these pieces of legislation in an effort to save
20 lives. Thank you.

21 CHAIRPERSON WILLIAMS: Thank you Council
22 Member. We're also joined by Council Member Levine,
23 Cornegy, Ulrich, and Mendez. I do want to follow up
24 on my colleagues' questions a little bit. I think
25 he deserves some kind of... I mean I'm not sure... I

1
2 have additional questions I was going to ask and
3 since it came up I will... trying to just make sure
4 we're comparing apples to apples. You're saying
5 that MRMD were given these violations... this... this
6 money was assessed because they had a large string
7 of safety violations to begin with. And I guess
8 we're lucky that no one died during that time
9 period. Was Harco assigned any violation fines?

10 RICK CHANDLER: Yes they were. And I... I
11 think we should be very clear about the distinction
12 between two cases. It's very rare that we have two
13 cases that are the same. Harco by the way is still
14 as Deputy Commissioner Fisher noted is still under
15 criminal investigation which is handled through the
16 DOI and the DA's office. We sit back and wait on
17 that. So we have not completed all of our actions
18 against Harco so I'd like that to be very clear.
19 One other thing I want to make extremely clear is
20 that we don't compare money with lives. And I think
21 that is an... really oversimplification of the
22 situation. So that's simply not true. So let's not
23 be so simplified about how we analyze it. MRMD had
24 significant safety violations where they had
25 significant injuries, no fatalities. But as a

1 result of that we in... in conjunction with the... with
2 the law department entered agreements to seek to
3 penalize them significantly so that we could get...
4 impose significant circumstances to their... to their
5 bad behavior. And they signed an agreement to say
6 that they would change their behavior and pay their
7 fines. We allowed them to try to demonstrate that.
8 And when they didn't do that then that's when we
9 came in and shut them down. Again we don't take
10 lightly something else that got lost in the
11 previous exchange is that we also have to strongly
12 consider the fact that we're putting workers out of
13 business when we shut a worksite down. We don't
14 take that lightly. That's peoples' livelihoods.
15 They got to pay their bills. We know that. So
16 there's a... this is a twin imperative of what we do
17 in terms of trying to facilitate development and
18 the jobs and the economy with construction safety.
19 So that I hope brings some context to the
20 conversation. Sure I mean I think... I definitely
21 agree that not enough is being done. But I also
22 know you been here I guess for two years and a lot
23 of this precedes you I think. You have a very very
24 tough job but you're there so we're going to have
25

1
2 to put the pressure on you even to clean up what
3 was done, what wasn't done before to make it
4 better. So we want to make sure that those lives
5 aren't... that we don't lose anymore. So there is
6 more that has to be done. I just want to make sure
7 based on the way it presents you can see why
8 someone would save money versus a life so I'm
9 trying to give you a opportunity to explain why
10 that isn't if that's not the case. So you mentioned
11 that there were injuries at MR... MR... MRMD workers
12 had experienced beforehand. Can you compare that to
13 what Harco's violations were before... before their
14 suspension?

15 RICK CHANDLER: Deputy Commissioner
16 Hogan's familiar with the injuries so I don't know
17 the extent other than the fact that they were
18 serious and certainly drew more attention. I think
19 we... I think we're unfortunately too familiar with
20 the... with the incident with Harco is that the...
21 despite numerous warnings... multiple warnings from
22 the site safety personnel there to the construction
23 management team unfortunately a trench that was too
24 deep and unsupported was on site and a worker was
25 directed to get into that trench and perform some

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2 work and subsequently resulted in a collapse. There
3 were two workers. One of them escaped, one of them
4 didn't.

5 CHAIRPERSON WILLIAMS: Sure. MRMD the...
6 that... they... they were shut down and you are
7 currently looking for a new contractor right, to
8 continue the work?

9 ALEXANDRA FISHER: The owners... the
10 properties where they were contractors were sent
11 letters and they have to find new contractors to
12 continue the work. Yes.

13 CHAIRPERSON WILLIAMS: Okay. I'd like to
14 see... if you don't have it now just afterward how
15 the decision was made between those two. I just
16 want to make sure we can all agree that it wasn't
17 money over lives. And it's hard to gauge that
18 completely now although I... I hope that's... that's
19 what it was. I'm... first I'm glad that actions were
20 taken. And I hope actions continue to be taken. I
21 did think 30 days seemed to be a little small for
22 someone that lost a life. And I just need to better
23 understand how those decisions are... are being made.
24 And since we were talking about Antonio Reynoso,
25 Council Member... I'll give him 15 seconds...

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2 COUNCIL MEMBER REYNOSO: That's all I'm
3 going to need. So... there's also an
4 oversimplification that you're having regarding
5 jobs versus safety. I just want to be very clear
6 here that you consider my statement's
7 oversimplified. I just want to say your responses
8 are oversimplified as well. We... we don't need to do
9 jobs versus safety in this conversation because we
10 know it's a lot more complicated than that. But I
11 also do want to say that you shut down a contractor
12 that had 400 job sites. You shut down all their
13 permits. So if you really cared about the workers
14 versus safety you would have second guessed that
15 one as well. So I just think what I... what my big
16 concern here is not so much to... to go back and
17 forth it's just that there's a lot of generalities
18 that are happening here. And we need more... more
19 details as to how you're truly going to address
20 these issues. And we don't need to oversimplify on
21 either side here. But 400 job sites are shut down
22 from MRMD and there seems to be no way that you can
23 currently just think show the difference between
24 Harco Consultants where you said repeatedly flouted
25 safety laws. So in the past they've done that. And

1
2 MRMD and how one life was lost in one site and it's
3 just that there's more money owed on the other site
4 and where the difference is there. And I agree with
5 the chair that we just need more information so
6 that we can see the difference between money versus
7 lives.

8 RICK CHANDLER: We'll be happy to
9 respond and give you some details and try to
10 provide you with the context under which we work
11 every day with... involves the law department; the
12 district attorney, the Department of
13 Investigations, sometimes Homeland Security, NYPD,
14 FDNY, and others everyone of those agencies plays
15 into the factor of everything that we do including
16 everything that we do including everything that
17 she's talking about right there. So let's not be
18 simplifying.

19 CHAIRPERSON WILLIAMS: Thank you. I
20 just... I want to be clear that I do stand behind
21 Council Member Reynoso's questions and I think they
22 are... are important ones. Council Member Rosenthal
23 followed by Council Member Torres and...

24 COUNCIL MEMBER ROSENTHAL: Thank you
25 Chair Williams and thank you Commissioner for your

1 testimony. I want to start by saying that...
2 acknowledging for the record that there are two
3 buildings in my district where we've had real
4 serious problems and your staff has been incredibly
5 responsive in terms of sending out inspectors and
6 now we're actually at the point where we did issue
7 a stop work order at one of the buildings. And I
8 really appreciate that. So I want to thank you for
9 that. And I think I... I do think it's a nuance
10 problem. And I appreciate the point you raised
11 about you know we don't want people to not be able
12 to work either. Right? We want to keep this as an
13 opportunity for the trades... this construction boom.
14 And we want... we want to be... people to work. I guess
15 I view a stop work order a little differently. It's
16 not... the point of the stop work order is not to
17 stop the work. The point of it is to make the
18 workforce find... give the building site and maybe
19 department of buildings, maybe the workers a moment
20 to take a breath and think about what's going on at
21 this site that's making it so unsafe requiring so
22 many violations. And what can we do to change the
23 behavior on that site to make it safer both for the
24 workers and the tenants. And that leads me to my
25

1 first question which is about the risk... the risk
2 management office. And I'm wondering if you include
3 as part of the risk a building where there are
4 tenants already in the building. Let me explain
5 what I mean because I'm not... I know you could think
6 what I mean by that is taking into account the risk
7 of the tenants living in a building through
8 construction. But I do mean the workers. And what
9 I've noticed in my district is that the buildings
10 where there's construction on site, a renovation, a
11 kind of conversion where there are tenants on site
12 the workers themselves tend to be not aware not
13 happy workers. Not aware of what the larger plan is
14 not really well educated about what they're doing
15 themselves and I think there could be opportunity
16 there to help protect workers if you added that
17 criteria into your risk management list of
18 criteria. Does that sound... does that resonate? No?
19 Okay.

21 RICK CHANDLER: Educating workers...
22 [cross-talk]

23 COUNCIL MEMBER ROSENTHAL: Well that at...
24 at the site... at every site in my district where
25 there's work at a building where tenants live there

1 the workers themselves seem not especially capable.
2
3 And that's a broad horrible statement but what I
4 mean is that they too... it's gen... you know the sort
5 of a... fish rots from the head thing. So if you've
6 got a developer who's... or an unscrupulous landlord
7 who you know part of the reconstruction is to
8 harass out tenants there are also not treating or
9 caring about their workers very well. So the
10 workers themselves are more at risk.

11 RICK CHANDLER: I... I agree. I mean my
12 evidence is anecdotal from visiting job sites as I
13 think yours is but I don't disagree that workers
14 are often not treated as well as they could be.
15 I'm... I would say that our efforts to expand the
16 world of construction superintendents on more sites
17 where this kind of work might be applicable would
18 add some levels of supervision and hopefully... work
19 on that... the head as you referred it to... as you
20 refer. After that we... we work... we'd be willing to
21 discuss it with you further because I... I would be
22 careful of... is... about getting into something that
23 I'm not sure that we could be affected. So I'm
24 happy to... happy to try to try to discuss that with
25 you.

1
2 COUNCIL MEMBER ROSENTHAL: Okay. And who
3 trains the construction superintendents? Oh
4 Jumaane, can I have a tiny bit more babe...

5 CHAIRPERSON WILLIAMS: Maybe on second
6 round they can answer your question though...

7 COUNCIL MEMBER ROSENTHAL: That's cold.

8 RICK CHANDLER: Council Member that's...
9 it's... it's mostly on the job. It's just like our...
10 our own inspectors. It's... there are courses we
11 offer... there are courses around the industry that
12 offer these courses and... and often it's on the job
13 training. But that's very... very true for even the...
14 the inspectors that we hire. It's...

15 COUNCIL MEMBER ROSENTHAL: Right so just
16 to...

17 RICK CHANDLER: ...demonstrated
18 experience.

19 COUNCIL MEMBER ROSENTHAL: A quick
20 comment... You know again when the building
21 inspectors are on site the construction supervisors
22 seem to do their job. The minute the building
23 inspectors leave that all goes away. Thank you.
24 Second round please.
25

1
2 CHAIRPERSON WILLIAMS: See that was
3 warm. You had the comments and everything. Council
4 Member Torres and Council Member Levine.

5 COUNCIL MEMBER TORRES: Thank you Mr.
6 Chairman. How are you Commissioner. I'm just
7 curious to know what's the role of, if any, of the
8 Department of Investigations and... and Construction
9 Safety? My impression is that DOI is the...
10 effectively the law enforcement arm of DOB. Is that
11 a correct characterization or...

12 ALEXANDRA FISHER: Hi. It was a group of
13 individuals who work hand in hand with the
14 Department of Buildings and DOI by the name of the
15 Building Special Investigations Unit and they work
16 with us when there is a fatality of an incident for
17 example.

18 COUNCIL MEMBER TORRES: Okay.

19 ALEXANDRA FISHER: But they also work
20 with the district attorney's offices to make sure
21 that bad actors are prosecuted. Does that help you?

22 COUNCIL MEMBER TORRES: So whenever
23 there's a fatality that triggers involvement by
24 DOI?

25 ALEXANDRA FISHER: Yes it does.

1
2 COUNCIL MEMBER TORRES: Okay and how
3 often do DOI investigations result in... can it
4 result in criminal action and how often does it?

5 ALEXANDRA FISHER: It can but I don't
6 have that data. We'd have to...

7 COUNCIL MEMBER TORRES: And frankly I
8 wish the Department of Investigations were here
9 today because that seems to be relevant to the
10 conversation about criminal safety. In your
11 experience is it... is it common for a criminal
12 action to result from an investigation by DOI? Oh...
13 is it rare? How would you characterize it?

14 ALEXANDRA FISHER: It... it's... it's rare
15 but they do make the effort and there are several
16 cases pending at present.

17 COUNCIL MEMBER TORRES: Okay.

18 ALEXANDRA FISHER: That's somewhat
19 unprecedented and a long time ago that wasn't
20 happening at all.

21 COUNCIL MEMBER TORRES: So it... it went
22 from unprecedented to rare?

23 ALEXANDRA FISHER: It went from rare to
24 unprecedented.

1
2 COUNCIL MEMBER TORRES: It went from
3 rare... so now it's unprecedented.

4 ALEXANDRA FISHER: I'd like to
5 characterize it that way yeah.

6 COUNCIL MEMBER TORRES: Okay.

7 RICK CHANDLER: Everything that they do
8 on these construction sites is adjacent to our
9 subject matter experts. So they often will beat us
10 there and wait for us to... to... to arrive. And then
11 they will ask us what happened and we'll tell them.
12 And that's how it usually works.

13 COUNCIL MEMBER TORRES: Yeah and I know
14 my time is limited so have you study... I... because
15 I'm curious to know the connection between the
16 nature of a construction site and construction
17 safety by which I mean whether it's union or
18 nonunion do you find that these fatalities are more
19 common among nonunion sites than union sites? Have
20 you studied that connection? Do you have data as to
21 the breakdown?

22 RICK CHANDLER: We... we don't study that.
23 And I... this is a longstanding question. We don't...
24 because we don't have reliable data and I think
25 that if we attempted to get reliable data... if we

1 attempted to get data it would remain unreliable.
2
3 There are just too many sites where there's a mix.
4 So you might have a union crane operator or a union
5 steel worker but you're going to have a lot of
6 other nonunion people on the sites. So anything
7 that we collect would not be I think useful to
8 have. So the... we... so... we don't collect that
9 information.

10 COUNCIL MEMBER TORRES: So you feel like
11 there's not even a value in attempting to study it?

12 RICK CHANDLER: Not from our perspective
13 because again I... I really need every person that I
14 have to be doing things that I think will produce
15 valuable...

16 COUNCIL MEMBER TORRES: Just... just at
17 the level of intuition do you believe that there's
18 any connection at all?

19 RICK CHANDLER: What I believe is that I
20 think the training results in better site safety...
21 [cross-talk]

22 COUNCIL MEMBER TORRES: Alright. Do you
23 find that training is more common among union sites
24 then nonunion sites?

1
2 RICK CHANDLER: I've never been a union
3 member but my sense is that yes unions provide
4 pretty...

5 COUNCIL MEMBER TORRES: Okay. So there
6 might be a connection that... that's worth studying
7 there right?

8 RICK CHANDLER: I think that... I think
9 that there's general agreement.

10 COUNCIL MEMBER TORRES: I agree. Do... do
11 you have a... a list of repeat offenders, bad actors
12 that you scrutinized more aggressively than others?

13 RICK CHANDLER: I think test... testimony
14 showed in my earlier testimony that indeed we do.
15 And we absolutely pursue those folks again... [cross-
16 talk]

17 COUNCIL MEMBER TORRES: Are you willing
18 to share that list with the city council?

19 RICK CHANDLER: I just did in my
20 testimony.

21 COUNCIL MEMBER TORRES: The list of bad
22 offenders?

23 RICK CHANDLER: No we don't have a list
24 other than the... we do have some people in Alex's
25 shop right now that she's investigating and that's

1 under investigation right now. So I don't think we
2 would share that but we can explore what it is that
3 we might be able... [cross-talk]

4 COUNCIL MEMBER TORRES: ...because there
5 are... there are other agencies that do publish a
6 list of... of questionable actors that are subject to
7 higher scrutiny. Is that something DOB would be
8 willing to do?
9

10 RICK CHANDLER: I don't think... I'm not
11 sure that we have anything that we could publish
12 right now.

13 [cross-talk]

14 COUNCIL MEMBER TORRES: And I'm just
15 curious if... if... if you're a bad actor who willfully
16 violates building code and I suspect I know the
17 answer to this question but I'll ask it anyway,
18 willfully violate... and that violation results in
19 the loss of someone's life? Why is it not the case
20 that... that there's no automatic criminal penalty?
21 That's something I can't wrap my head around.

22 RICK CHANDLER: I'm not a criminal
23 prosecutor. I... I... I relayed our subject matter
24 expertise to the DOI and to the DA. And if I have a
25 strong opinion about criminal prosecution I'll say

1
2 it knowing that it's not my decision. But I would
3 just give them my opinion and then it is completely
4 up to them as to whether they will do...

5 COUNCIL MEMBER TORRES: Okay.

6 RICK CHANDLER: ...that. And often times
7 it's many... [cross-talk]

8 COUNCIL MEMBER TORRES: Fair enough.
9 Criminal prosecution. What about the providing of
10 permits? That's well within your purview. You know
11 if... if... if I willfully violate the building code
12 and that violation results in the death of a person
13 why do you continue to allow those people to
14 qualify for permits?

15 RICK CHANDLER: As much as you might not
16 like to hear that is if there's a death on one site
17 and they apply for a permit on another site I... I
18 don't have the right to withhold... if it's an as of
19 right project I don't have the right to withhold
20 that...

21 COUNCIL MEMBER TORRES: So what's your
22 constraint on your ability to... is there something
23 legally that we can do to empower you to more
24 aggressively hold the bad actors accountable?

1
2 RICK CHANDLER: Yeah to the extent that
3 we issue licenses to these folks not all of them
4 have licenses other than insurance tracking
5 numbers. So some of them do have licenses and the
6 ones that I cited in my testimony did and we acted
7 and... what we do do is if we see people who have a
8 history that we will... will sweep them meaning we'll
9 find every job they have in the city and we'll pay
10 them a visit. And issue stop work orders...

11 COUNCIL MEMBER TORRES: But... but their
12 history can have no bearing on your... [cross-talk]

13 CHAIRPERSON WILLIAMS: Council Member.

14 COUNCIL MEMBER TORRES: ...decision to
15 grant a permit? That's my last question.

16 RICK CHANDLER: Correct.

17 CHAIRPERSON WILLIAMS: Okay. Do you
18 want... [cross-talk]

19 COUNCIL MEMBER TORRES: And why is that
20 the case? Is that just a legal... I'm just... I'm... I'm
21 not... That's what I don't understand. What's... what's
22 the constraint on your ability?

23 CHAIRPERSON WILLIAMS: Council Member do
24 you want a second round?

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2 COUNCIL MEMBER TORRES: That's... that's
3 my... sure.

4 CHAIRPERSON WILLIAMS: I was going to
5 follow up with that same question so you can... you
6 can just answer. No, no it's your question, yeah.

7 ALEXANDRA FISHER: So permit issuance is
8 based on the documentation and plans that are
9 submitted to the agency and if they meet the codes
10 the permit is issued.

11 CHAIRPERSON WILLIAMS: Alright so I just
12 want to be clear. If I have a company and I violate
13 a laws and I'm doing a project here at city hall
14 and someone dies you cannot prevent me from getting
15 a permit to do work on a... across the street based
16 on the fact that I violated the laws and someone
17 died here?

18 RICK CHANDLER: Again in our back and
19 forth now it seems rather simple. When you bring in
20 law enforcement people who actually have the
21 authority to issue an arrest and indict somebody
22 it's not so simple.

23 CHAIRPERSON WILLIAMS: I understand.

24 RICK CHANDLER: But they're not...
25

1
2 CHAIRPERSON WILLIAMS: I'm trying to...
3 I'm trying to be specific in what... what the DOB
4 itself was allowed to do outside of other law
5 enforcement entities under the authority to issue
6 permits.

7 RICK CHANDLER: I think that we... you
8 asked and we answered that questions. I am not
9 allowed to... to subjectively determine who's a bad
10 guy... can't issue a permit unless he has a license
11 that we've issued into and he has a demonstrated
12 history that I can defend in court. And so we pick
13 and choose as to what we can do. We have... the
14 resources that we have to stand up and... and make a
15 case in front of the... a judge as to whether we can
16 take that action.

17 CHAIRPERSON WILLIAMS: So under Harco
18 and Renaldi you suspended them by yourself or did
19 you have the other agencies had to provide
20 permission or cover or what... what happened there?

21 ALEXANDRA FISHER: We used the authority
22 we have in the code to bring a proceeding at the
23 Office of Administrative Trials and Hearing. From
24 then we worked through with the judges there and
25 the contractors on an appropriate settlement that

1
2 would satisfy the department's disciplinary
3 requirements and to satisfy the departments that
4 going forward the contractors will have additional
5 safety presence on their sites.

6 CHAIRPERSON WILLIAMS: So back to my
7 example with me. Couldn't you use that same thing
8 to prevent me from getting the permit for the work
9 across the street?

10 ALEXANDRA FISHER: Again it depends on
11 the circumstances, if you're holding a license and
12 we... [cross-talk]

13 CHAIRPERSON WILLIAMS: Yes, yes you
14 could or no you cannot?

15 ALEXANDRA FISHER: It depends on the
16 circumstances.

17 CHAIRPERSON WILLIAMS: In what
18 circumstances could you?

19 ALEXANDRA FISHER: The circumstances
20 we've described in Renaldi and Harco are two
21 examples where that would be happening.

22 CHAIRPERSON WILLIAMS: Alright but it...
23 it seems to me base... and even on your testimony
24 that in my case you would be able to do that. So
25 what... what we're trying to figure out is what

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2 instance you do use the power that you have under
3 the code and what instances you don't use it and
4 what are the differences in those instances?

5 RICK CHANDLER: There really is... as I've
6 said there's many circumstances that we have to
7 evaluate under every... under every condition. And
8 again your example is a good one but there... it's
9 not as so direct that when Alex and I and Tim and
10 others make decisions about actions we're going to
11 take we have to evaluate many other circumstances.
12 And I... we just ask that... we would be happy to get
13 back to you or meet with you to give you a little
14 bit more of a discourse as to how that happens.
15 It's... it's complicated based on the administrative
16 code. And all of the other enforcement agencies
17 related to law enforcement in the city of New York.
18 It's not just construction law it's law
19 enforcement.

20 CHAIRPERSON WILLIAMS: I understand.
21 That... that question seems to be the crux of the
22 whole thing. So we do got to really figure out
23 whether it's today or soon after in a meeting but
24 it seems to me that there is an ability to use a
25 code even if it's to initiate before the

1
2 administrative tribunal to prevent me from doing
3 further work particularly if someone has died on a
4 site. And we have to just use it more often I
5 think. And I'm not clear on what a differentiation
6 is and I just would like to be clearer. If there's
7 a way to make it clearer for this hearing that will
8 be great. If there isn't we have to really figure
9 it out very soon because as we mentioned we're here
10 because people... real people are dying. Council
11 Member... and I appreciate Council Member Torres'
12 questions. Council Member Levine, Grodenchik.

13 COUNCIL MEMBER LEVINE: Thank you Chair
14 Williams. Commissioner, hello, very nice to see
15 you. Okay. In the Harco case you mentioned that
16 once an investigation was conducted after
17 tragically someone died that you found the company
18 had repeatedly flawed... flouted safety laws and
19 frequently allowed hazardous conditions on their
20 sites. So the obvious question is since it doesn't
21 do us any good to realize after the fact that there
22 was a pattern why wasn't there an intervention
23 along the way if there were repeated problems?

24 RICK CHANDLER: Okay I'm sorry could you
25 say that... Answer... ask the question again.

1
2 COUNCIL MEMBER LEVINE: Sure. After the
3 tragic incident at Harco your... the department
4 determined that there were... the company had been
5 repeatedly flouting safety laws and frequently
6 allowed hazardous conditions on their sites. So the
7 obvious question is how did it come to that? How
8 could a company who was being unsafe and flouting
9 laws... how could... how could there not be an
10 intervention? How did it get so bad that someone
11 died?

12 RICK CHANDLER: It's part of the reason
13 we created the risk management office and we're
14 still developing it and... and enhancing it in other
15 ways in terms of analytics and research. It's not
16 something... our system is not set up to alert us on
17 all... all the violations related to the particular
18 job. We are trying to set that up now after we set
19 up our risk management office. And then we... that's...
20 that was my point about trying to be more proactive
21 because my plan is to do just that... is to try to
22 find the Harco before it results in the death or
23 try to be more active against MRMD before it gets
24 down the road to the 600,000 dollar and suspension
25 by the law department and us. I mean here... so

1
2 you're... it's a excellent question and... and... and I
3 hope a year from now we'll be able to... [cross-talk]

4 COUNCIL MEMBER LEVINE: And when was the
5 risk management office formed?

6 RICK CHANDLER: It was formed in March
7 of 15 I think.

8 COUNCIL MEMBER LEVINE: Okay.

9 RICK CHANDLER: Yeah. And... and that's
10 one person... and now what we... what you have to build
11 around that is some data scientists and a much more
12 robust data analytic system. We have two to 300
13 databasis that don't talk to each other. So in
14 order for us to gather information it's quite
15 laborious. We have a lot of information about our
16 million buildings but they're contained in two to
17 300 different databases.

18 COUNCIL MEMBER LEVINE: But what kind of
19 monitoring or data analysis will this risk
20 management office do that would have caught the
21 kind of malfeasance of Harco? Because I... in... in
22 the... in the description of the office that you
23 offer and your testimony... it was... there were very
24 very narrow... it was very very narrow issues they
25 were dealing with. It looked like it was something

1
2 about elevator safety, defects in elevator
3 inspection, illegal gas hookups. I think those were
4 the only two specifics you gave. And I'm all for
5 proactive enforcement against illegal gas hookups
6 and defective elevators. But clearly we had a
7 broader problem at Harco. Are... are you... are you
8 telling us that you're putting systems in place in
9 this office that would have detected Harco if the
10 office had been up and running sooner?

11 RICK CHANDLER: It's been up and running
12 and we did this action after it has been up and
13 running. But what I am saying is that it takes a
14 lot more than just one person to do it. And those
15 specific examples by the way I will say were not
16 proactive, they were passive in that they were in
17 response to the gas explosion from which we
18 conducted over a thousand inspections after that
19 tragedy. And then after the tragedy on Hope Street
20 with an elevator accident we also were able to
21 identify a specific type of elevator that had a
22 problem after an enormous amount of laborious
23 combing through our elevator records. When we get
24 done that... those elevator records will be in a
25 place where we should be able to just hit a couple

1
2 of buttons and filter some data to be able to pull
3 that up right away. So that's what we want to do
4 with Harco. We want to be able to see where's the
5 hazardous violations. And what names and
6 contractors do we see associated with those
7 hazardous violations? And what's the time frames
8 around them? And who are we routing? And when are
9 we routing? And how often have they been visited?
10 There are just... there is so many different filters
11 to apply to what we are doing. We're also going to
12 be creating a robust mapping system. So you... you
13 can picture what we're... [cross-talk]

14 COUNCIL MEMBER LEVINE: Well it... if... if...
15 it's... look Harco deserves to be investigated. They
16 should have a proctological exam as far as I'm
17 concerned. But the goal here is to prevent... prevent
18 the next Harco to prevent the next death and to
19 intervene when there's a pattern of malfeasance as
20 there was in Harco. I haven't heard yet specifics
21 for your plan for the Office of Risk Management
22 that could have or would have prevented the... of
23 pattern of bad behavior that we saw at... at Arco
24 [phonetic] ...at Harco.

2 RICK CHANDLER: I think I touched on it
3 a little bit but it involves several more analysts,
4 a couple of data scientists, possibly a chief
5 analytics officer and a... a dedicated mapping
6 director. So we need a robust system.

7 COUNCIL MEMBER LEVINE: Okay.

8 RICK CHANDLER: This is what we need and
9 I would appreciate your support as we ask for
10 these... these needs.

11 COUNCIL MEMBER LEVINE: Okay thank you.

12 CHAIRPERSON WILLIAMS: Council Member
13 Grodenchik. And then for round two we have Council
14 Member Rosenthal.

15 COUNCIL MEMBER GRODENCHIK: Thank you
16 Mr. Chairman. Good morning. I would like to ask a
17 question about page seven of your testimony in
18 which the department opposes the doubling of
19 penalties for work without a permit. I represent a
20 very very flat district in eastern Queens. And most
21 of my colleagues in Queens have many many single
22 family homes in the district. And the problem that
23 we have and it's... this is a problem that I've been
24 aware of since I entered government almost three
25 decades ago it is almost impossible to get somebody

1 out of an illegal basement apartment. They're not
2 safe. They make a tremendous impact on the
3 infrastructure of communities. Our schools are
4 overcrowded, our sewers, etcetera, etcetera. And
5 this is about the only mechanism that I can see to
6 penalize people because once people are in there I
7 know it... it's almost impossible to get them out. I...
8 I ask that question... I would also appreciate a
9 follow-up meeting with your council and my council
10 to discuss this because I hear about this almost
11 every single day and certainly every time I go to a
12 civic group at night. And I would like to hear your
13 thoughts or your... one of your deputy commissioners'
14 thoughts.
15

16 TIMOTHY HOGAN: The Department of
17 Buildings has entire unit called Quality of Life
18 Unit that's actually based out of the Queens
19 office. We average around the city between 40 and
20 50 partial vacates. Normally they would be basement
21 apartments that don't have adequate light or
22 ventilation. And... 40 to 50 a week that we do. It's
23 a regular course of business. We are out
24 extensively doing illegal conversion work
25 throughout the five boroughs. And we do treat it

1
2 very seriously. We get... we're getting access
3 warrants to get into some of these locations. When
4 we have the fire department doing inspections on
5 these buildings and they identify an illegally
6 converted property we do an immediate response to
7 meet them on the scene and do the vacates. So we
8 are working hard. The... the biggest issue is getting
9 into some of these locations. But when we do gain
10 access we write the violations, we do the vacates.
11 And once it's vacated if they find someone
12 reoccupying we'll go out and... and do additional
13 vacates on it. And if we can show that they were...
14 that the landlord was aware we'll look to do
15 further proceedings including criminal charges.

16 COUNCIL MEMBER GRODENCHIK: Alright. I
17 would appreciate a follow-up on that Commissioner
18 and we will be contacting you to see if there's any
19 other legislative remedies that we can pursue.
20 Thank you.

21 CHAIRPERSON WILLIAMS: Council Member
22 Mealy who we've also been joined by has some
23 questions.

24 COUNCIL MEMBER ROSENTHAL: Oh thank you.

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CHAIRPERSON WILLIAMS: I'm sorry.

Council Member Mealy did you have questions?

COUNCIL MEMBER MEALY: Sorry yeah.

[cross-talk]

CHAIRPERSON WILLIAMS: Yes you're next.

COUNCIL MEMBER MEALY: Thank you.

CHAIRPERSON WILLIAMS: And then Council Member... [cross-talk]

COUNCIL MEMBER MEALY: Okay thank you.

And I'm glad my colleague just mentioned about the partial vacate. When you partially vacate what is the sense of doing a basement that is illegal and then the first floor... no you just do the basement and then you let the first and the second floor that have multiple dwellings in it. They den [phonetic] cut up the building 'till you can't even recognize it was a two-bedroom apartment. So what is... what is your procedure on that? What kind of penalty would you give a homeowner on a two family apart... family building?

RICK CHANDLER: So it depends on the actual situation. The first thing is... is that any dangerous... absolutely dangerous situation... [cross-talk]

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2 COUNCIL MEMBER MEALY: Do you not think
3 it's dangerous to have a cut up building that's... I
4 mean they... last that I... we saw right on Crown and
5 Utica... and I've been talking to your administration
6 for now at least two months. You vacated a building
7 and got the people out from the basement but left
8 everyone else in the building in which is really
9 illegal period. If someone cut up apartment it's
10 illegal. And here it is... I don't know if someone of
11 your inspectors are friendly with some of these
12 homeowners that they just keep getting violations
13 and they still keep hiring... well renting out their
14 rooms like if it's a hotel. So I would like to know
15 what kind of... [cross-talk]

16 RICK CHANDLER: Council Member Mealy I'd
17 just like to... [cross-talk]

18 COUNCIL MEMBER MEALY: ...penalty you
19 would get.

20 RICK CHANDLER: ...I'm sorry to interrupt
21 you but I just would want to comment if you think
22 that any of our inspectors are friendly with
23 someone I encourage you to let me know today on the
24 way out the room okay?

25

2 COUNCIL MEMBER MEALY: I would love to...

3 [cross-talk]

4 RICK CHANDLER: So please...

5 COUNCIL MEMBER MEALY: ...because

6 something is wrong... [cross-talk]

7 RICK CHANDLER: ...please give me some

8 names...

9 COUNCIL MEMBER MEALY: ...with the...

10 RICK CHANDLER: ...and I'll be happy to

11 report it.

12 COUNCIL MEMBER MEALY: I feel it's okay

13 that... [cross-talk]

14 RICK CHANDLER: But other than that...

15 [cross-talk]

16 COUNCIL MEMBER MEALY: ...people are

17 getting... [cross-talk]

18 RICK CHANDLER: ...I would appreciate it

19 if you didn't... [cross-talk]

20 COUNCIL MEMBER MEALY: ...kicked out of

21 their houses.

22 RICK CHANDLER: ...imply that our

23 inspectors are friendly to people that they...

24 [cross-talk]

25

1
2 COUNCIL MEMBER MEALY: And their
3 apartments.

4 RICK CHANDLER: ...shouldn't be friendly
5 to. Okay?

6 COUNCIL MEMBER MEALY: Something has to
7 be... [cross-talk]

8 RICK CHANDLER: Our... please let's talk
9 after the meeting.

10 COUNCIL MEMBER MEALY: ...done. I called
11 the commissioner a couple of times. So I would love
12 to talk to you afterwards. And I'm sorry... [cross-
13 talk]

14 RICK CHANDLER: I'll wait for you.

15 COUNCIL MEMBER MEALY: ...that I had to
16 come here and do it... [cross-talk]

17 RICK CHANDLER: Okay and we can happily
18 have that discussion... [cross-talk]

19 COUNCIL MEMBER MEALY: ...but it needed to
20 be said because I'm not getting... [cross-talk]

21 RICK CHANDLER: No it doesn't...

22 COUNCIL MEMBER MEALY: ...response...
23 [cross-talk]

24 CHAIRPERSON WILLIAMS: Alright wait...
25 wait I just need one person...

1
2 RICK CHANDLER: Unless you have some
3 names I'll be happy to take it.

4 CHAIRPERSON WILLIAMS: ...to speak at a
5 time. Just one person speak at a time. Can you
6 finish your... finish your question Council Member
7 Mealy?

8 COUNCIL MEMBER MEALY: No that's about
9 it. I would... it came up perfectly with the partial
10 vacate. And I don't know how to all of a sudden be...
11 as soon as the vacate came Red Cross was there. I
12 don't know who called Red Cross it... it's... so I
13 would love to speak to you. Thank you.

14 CHAIRPERSON WILLIAMS: Okay Commissioner
15 did you have additional response? Thank you very
16 much. Council Member Mendez has some questions. And
17 then we'll... we'll have Council Member...

18 COUNCIL MEMBER MENDEZ: It's almost
19 afternoon. Good afternoon Commissioner. I think
20 your testimony earlier referenced that these
21 proposed legislation does not insist with ensuring
22 worker safety. However, what these bills are trying
23 to do and are specifically geared to is occupy
24 buildings and ensuring the safety of residents in
25

1
2 those buildings. And that's within your agency
3 purview, is it not?

4 RICK CHANDLER: Yes.

5 COUNCIL MEMBER MENDEZ: Thank you. So
6 there... there was a lot of work that was done by
7 many of us on other pieces of legislation including
8 these three. And it's been around occupied
9 buildings where there are safety concerns for the
10 residents in the building, where work is being done
11 without a permit. Sometimes a stop work order has
12 been issued. And for some people for some
13 developers it's a slap on the wrist. I have three
14 buildings... excuse me, I had three buildings that
15 were located on 2nd Avenue between 7th Street and
16 St. Mark's Place. They don't exist anymore for
17 these very same reasons. Someone was doing work
18 without a permit. There was a stop work order at
19 some other point. And so I... I think these bill will
20 go a long way. And in that case would also help
21 some of the workers in the building but will go a
22 long way to ensuring the safety of the residents.
23 So I just wanted to get that on the record. Thank
24 you very much Mr. Commissioner.

1
2 RICK CHANDLER: Thank you Council
3 Member.

4 CHAIRPERSON WILLIAMS: Council Member
5 Rosenthal.

6 COUNCIL MEMBER ROSENTHAL: Thanks so
7 much. I want to talk about your testimony on page
8 four commissioner where you mentioned the proactive
9 and enhanced disciplinary actions because both of
10 those examples you give from my perspective are...
11 are great. You know they really give me... it sounds
12 completely appropriate, the action that DOB did in
13 April and then September. Could you give me a
14 sense... And it sounds like it's too soon to know
15 what the impact of those actions are because the
16 next question would be so when... trying to look...
17 Harco Consultants you know comes back to the job...
18 it hasn't been six months yet but when they come
19 back are they going to be running their job site
20 safer. And we hope the answer is yes because it
21 looks like you really came down strong on them. And
22 similarly with MRMD. You know for those job sites
23 when the work continues we hope that they're safer
24 given all of the infractions you've put on them.

1
2 RICK CHANDLER: So Harco, his... their
3 three months is up. [cross-talk]

4 COUNCIL MEMBER ROSENTHAL: Oh it's
5 three, I thought it was six, sorry.

6 RICK CHANDLER: And... and they are back
7 with increased safety requirements. So we did
8 require that they have higher than usual oversight
9 at their own expense. And then we check on that on
10 a regular basis. And initially they needed a little
11 bit further talking to as they started. And I think
12 that they've gotten the message. MRMD received a
13 message in their... as Alex said that they're not in
14 business anymore. Our concern was to visit each one
15 of those sites then shut the sites down and then
16 work with the owners to try to help them get a
17 contractor back in place so that we didn't shut
18 their job down completely.

19 COUNCIL MEMBER ROSENTHAL: You know...

20 RICK CHANDLER: And I would also say
21 that I tend... I attend many industry meetings with
22 consultants... with industry professionals...
23 contractors, developers, architects, engineers, and
24 I can't tell you how widely praised these actions
25 have been to the point where some of the biggest

1
2 contractors in the city have stood up and praised
3 these actions as sending a message that is heard
4 loudly to all of these people. So we feel that
5 we're on the right track.

6 COUNCIL MEMBER ROSENTHAL: How many...
7 that's great. That's great. And so how many... do you
8 have like sites or contractors in the hopper that
9 you think are on the verge of hitting the threshold
10 where you would take that kind of action? Do you
11 track it in that way?

12 RICK CHANDLER: Yes, absolutely. And
13 part of it happens... it happens in various ways. I...
14 I've testified in the past that we have... we are...
15 we're all equipped with our watch command notices
16 about what our emergency response team is doing and
17 what our staff is doing on a regular basis. So when
18 we peruse all of the actions that our staff are
19 taking on a regular basis and when they issue
20 reports frequently there will be an exchange
21 between all of us here about I think that these
22 folks should be looked at a little more deeply.
23 Sometimes they'll get an audit. Sometimes they'll
24 be... get a phone call from Alex's attorneys. And
25 sometimes we'll evaluate how they... if they have

1 licenses and how they stand in our license review.

2 So there's numerous actions that we take. Sometimes

3 it actually... it's a concrete action. And then

4 sometimes it's just...

5 COUNCIL MEMBER ROSENTHAL: Yeah.

6 RICK CHANDLER: ...stuff to get us... get
7 them into our radar.

8 COUNCIL MEMBER ROSENTHAL: How many
9 contractors are on your radar? I don't know how to
10 grade it from one to worst. But if we were to say
11 one to worst... let's do eight and above how many are
12 in your really bad most egregious hopper? Just
13 number, not names.

14 RICK CHANDLER: Yeah I'm going to have
15 to get back to you...

16 COUNCIL MEMBER ROSENTHAL: I mean like
17 is it five...

18 RICK CHANDLER: ...I wouldn't even have...
19 [cross-talk] actually.

20 COUNCIL MEMBER ROSENTHAL: ...is ten, is
21 it 100? Just sense of perspective.

22 RICK CHANDLER: It's def... it's
23 definitely not 100 Council Member.

24 COUNCIL MEMBER ROSENTHAL: Sorry?
25

2 RICK CHANDLER: It's definitely not 100.

3 COUNCIL MEMBER ROSENTHAL: Okay.

4 RICK CHANDLER: So let me just say fewer
5 than that. We'll have to get back to you.

6 COUNCIL MEMBER ROSENTHAL: Okay.

7 RICK CHANDLER: And honestly I have... I...
8 I have zero names. I don't think of it in names. I
9 think of it in just what can we do to go after this
10 safety matter truly.

11 COUNCIL MEMBER ROSENTHAL: Okay. Okay.

12 And then... I mean do you think it would be worth an
13 internal system of tracking where you are on
14 contractors? Not necessarily a public system but an
15 internal system where you're tracking contractors
16 based on egregious behavior.

17 RICK CHANDLER: Yes I... and I'm... alluded
18 to it a little bit earlier. We do have a system to
19 be able to do that now that is really
20 unsophisticated. And it would take an entire army
21 of people to kind of dissemble that. But in the
22 meantime we... due to the very generous funding we've
23 received we are building a system that is going to
24 help us to do that in a more sophisticated way
25 starting with façades and elevators. And... thing...

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COUNCIL MEMBER ROSENTHAL: Right.

RICK CHANDLER: Obviously that's going to be including contractors as well if we could link it up with violations in a much more sophisticated way that's under... by the way the building... underway right now.

COUNCIL MEMBER ROSENTHAL: Great. Thank you very much Commissioner.

CHAIRPERSON WILLIAMS: I think Council Member Mealy had some additional questions.

COUNCIL MEMBER MEALY: Yes I just have one follow-up in regards to... what is your procedure in regards to if a contractor get a stop work order and then go through another way to go in through maybe a side or the back of the building and finish the building. Do constituents still have a opportunity to call DOB?

TIMOTHY HOGAN: We always take complaints on the buildings. When we go to a complaint and we see that something's happened at the building we photograph the conditions of the buildings when we issue the stop work orders. If we come back to that location, we often go back to the photographs we previously took to see if there were

1
2 changes made to the building since we issued the
3 stop work order. And in that situation we issue a
4 violation for work against the stop work order.

5 COUNCIL MEMBER MEALY: Okay so I think
6 you should... we should definitely speak after this
7 commissioner because that has transpired and the
8 developers has built on the person next door
9 building... built a whole new floor but half of it is
10 on his property. And he went back to DOB and they
11 said he has to get a lawyer. But he felt... he feels
12 that he have called y'all enough times to let y'all
13 see that he was in... encroaching on his property. So
14 now that is a hardship to that owner now he has to
15 get a lawyer or have that owner next door pay him
16 for the use of his space on the top of his
17 building.

18 RICK CHANDLER: We'll be happy to look
19 in it out...

20 COUNCIL MEMBER MEALY: I would love to.

21 RICK CHANDLER: That sounds horrible.
22 We'll try to take some... we'll try to address that.

23 COUNCIL MEMBER MEALY: Thank you. And I
24 love that you said that you take the picture from
25 the beginning and then afterwards you come back. So

1
2 I would love for you to see exactly if that was
3 done on a couple of these projects. Thank you Chair
4 for this important meeting.

5 CHAIRPERSON WILLIAMS: Thank you. We've
6 been joined by Council Member Espinal. I have just
7 a couple of questions. And then we'll let you go.
8 You've been here for an hour and a half, almost two
9 hours, sorry. Aside from the construction
10 supervisor are there any other changes that you
11 noticed that you can do immediately that would help
12 assist with a site... a safety site... safety on a
13 site?

14 RICK CHANDLER: Yes Alex reminds me that
15 one of the other things that we're thinking about
16 doing is we do have the discretion as we did with
17 Harco but we can do this with numerous... as we can
18 do it at will as to demand that they insert the
19 construction site... safety compliance officer. These
20 are all defined terms in our code. We can demand
21 that as we did with Harco. And we do demand it. And
22 we can consider expanding that use when we... [cross-
23 talk]

24 CHAIRPERSON WILLIAMS: What's the...
25 what's it called? What's the term?

1
2 RICK CHANDLER: Safety compliance
3 officer.

4 CHAIRPERSON WILLIAMS: Do they... Are they
5 on both... not... below 10 and above 10 or is it just
6 for below 10?

7 RICK CHANDLER: It's anytime we... that's
8 something that we have discretion about. And I
9 think what we'll try to do is provide you a table
10 just as I was provided some weeks ago for a
11 briefing for me just to remind me of the various
12 compliance officers that we have in our code that
13 we have tools to use. I'd be happy to provide that
14 for you.

15 CHAIRPERSON WILLIAMS: And a question
16 specific to my bill 794... mention additionally
17 existing law requires the department to review and
18 update all of the construction codes as defined as
19 part of the process the department works with the
20 council and hundreds of other stakeholders to
21 voting thousands of houses to exhaustive analysis
22 on a myriad of construction issues including
23 safety. What other issues does that... that group
24 deal with?

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2 RICK CHANDLER: Well that's our
3 technical code working group. And we have some
4 outstanding engineers and administrators in that
5 group and they are required by law to evaluate and
6 upgrade the... the building code. For example, we
7 just enacted... thank you for your help... for the 2014
8 code which is just completing its first year. But
9 soon we will be having to engage in bringing that
10 up to the 2017 code because it's a three year
11 cycle. That's one. We're also required by the state
12 to upgrade the energy code. So that same group is
13 heavily involved with upgrading the energy code and
14 compliance related to that. The third thing that
15 we're doing is we've been asked by Office of
16 Resiliency and Sustainability and EDC and Small
17 Business Services to take on waterfront permitting
18 as well. That's entirely another project to
19 evaluate what engineering codes are required on the
20 waterfront. But that... that same group is doing
21 elsewhere things. The fifth thing that they're
22 doing is trying to... got a process underway to
23 consolidate all codes that were in place prior to
24 2014 called the existing building codes. So these
25 are extremely valuable people on my staff that are

1
2 very hard at work. We've... and we do have some
3 consultant help and that's... those are the things
4 that they do... [cross-talk]

5 CHAIRPERSON WILLIAMS: So that was about
6 five things and I would say six... construction.

7 RICK CHANDLER: Yeah.

8 CHAIRPERSON WILLIAMS: So it seems to me
9 it wouldn't be duplicative to take one of those
10 things away and be able to spend even additional
11 time to it, like construction since there's so many
12 things that that group is already working on.

13 RICK CHANDLER: Well... well construction
14 is absolutely part of almost every one of those
15 things. The only thing that I would say might not
16 be involved with is the sustainability. Although we
17 absolutely are concerned about fenestration and
18 leakage and mechanical equipment as part of
19 construction. But the... the Chapter 33 which is our
20 safety code, again as I testified, they spent an
21 enormous amount of time on that.

22 CHAIRPERSON WILLIAMS: I understand. We
23 may have a... we may look at it at a different...
24 through a different lens... [cross-talk]

25 RICK CHANDLER: Yeah.

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CHAIRPERSON WILLIAMS: ...on that one.

RICK CHANDLER: I get it.

CHAIRPERSON WILLIAMS: Feel like construction is... is... safety's particularly important and it may help to having a... a group that may have some of the same people. But I don't know if we would have the same... some of the same people looking precisely and specifically on construction site safety since... group looks at so many things. And there's only a few hours in a day that... that we can do so... I look forward to having continual conversation about that. I just wanted to be clear, I think Council Member brought this up but up until now did the department maintain a list of construction companies that have caused injury or harm to pedestrians and motorists?

RICK CHANDLER: No.

CHAIRPERSON WILLIAMS: No?

RICK CHANDLER: No, no. I mean our... our culture is everything inside the lot line.

CHAIRPERSON WILLIAMS: I see. But are you... are you doing it now? Are there any lists that do that?

RICK CHANDLER: No.

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2 CHAIRPERSON WILLIAMS: Alright. But
3 there is a list of... of bad actors within the lot
4 line?

5 RICK CHANDLER: So... you know it's... we
6 have a couple of lists. One we keep a... just a list
7 of disciplined professionals on our website that we
8 encourage you to check. And then the other thing
9 that we do is when we see something again the gas
10 is one perfect example but there have many since
11 then or... or Harco or others if we see an accident
12 or an unsafe hazardous violation we very frequently
13 will then round up every permit that they've had...
14 they have in place. And then we swept 'em. And so
15 that's... that is the extent of our list. But it's
16 not an ongoing list that we're trying to junk off.
17 We just have ongoing lists of people that we notice
18 who... who had some bad experiences and we need to
19 know if they're having bad experiences in other
20 locations as well.

21 CHAIRPERSON WILLIAMS: I think many of
22 us here think may benefit to actually have lists of
23 particularly bad actors. I would include off lot
24 line as well but definitely those who are on lot
25 line a list of people who are repeatedly doing bad

1 things might help with enforcement. It might help
2 us be able to hold them accountable as well. And it
3 seems to work on several fronts. Obviously have the
4 information readily available. And sometimes
5 putting people as we like to say on front street in
6 terms of their... which should be embarrassing to
7 them... bad behavior also helps... hopefully you think
8 about doing that as we move forward as well. I
9 think Council Member Mendez has a quick question if
10 I understand correctly.

11
12 COUNCIL MEMBER MENDEZ: Thank you Mr.
13 Chair. And Mr. Commissioner on page two of your
14 testimony you state that through November of this
15 year... quote through November of this year there
16 have been 439 construction injuries, up 78 percent
17 from 246 in 2014. For either one of those years do
18 you have the breakdown between new construction and
19 occupied buildings?

20 RICK CHANDLER: I think we do. We can
21 probably provide that.

22 COUNCIL MEMBER MENDEZ: You... you do? You
23 don't have it now, you'll get it to us?

24 RICK CHANDLER: Mm-hmm.
25

1
2 COUNCIL MEMBER MENDEZ: Okay. I look
3 forward to getting that information.

4 CHAIRPERSON WILLIAMS: Thank you
5 Commissioner it all for spend his time with us. I
6 would say that we... just for clarification we want...
7 it does seem clear that the Commissioner of DOB
8 does have discretion and I think the... the words are
9 may... we definitely have discretion on bringing
10 criminal and civil procedures. And so I think we
11 need to have a further conversation about when
12 that's used, why it's used. It is clear that
13 discretion lies with you. We just have to figure
14 out now why, when, and why not. So I think that's...
15 that's a very important question that we really...
16 get to here and doesn't make sense to go back and
17 forth or there's a point of contention there so we
18 should... we need figure that out and massage it out
19 so that it's clear for everyone as we go forward.
20 Thank you very much. I really appreciate it. We're
21 going to take literally just a five-minute break.
22 And then when we come back I believe we'll have the
23 Madam Borough President Gale Brewer. And she will
24 be followed by Harvey Ebstein, Donna Chew, and Zu
25 Chang... Shang, apologize if I chopped that up,

1
2 Cynthia Leann Weaver, and Chong Wong, and Ariana
3 Momora [phonetic]. They will go on directly after
4 the Manhattan Borough President.

5 [pause]

6 CHAIRPERSON WILLIAMS: That's a powerful
7 gavel right there. That felt good. That was nice.
8 People start... Okay seeing that the Manhattan
9 Borough President is not currently here if anyone
10 knows something different please let me know. We're
11 going to start with the panel that I called out
12 beforehand. I know someone will be reading the
13 testimony of Harvey Epstein, Donna Chu, and Siu
14 Chan... Chang Shang [phonetic], Cynthia Leann Weaver
15 and Chon Wong, and Ariana Momora. Please come up.
16 Can each of you please raise your right hand? do
17 you affirm to tell the truth, the whole truth and
18 nothing but the truth in your testimony before this
19 committee and respond honestly to Council Member
20 questions?

21 [combined affirmations]

22 CHAIRPERSON WILLIAMS: So unfortunately
23 we have to be out of this room by one so we're
24 going to have to limit everyone's testimony to two
25

1
2 minutes. You can begin at the order of your
3 preference.

4 AKINA YOUNGE: Okay. Hi, my name is Aki
5 Younge, I work for the Urban Justice Center
6 Community Development Project for the Housing and
7 Workers Rights Practice areas. I'm going to be
8 reading the testimony for Harvey Epstein. Just to
9 give a little background about CDP, the Community
10 Development Project we're one of the ten sub-
11 projects of the Urban Justice Center which is a
12 legal service organization and CDP in particular
13 partners with community based organizations to
14 provide legal services in a variety of practice
15 areas and support and legal representation. So we
16 are a member of the coalition of Stand for Tenant
17 Safety which is working to end the use of
18 aggressive residential construction as a form of
19 tenant harassment. We are excited that today two of
20 the 12 bills in our legislative package are being
21 presented at this hearing. These two bills, 0939
22 and 0940 will increase fines for developers and
23 contractors who conduct work without a permit and
24 who work while a stop work order is in effect. We
25 see these bills as adding a true deterrent against

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2 rushed, unsafe, and illegal construction. The sad
3 truth is that opportunistic landlord's take
4 advantage of loopholes taking advantage of
5 loopholes and lack of enforcement in construction
6 work is not a new nor rare occurrence in our city.
7 With this city's housing and displacement crisis
8 every unit of affordable housing is precious to
9 local residents and a potential gold... goldmine for
10 New York City landlords. Landlords take advantage
11 of opportunities to evict tenants be it through
12 harassment of non-stop eviction cases in housing
13 court or through the harassment of non-stop
14 construction work in their buildings. As a legal
15 service organization we have helped dozens of
16 tenants in rent stabilized buildings with a
17 landlord's use of gut rehabilitation construction
18 and vacant apartments has risen to the level of
19 harassment through relentless aggressive
20 construction in... in vacant units while adjacent
21 units are still occupied, this is a form of
22 constructive eviction. The tenants that remain
23 during these aggressive construction processes are
24 usually long term residents of the neighborhood and
25 have often already declined multiple buyout offers.

1
2 These tenants are seniors, hardworking immigrants,
3 and middle class and low income families. In our
4 recent research report for Stand for Tenant Safety
5 we surveyed over 150 such tenants living in 57
6 buildings with aggressive hazardous construction.
7 The tenants surveyed predominantly live in
8 gentrifying neighborhoods where long term residents
9 feel persistent displacement pressures and
10 landlords feel the greatest potential for profit.
11 As mentioned before in Council Member Reynoso's
12 opening information the survey help show that 53
13 percent of tenants were offered buyouts, 71 percent
14 reported construction was a threat to their health
15 and safety and nearly three quarters of tenants
16 reported construction debris in their hallway as
17 well as the building being unlocked or open during
18 the construction process. The 12 bills in the Stand
19 for Tenant Safety legislative platform will address
20 the comprehensive needs and vulnerability of
21 tenants facing construction as harassment. From
22 CDP's research and policy teams... from CDP's
23 research and policy teams research CDP's housing
24 practice litigation over half of tenants and the
25 organizing work of the housing advocates in Stand

1 for Tenant Safety it is clear that intro's 0939 and
2 0949 are necessary.

3
4 DONNA CHU: Good morning, my name is
5 Donna Chu, Director of Housing and Community
6 Services at Asian Americans for Equality. I am here
7 with miss Siu-Kwan Chan [sp?], a long term resident
8 of 211 Madison Street to testify in support of
9 intro's 939, 940, and 794 and we want to thank the...
10 Council Member Williams for scheduling this hearing
11 and to the Council Members that introduced the
12 legislation. I prepared some... my statement but I
13 want to talk more... I want to describe the
14 experiences of my tenant in the interest of time.
15 So construction as harassment is one of the most
16 prevalent housing issues that the Affie [phonetic]
17 staff sees in our community based office located in
18 Chinatown. We've been serving Chinatown and the
19 lower east side for the past four years. So for
20 the... just in the past year we've seen construction
21 as harassment at 90 Elizabeth Street, 43 Essex
22 Street, 10 Montgomery, and 211 Madison Street which
23 is where Miss Jung [sp?] lives and for example we
24 have seen owners engaging in gut renovations
25 without any DOB permit at 43 Essex Street and 90

1 Elizabeth Street. At 43 Essex Street and also at 90
2 Elizabeth Street it wasn't until the city's tenant
3 protection task force did surprise inspections did
4 we get any stop work orders or even any violations
5 places. So at our office we've worked with tenants
6 and those buildings to repeatedly log in 3-1-1
7 calls but we didn't get any response and in the
8 case of my... Miss Jung's building at 211 Madison
9 Street she's had her ceiling collapse on her, she's
10 had the vacant apartments in her building gut
11 renovated despite that the permits say light
12 carpentry work and also in Jung's building the
13 owners have done concrete work in the basement
14 despite not having any permits to do so. So for
15 Miss Jung I... she wanted me to convey to the council
16 here today that she's been living at her building
17 for the past 13 years. Last year she had a new
18 owner and as soon as the own... new owner bought the
19 building of course they engaged in a campaign to
20 vacate the rent stabilized units and then they
21 began gut renovating the vacant units and so we
22 want to express to the council that this is a very
23 big problem and we thank you for this opportunity.
24
25

1
2 CHAIRPERSON WILLIAMS: Thank you very
3 much.

4 CYNTHIA WEAVER: Okay. Good morning, my
5 name is Cynthia Weaver and I'm a staff attorney at
6 Manhattan Legal Services. I'm speaking on behalf of
7 legal services NYC and our tenants experience with
8 illegal construction. We thank the city council for
9 holding this hearing. We believe and support the
10 increase penalties as a necessary first step to
11 preventing tenant harassment through illegal
12 construction though urge that additional measures
13 be taken due to the pervasiveness and severity of
14 this problem. Landlords use illegal construction to
15 hound and bully tenants in an effort to
16 constructively evict them from their homes. This
17 year our office filed two group cases on behalf of
18 rent regulated tenants of 43 Essex Street and 90
19 Elizabeth where illegal construction is at the
20 heart of a broad campaign of harassment. My client
21 Chong Ku Wong is a petitioner in the 43 Essex
22 Street case and he'll be providing you with some
23 details of his experience. Our experiences show
24 that often times the threat or imposition of civil
25 penalties is inadequate in ceasing harassing

1 behavior. We understand that some landlords may
2 treat civil penalties as simply part of the course
3 of doing business. As an example, Dean Colaso [sp?]
4 the landlord of 43 Essex Street has been unmoved by
5 the threats of civil penalties and only with the
6 threat of contempt and frequent return dates to
7 court were we able to make any sort of progress
8 therefore we recommend that criminal penalties as
9 well as a private right of action for damages be
10 built into these two pieces of legislation. We also
11 want to emphasize aggressive comprehensive
12 enforcement as key to giving these code amendments
13 teeth and meaning. We sincerely thank and praise
14 the anti-harassment task force's interagency work
15 especially acknowledging the involvement of DOB. It
16 is clear that both HPD and DOB require additional
17 funding to expand their enforcement efforts and
18 that the council should hold a regulation hearings
19 to review the task force progress. I'll end it
20 right here; I gave the time to my tenants.

22 CHAIRPERSON WILLIAMS: You can finish
23 your sentence.

24 CYNTHIA WEAVER: Sure, I've... I was going
25 to say the protection against arbitrary destruction

1
2 and demolition of tenant's homes and other forms of
3 harassment are essential to preserving affordable
4 apartments and safeguarding their lives and we
5 thank... hearing. Thank you.

6 CYNTHIA WEAVER: Mr. Wong is going to
7 give his testimony in Cantonese and I'm going to do
8 my best to interpret in English. Okay, thank you.

9 CHONG KU WONG: [speaking Cantonese]

10 CYNTHIA WEAVER: My name is Chong Ku
11 Wong, I have been living at 43 Essex Street since
12 1983, that is 32 years. I started living there with
13 my wife and eventually my two sons and daughter. I
14 want to tell you a few things about my building and
15 how illegal construction has affected me and my
16 neighbors.

17 CHONG KU WONG: [speaking Cantonese]

18 CYNTHIA WEAVER: The new landlord
19 started to do construction in the empty apartments
20 in my building. It's been adversely affecting us.

21 CHONG KU WONG: [speaking Cantonese]

22 CYNTHIA WEAVER: As soon as construction
23 workers began to demolish the apartment above me my
24 ceiling began to collapse. Huge crack lines... huge
25 cracks line my ceiling and walls, dust began

1
2 entering my apartment, debris also enters my
3 kitchen window through the building's air shaft. I
4 had to cover the windows with pieces of cloth and
5 newspapers to prevent the dust from entering my
6 apartment, I also had to buy a air purifier machine
7 so that I can breathe in my apartment. [cross-talk]

8 CHONG KU WONG: [speaking Cantonese]

9 CYNTHIA WEAVER: Okay. The... in March of
10 this year the fire department came to our building,
11 there was a huge gas smell. My son asked them what
12 was going on and they said that they had to check
13 to make sure the gas lines are properly constructed
14 in the building otherwise it affected the entire
15 building. Luckily two hours later the fire
16 department left without vacating us. There is no
17 gas in my apartment or the building since March of
18 2015.

19 CHONG KU WONG: [speaking Cantonese]

20 CHAIRPERSON WILLIAMS: He can continue.

21 [cross-talk]

22 CHONG KU WONG: [speaking Cantonese]

23 CYNTHIA WEAVER: He thought that the
24 construction in the vacant apartments has stopped
25 affecting us but we learned that a neighbor Miss

1
2 Chin who is in her 80's she had lost electricity in
3 her apartment luckily her grandson who was an
4 electrician was able to talk to the landlord to see
5 what was going on. We found out that the electric
6 lines in the basement coming into her apartment was
7 cut, deliberately cut. The landlord blamed Miss
8 Chan for not paying electricity bill but we have
9 proof that the tenant... that Miss Chan did pay the
10 electricity bills and Ms. Chin... forced the landlord
11 to install a temporary electric box in her bathroom
12 to provide electricity to her apartment.

13 CHONG KU WONG: [speaking Cantonese]

14 CYNTHIA WEAVER: Because I don't have
15 gas my family is forced to spend most of our money
16 to buy food, we are afraid of using any outlets in
17 the apartment because the electricity has cut out
18 in my neighbor's apartments when they try to use
19 the lights or even rice cooker.

20 CHONG KU WONG: [speaking Cantonese]

21 CYNTHIA WEAVER: Okay. It is clear to
22 me that the landlord wants my family's living
23 situation to be so terrible that we'll voluntary
24 leave. I know that one family has already left
25 because they are sick of living without water or

1 gas. That family is Mr. Aucosta [sp?] and he had to
2 testify before the council earlier this year.

3 CHONG KU WONG: [speaking Cantonese]...
4 [cross-talk]

5 CHAIRPERSON WILLIAMS: Sorry, going to...

6 CYNTHIA WEAVER: Okay... [cross-talk]

7 CHONG KU WONG: [speaking Cantonese]

8 CYNTHIA WEAVER: This is the last... last
9 bit.

10 CHONG KU WONG: [speaking Cantonese]

11 CYNTHIA WEAVER: There needs to be
12 stricter rules to punish this kind of landlords. On
13 behalf of the tenants of 43 Essex I want to thank
14 Affie [phonetic] legal services and Council Member
15 Chin for their support and assistance in continue...

16 ARIANA MARMORA: Hi, my name is Ariana
17 Marmora I'm a staff attorney at MFY legal services.
18 MFY and our colleagues in the coalition Stand for
19 Tenant Safety strongly support intro numbers 939
20 and 940 and I just want to briefly share with you
21 two client experiences from my own work that I
22 think demonstrate the desperate need for increased
23 fines and punitive scheme that actually deters
24 illegal construction rather than acting merely as a
25

1 cost of doing business. So my first example is Mr.
2 R, a client of mine who's lived in Washington
3 Heights for 20 years in a rent stabilized apartment
4 that's located in a basement. When his landlord
5 bought his building two years ago they started to
6 construct illegal SRO units so units without
7 ventilation or windows. That led to a stop work
8 order being placed, you know that did nothing to
9 deter the landlord from continuing to illegally
10 construct SRO's and collecting rent on illegal
11 units and then a vacate order was placed which put
12 his rent stabilized tenancy at risk you know the...
13 after a year of litigation we were able to restore
14 his emergency exit but the point is that this work
15 continues despite the fines incurred by landlords
16 under the current punitive scheme and briefly the
17 second example I'd like to share is of six MFY
18 clients living in my own district in Bushwick
19 Brooklyn. MFY's currently litigating a 7-A action
20 for these six clients. They live on Suydam Street
21 and in this case again illegal construction led to
22 the placement of partial vacate orders which is
23 construction as harassment. These are putting rent
24 stabilized, rent regulated tenants at risk and you
25

1
2 know the fines incurred by the building's owner
3 after initial stop work orders were placed were
4 simply not enough to protect our clients so as
5 egregious as these cases may sound these stories
6 aren't unusual. Every week we hear about tenants
7 facing illegal construction projects and they fear
8 for their safety and that of their families and
9 they often feel they have no options but to vacate
10 their rent regulated apartments which is why we're
11 here today.

12 CHAIRPERSON WILLIAMS: Thank you. do
13 any of you have any... do any of you have any
14 instances of anyone in... injured because of the
15 construction that's going on?

16 CYNTHIA WEAVER: I won't... we don't have
17 any tenants who were physically injured but we have
18 a tenant family who suffered their mental state to
19 compensate a... since the illegal construction..
20 [cross-talk]

21 CHAIRPERSON WILLIAMS: I'm sorry, repeat
22 that again.

23 CYNTHIA WEAVER: Sure, their mental
24 state... [cross-talk] compensated drastically since
25 illegal construction occurred and they are very

1
2 fearful to return to their building and therefore
3 they have decided to... to vacate the apartment.

4 CHAIRPERSON WILLIAMS: Thank you. Thank
5 you very much... oh sorry...

6 AKINA YOUNGE: Sorry, I'm... I also do
7 know from other advocacy groups that we're working
8 with that there are tenants who have suffered
9 medical issues in regards to the construction
10 that's happening in their apartment. For example, I
11 know that Cooper Square Committee has a tenant who
12 went to her eye doctor and the doctor said that it
13 looked like she was a construction worker and
14 worked at a construction site that had a massive
15 amounts of dust. So there are medical both physical
16 and emotional effects that are happening to tenants
17 who are living in these aggressive construction
18 sites.

19 CHAIRPERSON WILLIAMS: Thank you very
20 much. Thank you everyone for coming out. Next I'm
21 very happy to call Manhattan Borough President Gale
22 Brewer who's done a... a lot of work around these
23 issues as well and we want to thank her for that
24 and following the borough president will be Donald
25 Ranshte bill and trades, Michael Arvanites Safety

2 Professional Association, Devon Johnson and Dan
3 Evans will be immediately after... Manhattan Borough
4 President.

5 MANHATTAN BOROUGH PRESIDENT BREWER:
6 Thank you very much Chair Williams and... [cross-
7 talk]

8 CHAIRPERSON WILLIAMS: Wait one second
9 let me... can you please raise your right hand?

10 MANHATTAN BOROUGH PRESIDENT BREWER: Oh
11 sorry.

12 CHAIRPERSON WILLIAMS: That's okay. Do
13 you affirm to tell the truth, the whole truth and
14 nothing but the truth in your testimony before the
15 committee and to respond honestly to Council Member
16 questions?

17 MANHATTAN BOROUGH PRESIDENT BREWER: I
18 do.

19 CHAIRPERSON WILLIAMS: Thank you.

20 MANHATTAN BOROUGH PRESIDENT BREWER:
21 Thank you. I want to say I'm Gale Brewer Manhattan
22 Borough President. I want to thank Chair Williams
23 and the committee but particularly Chair Williams
24 not just for this committee hearing but also
25 because he's been talking about this issue, stood

1 in front of several construction sites and he's
2 been putting his money where his mouth is on this
3 issue and I appreciate it very much, not a Johnny
4 come lately on anything. So the question of how to
5 strengthen the laws that deter unlawful behavior in
6 construction related activity and improve
7 conditions on job sites to make them safer for
8 workers, for traffic, and cars and pedestrian it's
9 a very difficult task to tackle and only made more
10 vexing was a construction boom igniting development
11 across the five boroughs but particularly
12 Manhattan. Additionally, as the city pushes for
13 more units to meet its affordable housing goals
14 neighborhoods, residents, and property owners
15 unfamiliar with the scale of activity are coming to
16 terms and responding with caution to what this
17 means for the streetscapes that define our
18 communities. For these reasons and more I obviously
19 commend the sponsors of these bills. We know the
20 administration has... is committed to an infusion of
21 resources to transfer... transform DOB and you heard
22 earlier from the commissioner to make DOB more
23 effective and responsive and to reinforce public
24 safety through their enforcement with great... and
25

1 greater transparency which is equally important and
2 I know that these changes are what is part of the
3 topic today but they... the unprecedented level of
4 development it... it's a cost to workers on these
5 sites as you know. We've seen an alarming increase
6 in the rate of construction site incidents,
7 injuries and fatalities, you've heard the
8 statistics but according to the OSHA 18 workers
9 died on construction New York City work sites from
10 October 2014 through September 2015 compared to
11 just 12 in the previous year and seven the year
12 before and these are instances of site debris
13 falling on pedestrians and occupants of passing
14 cars causing injury or death and these are
15 documented regularly. There was an incident in May
16 of this year when an industrial air conditioner
17 plummeted 28 stories from the top of a midtown
18 building after a cable snapped as the Chairman
19 knows and ten people were injured including two
20 construction workers. We also know that on the
21 record some 20... 2008 through 2014 there were 96
22 construction incidents involving pedestrians and
23 other passer byers and that came from the Wall
24 Street Journal article this year. So coupled with
25

1 all of these safety concerns is a sense that the
2 regulations in place are insufficient which is why
3 you're having the hearing today. Community boards
4 are concerned, housing advocates, neighborhood
5 associations, they're all providing evidence about
6 improper work ranging from unpermitted demolition
7 to tenant protection plan violations. They have
8 testified before about these issues, about the fact
9 that citations from the city have been issued with
10 less frequency than is required to mitigate the
11 problems, that's what the community board's feel
12 strongly. Some offenders apply for permits for a
13 very specific type of work but will carry a more
14 extensive work beyond the approved scope of
15 construction activity ignoring stop work orders and
16 employing a bait and switch regarding the permitted
17 work action puts at risk the structure of the
18 building and the safety of those all around the
19 site. In addition, when citations are issued the
20 fines or penalty for continuing are the cost of
21 business as you heard. We cannot trust that the
22 protections that allow construction in populated
23 areas are effective unless they are really adequate
24 for protection for all of us. So particularly acute
25

1 in Manhattan are all of these problems so we in
2 November launched the Manhattan Construction Safety
3 Working Group. We've had two meetings. We have
4 representatives from the building and construction
5 trades council, building trades... trades... Employers'
6 Association NYCOSH, the Manhattan District
7 Attorney's Office which is particularly helpful,
8 REBNY, Columbia University's Construction
9 Engineering Program, elected officials, and my
10 favorite, the community board leaders to talk about
11 these safety and health issues regarding
12 construction. We will have OSHA and DOB as speakers
13 in the near future that didn't want to participate
14 every... at every meeting. So in consultation policy
15 experts with policy experts and others we reviewed
16 a slate of issues. We will be doing that in spring
17 of next year. We will provide the council and
18 everyone with recommendations. The suggestion that
19 you have before you today in terms of your task
20 force does make sense. I know it'll be a... if passed
21 a multiagency task force as suggested in intro 794.
22 The only modification I would make is that you have
23 to focus as you heard today particularly regarding
24 occupied buildings and what goes on when there's
25

1 renovation. I know the Stand for Tenant Safety
2 group is focused on that but so did the previous
3 speakers. So applaud all of these bills. I will
4 tell you just in terms of some of the topics
5 without going into details that come up already in
6 our safety task force. The issue of harnesses comes
7 up sometimes they're there sometimes they're not.
8 The issue of guardrails comes up sometimes they're
9 there sometimes they're not. Very different issues
10 regarding low rise buildings and high rise
11 buildings but that needs to be looked at in terms
12 of what the definitions are. The issue of training,
13 who gets trained, when they get trained, who pays
14 for the training that's the big issue but Chairman
15 you brought up the issue of the site safety
16 managers they do not exist in the numbers that they
17 should exist and maybe they should be on more job
18 sites. That whole issue site safety managers one of
19 the problems is site safety managers go from job to
20 job, that's what a site safety manager does but
21 when they go to DOI the DOI has to spend a lot of
22 time investigating them because you have to have
23 from each site an extensive evaluation of what you
24 did in that site and providing all that paperwork
25

1
2 is challenging, it probably should exist but it's
3 challenging and also the issue of alt versus
4 demolition is another issue, what is an alt,
5 doesn't it look like demolition yet different
6 standards exist when you have an alteration. Those
7 are just some of the challenges, how you bring
8 materials up and down at construction sites is also
9 something that needs to be looked at. So there's a
10 lot of low hanging fruit that we're looking at in
11 terms of the construction issue but I want to
12 congratulate you on this topic, you've been at it
13 for a while and I look forward to continuing to
14 work with you and hopefully making recommendations
15 for site safety that would make sense for the
16 entire city. Thank you very much.

17 CHAIRPERSON WILLIAMS: Thank you uh
18 borough president and thank you for the kind words
19 about my work and you have joined me on a couple of
20 those sites where there were problems, thank you
21 for that. I did have a... a question. So one just so
22 I'm clear it sounded like you supported all three
23 bills, I just wanted to make sure of that?

24

25

1
2 MANHATTAN BOROUGH PRESIDENT BREWER:

3 Yeah, I mean I think the one that I know best is
4 the task force... [cross-talk]

5 CHAIRPERSON WILLIAMS: Okay... [cross-
6 talk]

7 MANHATTAN BOROUGH PRESIDENT BREWER: And
8 I think that's what we could work on you know
9 together, we'll have recommendations very quickly
10 and hopefully they'll... 'cause your task force is a
11 little bit broader in scope... [cross-talk]

12 CHAIRPERSON WILLIAMS: And... [cross-talk]

13 MANHATTAN BOROUGH PRESIDENT BREWER: And
14 the other two... the one and two family homes and you
15 know it's not so much a Manhattan issue to be
16 honest with you, there are some but it's the other
17 boroughs so... but always you need not to have fines
18 as a cost to business.

19 CHAIRPERSON WILLIAMS: And I would
20 question the administration about a site safety
21 supervisors and I've been trying to find out I
22 understand that there's a... a belief that's there
23 not enough of them, I'm trying to find out if
24 there's... what the impact has been and so do you
25

1 know of any accidents where it's happened on a site
2 where there were no site safety supervisors?

3
4 MANHATTAN BOROUGH PRESIDENT BREWER: I'd
5 have to get back to you to that. There are two
6 issues, I don't think... a, there aren't enough of
7 them, the process to getting to be one needs to be
8 streamlined in a different fashion because there's
9 not... it's very slow just by what you heard today
10 and I think perhaps they need to exist in different
11 sites. I do think the whole issue needs a very in
12 depth look, in some cases they're falsifying...
13 because it takes so long for them to become site
14 safe managers as we heard today... [cross-talk]

15 CHAIRPERSON WILLIAMS: Managers.

16 MANHATTAN BOROUGH PRESIDENT BREWER:
17 Therefore, sometimes falsifying the information and
18 that's another issue. So there are a lot of issues
19 to look at in terms of the quality, the number and
20 whether they're... have been effective on the sites
21 as they are or if there's not somebody there does
22 that have an impact. I think the whole issue needs
23 to be looked at.

24 CHAIRPERSON WILLIAMS: Thank you very
25 much... [cross-talk]

1
2 MANHATTAN BOROUGH PRESIDENT BREWER:

3 Thank you... [cross-talk]

4 CHAIRPERSON WILLIAMS: For your time.

5 So... I'm sorry, we have one other question.

6 MANHATTAN BOROUGH PRESIDENT BREWER:

7 Thank you.

8 COUNCIL MEMBER MEALY: Thank you, our
9 borough... I was thinking is there any way we can
10 have maybe color coordination at the sites that...
11 that we can distinguish just by driving by saying
12 it's... fuchsia pink is whole demolition, do you
13 think anyone is thinking on that because when you
14 read those permits you can really know if they
15 typed something in or if... if it's photocopy so are
16 we really working on something that we can really
17 distinguish the... the real ones from the fake ones
18 and if they're overdoing it more than what the
19 permits say... [cross-talk]

20 MANHATTAN BOROUGH PRESIDENT BREWER:

21 You... your... in the two meetings that we've had so
22 far your question is relevant in the sense that
23 community boards everywhere pay a lot of attention
24 to the sites. The community boards do not feel as
25 district managers or as members that they can

1 identify what you are describing so I don't know
2 that it's... the solution is what you suggested but I
3 do think it's something that we're going to look at
4 and it should be looked at. It's not transparent on
5 the web site and obviously it's not... even with a QR
6 code or anything else at the site so the issue of
7 transparency I mentioned that without getting into
8 details absolutely is an issue, yes.

9
10 COUNCIL MEMBER MEALY: Thank you.

11 CHAIRPERSON WILLIAMS: Thanks again. So
12 we'll have Donald Ranshte, sorry if I pronounced it
13 wrong, Michael Arvanites, Devon Johnson, Dan Evans,
14 Delsenia Glover and Erica... I'm sorry, Eric Alugas...
15 Clover, sorry. So those of you still here please
16 come up and while they're coming up I'm going to
17 take some Chair's privilege to acknowledge
18 Professor Joseph Wilson whose here who used to head
19 the... where I got my Master's degree from in
20 Brooklyn College, thank you for... for being here.
21 Can you please raise your right hand? do you affirm
22 to tell the truth, the whole truth and nothing but
23 the truth in your testimony before the committee
24 and to respond honestly to Council Member
25 questions?

[combined affirmations]

CHAIRPERSON WILLIAMS: You can begin in the order of your preference.

UNKNOWN MALE: What's that, okay.

DELSENIA GLOVER: Good evening Chair... I mean good afternoon Chair Williams and the committee on housing and buildings for the opportunity to testify today. My name is Delsenia Glover and I'm here representing my organization Tenants and Neighbors. I'm going to try to move through this quickly because I know we have short... we're short of time. In the buildings where we organize the... the story is the same, low and moderate income tenants in New York City are regularly experiencing the pressures of displacement. Rents are climbing and tenants are concerned that they will not be able to afford to stay in their homes and communities. Landlords are using every opportunity and every tool in the arsenal to empty rent regulated apartments so they can be flipped to market rate and unfortunately a laxity of tough legislation governing the department of the buildings along with real and meaningful enforcement of construction and building

1
2 rules has resulted in building shut downs, tenant
3 harassment by being forced to live in horrific
4 conditions and ultimately homelessness for many
5 tenants. The Stand for Tenant Safety coalition, a
6 group of organizations concerned with housing
7 justice for New York City tenants has worked with
8 members of the city council to submit 12 bills. We
9 are pleased that the council is holding a hearing
10 on 939 and 940 today which will create penalties
11 that are meaningful and beyond the cost of doing
12 business for developers and contractors and be a
13 deterrent and increase fines for violating a stop
14 work order which is an increasingly common and
15 dangerous practice. I will look forward also to
16 having the opportunity to testify in support of
17 intro 918 which has to do with professionally
18 certified applications for construction document
19 approval and final inspections of permitted work.
20 930 distress buildings subject to foreclosure by
21 action, 924 in regard to vacate orders, 926
22 creating a task force on construction in occupied
23 multiple buildings, 931 building violations
24 adjudicated before the Office of Administrative
25 Trials And Hearings, 934 creation of a real time

1 enforcement unit in the Department of Buildings,
2 936 a tenant protection plans, 938 require an
3 increased oversight of construction contractors who
4 have engaged in work without a required permit and
5 944 having to do with construction work permits. I
6 am reminding the council of the buildings that are
7 coming... the bills that are coming through and hope
8 that they will be heard by this... by this body in
9 the extreme near future. Without this critical
10 oversight landlords will have free reign to continue
11 to abuse tenants with these practices in an effort
12 to rid the buildings of rent regulated tenants many
13 of whom are seniors and families with small
14 children. We urge you to pass intro 939 and 940 and
15 the remaining pieces of DOB legislation with all
16 due haste. Thank you for the opportunity to testify
17 today.

18
19 ERIC ALUGAS: Thank you. Good morning,
20 thank you to Chair Williams and the Committee on
21 Housing and Buildings for this opportunity to
22 testify. My name is Eric Alugas and I am the tenant
23 leader of... with... with Tenants and Neighbors and a
24 member of Harlem Tenants Against Tahl Propp, a
25 coalition made up of tenants in Harlem buildings

1 owned by Joseph Tahl and Rodney Propp and managed
2 by Manhattan North Management Company. I am a
3 tenant at... at one of those buildings on 1845, 1851
4 7th avenue in Harlem. From 2004 when our new
5 landlord Joseph Tahl bought the building with his
6 partner Rodney Propp there have been simultaneous
7 construction projects in these fully occupied
8 buildings in manners hazardous enough to warrant
9 penalties and violations and stop work orders. This
10 has been the norm since 2004 and continues to this
11 day from being a rental building to the conversion
12 to condominium. The work has caused floors and
13 walls to tremble like when the entire lobby was
14 taken up with sledge hammers. Floods too... falling
15 through ceilings etcetera. When tenants questioned
16 these practices Mr... Mr. Mr. Tahl was known to make
17 light of those concerns and called them
18 exaggerations and even said don't worry I'm not
19 going to let the building fall down on you but then
20 in September 2007 a neighbor called and urged me to
21 put on the T.V. news and a building at 305 west
22 150th Street in Harlem was being evacuated, the
23 floors were trembling and the fire department
24 evacuated the entire building. The work permit
25

1
2 stated that the building was vacant, many of the
3 tenants felt that this was harassment just to get
4 them out, many tenants ended up in shelters and
5 this was and is a Tahl Propp building. Now the
6 building is a condominium and none of those tenants
7 who were evacuated that day in September 2007 are
8 living there. Then again in January 2013 at another
9 Tahl Propp building at 1897th avenue workers... let's
10 see the... the building was evacuated because workers
11 were doing construction on the third floor and
12 removed walls without bracing the structure causing
13 the fourth floor bathroom to cave in to the third
14 floor. One family in particular was not allowed
15 back into their apartment until the repairs were
16 made. After months of living in a shelter the
17 affected family moved back into their apartment in
18 August, shortly after because of work being done on
19 the unit above them the ceiling collapsed and
20 injured a family member. 1890 is also a condominium
21 now, thank you very much.

22 DAN EVANS: Hi, good afternoon. My name
23 is Dan Evans, I'm a tenant organizer at the Goddard
24 Riverside Law Project. Our office provides legal
25 assistance, tenant advocacy, and organizing support

1 to tenants on Manhattan's west side. We
2 specifically work with single room occupancy or SRO
3 tenants. I'm here today to testify in support of
4 intro 939, intro 940 and intro 794 and I'd like to
5 thank Council Member Williams for scheduling this
6 hearing and also thank the Council Members that
7 introduced these bills. Far too often our office
8 receives calls from tenants stating that their
9 landlords are doing unauthorized work, construction
10 work in their buildings that construction's taking
11 place day in and night, that tenants have to walk
12 through clouds of dust to enter and exit their
13 units and that essential services are frequently
14 being cut off with... without and notice at all.
15 Tenants report the construction frequently takes
16 place without permits posted or without permits
17 ever being obtained by their landlords. I have one
18 tenant here with me who will tell you his story
19 about what's going on his building and I'll keep my
20 testimony brief just because I know we're short on
21 time but the buildings that we... we see if the
22 department of buildings does come out to do an
23 inspection and if they issue a fine it's... it's
24 usually just some sort of nominal fine that usually
25

1 goes unpaid and so it's necessary that these fines
2 be increased so that they are an actual deterrent
3 to landlords doing construction work without
4 permits. Intro's 939 and intro 940 will do just
5 that they'll make landlords think twice before they
6 put their tenants at serious risk by doing
7 construction work without permits. I'm happy to
8 ask... answer any questions you may have and I thank
9 you for the opportunity to testify today.
10

11 CHAIRPERSON WILLIAMS: Thank you.

12 DAN EVANS: You're welcome.

13 DEVON JOHNSON: My name is Devon Johnson
14 and I have been a permanent rent stabilized tenant
15 at 469 West 147th Street, a residential SRO
16 building since January 1st, 2000. I'm here today to
17 testify in support of intro 939, intro 940, and
18 intro 794 but first I'd like to thank Council
19 Member Williams for calling this hearing and thank
20 the Council Members that have introduced this
21 legislation to help us the tenants. My building was
22 recently purchased by a new owner who happened to
23 have purchased numerous SRO buildings throughout
24 Harlem in the past year. As soon as the new owner
25 took over management of our building construction

1 began. We first found out about the construction by
2 seeing it happen right in front of our eye... right
3 in front of our faces firsthand. We never saw any
4 permits posted anywhere in the building and were
5 never told by management that there would be any
6 construction taking place. All of a sudden we found
7 ourselves living in what felt like a construction
8 zone. One day when I was going to the shared
9 bathroom on my floor I saw a construction worker
10 adding another threshold to the shared bathroom,
11 the door would give my neighbor exclusive access to
12 the bathroom that we shared. I asked the worker
13 what he was doing and he explained that the owner
14 was going to put up a wall which would exclude me
15 from the bathroom and then the owner would remove
16 me from my unit and install a new bathroom in my
17 room, I asked if they had permits and the worker
18 didn't answer, he just kept working. The
19 construction continued for months and would begin
20 very early in the morning. Every day I would wake
21 up and hear sounds banging up until... below me and...
22 and the unit above me very late and very early in
23 the mornings and night. The work... the workers would

1 arrive before six a.m. every day and sneak in...

2 [cross-talk]

3 CHAIRPERSON WILLIAMS: Sorry, I'm going
4 to... [cross-talk] ...have to ask you to... [cross-talk]

5 DEVON JOHNSON: My space... [cross-talk]

6 CHAIRPERSON WILLIAMS: ...to make a
7 closing... a close...

8 DEVON JOHNSON: Okay, well on that note
9 let me just say that it is very important that the
10 city council pass intro 939 and to increase fines
11 to owners who do work without a permit and intro
12 940 making the fine an actual deterrent to doing
13 work in the violation of the stop work order.

14 CHAIRPERSON WILLIAMS: Thank you...
15 [cross-talk]

16 DEVON JOHNSON: Thank you.

17 DONALD RANSHTTE: Good afternoon Chair
18 Williams thank you for allowing us the opportunity
19 to testify on these bills. I'm Donald Ranshte, I'm
20 the Senior Vice President at the Building Trades
21 Employers' Association and in the interest of
22 brevity in my testimony I'll go on the record on
23 the bills and then skip to page three if that's
24 okay. Intro's 939 and 940 we would be supportive of
25

1 the higher penalties for work contrary to a stop
2 work order and for work without a permit. On intro
3 794 at this time we would probably not be
4 supportive of the formation of a construction task
5 force without representation of contractors as we...
6 we as a unionized construction industry
7 consistently meet with the commissioner of the
8 Department of Buildings separately. Just to give
9 some details and some of the... to fill in some of
10 the gaps that have other testimonies haven't given
11 you this morning. The Department... I mean... I'm
12 sorry, the Building Trades Employers' Association,
13 the BTA currently has a monthly safety meeting that
14 has the Department of Buildings, the fire
15 department and OSHA that come and report on monthly
16 statistics we certainly welcome you Councilmen and
17 any members of the city council to join us at those
18 meetings and we... we say that construction safety in
19 the city has one glaring difference and that is
20 between skilled and trained union workers and those
21 non-union contractors. Here are the facts from OSHA
22 and the Department of Buildings, 75 percent of
23 fatalities in 2014 were on non-union job... job sites
24 and it's higher in calendar year 2015, 83 percent
25

1
2 on non-union sites, 65 percent of stop work orders
3 by the Department of Buildings were on non-union
4 job sites, 61 percent of accidents reported in 2014
5 to the Department of Buildings were on non-union
6 job sites. Of those sites where union contractors
7 reported incidents it's our culture that requires
8 our site safety managers to report those, we do not
9 allow any incidents to go unreported to the
10 Department of Buildings so we have a high rate of
11 incidents of... of incidents reported however 60
12 percent of those incidents that were called in by
13 our site safety managers go without a... any CB
14 violation from the Department of Buildings. Thank
15 you.

16 [background comments]

17 MICHAEL ARVANITES: Hello, my name's
18 Michael Arvanites, I'm the President of the Safety
19 Professional Association, we represent the 25
20 hundred emergency preparedness site safety concrete
21 and fire managers in New York City. Our training
22 academy; United Safety Academy is the only...
23 certified training center in New York City. We... we
24 handle roughly half the OSHA building and fire
25 certification trainings in New York. We also teach

1
2 Hazmat, HAZWOPER, Active Shooter and Disaster
3 Drills. The Safety Professional Association working
4 in concert with Human Condition Safety endorses
5 personal protective and safety technology so
6 workers can seek safe solutions to their own unsafe
7 environments. In addition, we're also the port
8 authorities independent monitor for safety drills
9 in training. I would happily submit that if the
10 intro 794 becomes law that the safety professional
11 association should perhaps become a member of that
12 task force. I want to thank you for your continuing
13 commitment to safety, the... as far as Councilman
14 Reynoso's bills go we're also support of 939 and
15 940. Too often in the construction industry there
16 are bad actors who consider the current fee
17 structure just the price of doing business, they're
18 willing to jeopardize the safety of not only their
19 employees but the general public who happen to walk
20 by their sites; falling debris like the bricks on
21 the lower east side that fell off on Monday or the
22 cracked façade that killed poor Greta Greene... two
23 years old... just two years old, she was just walking
24 home from daycare. Often stop work orders are given
25 and ignored after safety professionals inform their

1 contractor or developers of dangerous situations.
2 Site safety managers can shut down the work site
3 and often with a small percentage of bad actors
4 that are contractors they'll just reopen the site
5 without the site safety manager there the following
6 day or several days later. When a safety
7 professional is present a... is not present a work
8 permit or a stop work order is public and the
9 employees only hope at a safe working condition so
10 to go on and then violate that is negligence and
11 the higher... the higher fee is just certainly
12 justified. I just wanted to... to add the one... the
13 one last point, we haven't seen anything yet as far
14 as this to start building boom goes, 2015 was a...
15 about a year well in 2016 there's going to be over
16 40 billion in construction and for the first time
17 ever. Large scale projects that site safety
18 managers are on they have a... another level of
19 safety but these bills go even further with getting
20 the persistent and consistent violators.

21
22 CHAIRPERSON WILLIAMS: Thank you very
23 much. For the... the folk here and even for you two
24 do you have any instances of tenants or people
25

1
2 being injured in the illegal work that you
3 described?

4 [background comments]

5 UNIDENTIFIED MALE: I'd have to get back
6 to you on that sir.

7 CHAIRPERSON WILLIAMS: Okay, thank you.

8 MICHAEL ARVANITES: Can I just say
9 councilman as a... [cross-talk]

10 CHAIRPERSON WILLIAMS: Sure... [cross-
11 talk]

12 MICHAEL ARVANITES: Side note when I was
13 in the... working for then speaker Quinn I was the
14 clerk for that task force on buildings that you're
15 trying to recreate and that was due mostly to a
16 rash of crane collapses and there hasn't been a
17 crane collapse within three years because of the
18 safety things that the city council put in place at
19 that time so I hope that this does go forward.

20 CHAIRPERSON WILLIAMS: Thank you and I
21 know that... is it Ransh... how do you pronounce your
22 last... [cross-talk]

23 DONALD RANSHTTE: Ranshte... [cross-talk]

24 CHAIRPERSON WILLIAMS: Name... Ranshte. I
25 did test... I did mention that we are very much

1 willing to open up a task force to some folks from
2 the industry so you should be aware of that. I do
3 have a question, it's no secret that I definitely
4 I'm a union supporter there's no question that I
5 also still have some questions for the unions
6 themselves but there is one thing I've been trying
7 to figure out it's definitely clear that more of
8 the fatalities have happened on non-union sites.
9 Those sites have pushed back but that's because
10 there are more jobs than a non-union and I didn't
11 know if you had a response to that?

12
13 DONALD RANSHTTE: You... they... they can say
14 that and... and that's probably true there's the... you
15 know tens of thousands of new construction sites,
16 the vast majority of those are under ten stories
17 and they are more non-union than union. If you
18 compare apples to apples... [cross-talk]

19 CHAIRPERSON WILLIAMS: Yeah... [cross-
20 talk]

21 DONALD RANSHTTE: And you take you know
22 those construction sites where you're ten stories
23 and above so it's really the same thing, just
24 roughly amount... the same amount of... of market share

25

1
2 between union and non-union, they're still higher
3 than the non... than the union jobs.

4 CHAIRPERSON WILLIAMS: Alright, thank
5 you very much. Thank you for your testimony.
6 Unfortunately, we are on borrowed time right now
7 but there's another hearing that's supposed to have
8 started at one so unfortunately I'm going to have
9 to reduce everyone's testimony time to one minute,
10 I hate to do that, I apologize but we want to make
11 sure we get everybody in who... who signed up to
12 testify while also being respectful for the
13 committee's that have to come after. It's actually
14 two committees. So we'll ask everyone to line up
15 who's ready. The... this first panel can sit over
16 here that would be great and the panel after that
17 if you can sit over here to get ready to get on
18 after this panel. Betsy Ickle [sp?] ATC, Bob Cacera
19 Brooklyn Housing Preservation Alliance, Ricardo
20 Guzemon [sp?] Saint Nicks Alliance, Harriet
21 Putterman Cooper Square Committee if they could
22 come... that four can come and sit here to testify.
23 After them we have five people that's the last that
24 we have signed up to testify; Alejandra Nasser,
25 Flatbush Tenant Coalition, Valerie I think it says

1 Hendrigrez [phonetic] Flatbush Tenant Council,
2 Jacklyn Bailey Flatbush Tenants Council, Ava Farkas
3 Met Council on Housing, Yolando Kodo Met Council on
4 Housing. So that last five they can just line up
5 here and this... on the panel should be Betsy Ickle,
6 Bob... Bob Cacera, Rolando Guzemont, Harriet
7 Putterman and if... I apologize again about the
8 shortness of time but obviously this topic is very
9 important and a lot of people had a lot of things
10 to say and so unfortunately we have to cut down to
11 one minute testimony time. If you can all raise
12 your right hand. Do you affirm to tell the truth,
13 the whole truth and nothing but the truth in your
14 testimony before this committee and to respond
15 honestly to council member questions? You can begin
16 at the order of your preference. You have to press
17 the button.

19 BOB CACERA: Hello. Good afternoon
20 Chairman Williams thank you for holding this
21 committee meeting on a very important topic. I
22 would say on the surface it would appear that by
23 doubling the fines you would be better able to get
24 people to comply with the rules. I would say that
25 it would be marginally better and increase the

1 compliance. The problem as I see it is that if
2 contractors and owners get caught and are fined
3 they mostly just don't pay the fines this is
4 assuming that they are caught in the first place.
5 At present there are over 700 million dollars in
6 outstanding DOB ECB fines on the books and after
7 eight years the city charter allows them... the fine
8 to be written off because they are deemed
9 uncollectable. I think a better approach would be
10 to set up a... to... step up the collection process,
11 change the city charter that allows for the write
12 off to be taken off the books support legislations
13 such as a bill by the Borough President Adams, and
14 Gentile, and yourself Williams that would make the
15 fines lienable [phonetic]. Make it a criminal
16 offense coupled with jail time. The other problem
17 is that the DOB system of inspection and follow up
18 is terrible, first off it is compliant driven
19 meaning that unless neighbors make a complaint then
20 most likely nothing will happen, the contractors,
21 owners typically apply for a... an alteration type
22 two permit and proceed to do what they want to do
23 if they get caught they then because of the
24 complaint is made... maybe they will submit a post
25

2 approval amendment and they are... and they're good
3 to go. This is a total abuse of the system and they
4 will know how... and they know how... they all know how
5 to work the system. The other problem is the...
6 [cross-talk]

7 CHAIRPERSON WILLIAMS: Now... sorry,
8 you're going to have to...

9 BOB CACERA: Okay... [cross-talk]

10 CHAIRPERSON WILLIAMS: Do a closing
11 statement.

12 BOB CACERA: Well I guess I've said it
13 all.

14 CHAIRPERSON WILLIAMS: Okay... [cross-
15 talk]

16 BOB CACERA: I... I... on the... as I said on
17 the surface I'm for the bills but it's... it's...
18 really we need to get the fines collected.

19 CHAIRPERSON WILLIAMS: And can you state
20 your name for... [cross-talk]

21 BOB CACERA: Bob Cacera.

22 CHAIRPERSON WILLIAMS: And... and... [cross-
23 talk]

24 BOB CACERA: Brooklyn Housing
25 Preservation Alliance.

1
2 CHAIRPERSON WILLIAMS: I know the work
3 that you do from Brooklyn so appreciate you
4 speaking up for the one and two family home owners
5 over there.

6 BOB CACERA: Thank you.

7 FERLANDO GUZEMAN: Good afternoon. My
8 name is Ferlando Guzman. I'm the Deputy... Deputy
9 Director for Community Preservation at St. Nicks
10 Alliance. We are a local community organization in...
11 Brooklyn and among other services we provide house
12 and counselling and community organizing to low and
13 moderate income families in Greenpoint,
14 Williamsburg, and Bushwick. I'm here also as part
15 of the... tenant safety coalition. And I'm here to
16 support the intro 0939 in 0939 and 0940 which those
17 are part of... package of legislation that the extent
18 for tenant safety coalition has been working with
19 almost 12 council member. And we are looking for a
20 thorough report of the Department of Buildings.
21 Very briefly one thing that is happening in north
22 Brooklyn is that we are seeing a lot of landlords
23 doing work as a means of harass tenants to be
24 vacated of... of their apartments. I just want to
25 talk briefly about two buildings in particular; 300

1 Nassau Avenue which is being in the news real
2 quick... very short. In that building the landlord is
3 starting working without permits. They got fines by
4 DOB and the stop work orders and even with that
5 they continue to do work to the point that the
6 tenants were vacated by the city because the
7 conditions of the buildings. The other one is 95
8 clay where a landlord all of the sudden built a
9 building in the rear building, in the rear yard. He
10 stole gas lines and those tenants go without heat,
11 gas, and hot water for almost four months in the
12 winter. We believe that legislation is going to
13 curb some of those landlords but we also believe
14 that it's going to be enforceable only if the city
15 can collect those fines. Thank you.

17 CHAIRPERSON WILLIAMS: Thank you.

18 HARRIET PUTTERMAN: My name is Harriet
19 Putterman. I'm a board member and organizer of the
20 Cooper Square Committee. And I'm going to drop my
21 prepared speech because I want to respond to your
22 questions about the health and safety of its
23 tenants who are living in buildings under
24 construction. We have a boatload of examples for
25 you and want to meet with you to discuss that. We

1
2 have tenant... tenant we know who was pregnant
3 running on the day of delivery and slipped on
4 construction dust and injured herself. We have
5 elderly tenants who because a... construction done in
6 a hallway a plank is laid out and elderly people
7 are asked to literally walk the plank and... and
8 incur possible injury in a construction site. A
9 neighbor across the hall from me on 18 Street has a
10 serious lung condition because of exposed mold that
11 she has been living with. A health professional on
12 18th Street himself got bronchial asthma from
13 breathing in the dust from construction and having
14 to put out his entire wardrobe to be cleaned with
15 the dust. My time is up. We have many more examples
16 for you and want to meet with you to discuss them.

17 CHAIRPERSON WILLIAMS: Thank you very
18 much. Thank you all for your testimony. Having been
19 on that side I know it's kind of annoying that we
20 had to cut you down so I apologize a little bit... I
21 mean I apologize a lot. But there wasn't a much we
22 can do because of the hearing that's coming after
23 this. So... I have been on that seat and I would be
24 pretty annoyed.

25

1
2 UNKNOWN MALE: Chairman... Chairman I'd
3 like to submit to you information that we received
4 on the fines... uncollected fines and just... [cross-
5 talk]

6 CHAIRPERSON WILLIAMS: Sure, you can
7 give it to the Sergeant.

8 UNKNOWN MALE: Thank you.

9 CHAIRPERSON WILLIAMS: And the last
10 panel of people we have signed up; Betsy Ickle..
11 sorry sorry... Alejandra Nasser, Valarie..., Jacklyn
12 Baily, Ava Farkas, and Yolando Kodo you guys have
13 been very very patient. I believe we're going... is
14 it three hours... well almost three hours that you've
15 waited. Appreciate it. And then we cut you down to
16 one minute. So I appreciate it even more. I'm
17 trying to be as flexible as possible but... if you
18 can each raise your right hand please. Do you
19 affirm to tell the truth, the whole truth, and
20 nothing but the truth in your testimony before this
21 committee and to respond honestly to council member
22 questions?

23 [combined responses]

24 CHAIRPERSON WILLIAMS: You can begin in
25 the order of your preference.

1
2 AVA FARKAS: Good afternoon. My name is
3 Ava Farkas. I'm the Executive Director of the Met
4 Council on Housing. I'm here to express our strong
5 support for the bills that are being heard today.
6 And to thank Council Member William and Council
7 Member Reynoso for introducing the legislation. As
8 the city gentrifies more and more landlords are
9 carrying on extensive gut renovations without
10 permits in units where they've been able to force
11 tenants out by taking away preferential rents,
12 offering paltry buyouts, and bringing frivolous
13 eviction cases. Shair Carden [sp?], a tenant in
14 Chelsea cannot be here today but wanted me to tell
15 a little bit of her story which happened in 2014.
16 And I'll summarize it. All the tenants received
17 generic 30 day notices to vacate the building for
18 face eviction. A month later construction workers
19 began to arrive daily and begin demolition of each
20 apartment as scared tenants began to flee. Workers
21 jackhammered the stairs, hallway, and foyer
22 removing the old floor, installing new tiles. The
23 fire walls were removed causing a possible life
24 threatening situation in case of fire. The first
25 floor and lobby floors were ripped out leaving the

1
2 floors uneven. There were three stop work orders
3 issued but they persisted in continuing the
4 renovations. Tenants are going to continue to
5 suffer every day until there are stronger penalties
6 on landlords that break the law. We encourage the
7 city council to pass these laws immediately. Thank
8 you.

9 YOLANDO KODO: Hello, my name is Yolando
10 Kodo. I was born and raised in Brooklyn Coney
11 Island and now I live at 295 West 150th Street in
12 apartment 44 in Central Harlem. I am a supporter of
13 Intro 0939 and Intro 0940 and Intro 0794. I would
14 like to thank the Council Member Williams for
15 scheduling the hearing. Okay. I'm here because... I'm
16 just going to let you guys know what's going on in
17 the building. So that... right now as we speak
18 there's illegal construction going on. Tenants are
19 experiencing breathing in white powder, ceilings
20 collapsing, just an example of construction gone
21 wrong; the landlord was working without a permit.
22 The ceiling collapsed on me. I now received SSI due
23 to the fact of the negligence of the landlord. And
24 I'm here to try to get help and make everyone aware
25 of what's going on in the building. Thank you.

1
2 ALEJANDRA NASSER: Hello. Hi, my name is
3 Alejandra Nasser. I'm representing the Flatbush
4 Tenant Coalition. And I'm also a proud member of
5 Stand for Tenant Safety, the coalition and
6 campaign. And that has brought to you this
7 legislation here today. I stand tall with my
8 members today to speak about the importance of this
9 legislation because it's not just about increasing
10 fines and penalties for bad acting landlords
11 because you can never put a price on one... on tenant
12 safety. I want to speak to you about this because
13 it's the penalty that our tenants are paying as our
14 landlords are not paying the price. The... the
15 penalties are just simply not high enough for our
16 tenants that are going through these egregious
17 abuses by these landlords committing this illegal
18 work. They're robbing tenants of their safety by
19 engaging in this illegal construction, work without
20 permits. And there really is no penalty high enough
21 for the old woman that's trapped in her apartment
22 for two months. There's no penalty or price for a
23 woman who is getting called child protective
24 services because her child is not equipped with the
25 correct amenities in her home. I know we talk a lot

1 about cases specific individual cases here today.
2
3 And my members can speak about their own testimony.
4 But I require you to really take a stand for tenant
5 safety. We say that this is the year of the tenant
6 but this is just the beginning. If we pass this
7 legislation, we can really look towards a new year
8 where tenants aren't robbed of their safety and are
9 protected in their homes and lives and they have
10 restored faith in the city agencies that are built
11 to serve to protect them. Thank you.

12 VALERIE ENRIQUEZ: Hi, good afternoon.
13 My name Valerie Enriquez and I live at 28 East 21st
14 Street in the Flatbush area. I'm here in today in
15 particular to support the Intro Bill 9... 0939 and
16 0940. I'm here as a tenant leader. And I'm also
17 here to speak on behalf of the vulnerable
18 individuals in my building, especially the elderly
19 and disabled who don't have... not have a voice.
20 There is illegal construction work happening in my
21 building by unlicensed contractors do an illegal
22 subdivision of apartment. This work is done without
23 permits and the expanse of this work is reaching
24 dangerous levels whereby kitchens are being
25 converted into bedrooms improperly and people who

1
2 are living in those bedrooms now are smelling gas
3 fumes. Basically some of the gas pipes may not have
4 been capped properly. The solution is to pass this
5 legislation to deter landlords from continuing this
6 form of illegal construction by increasing fines
7 and violations when they do the work without a
8 permit. We need to hold the Department of Buildings
9 accountable. I look forward to the passing of Intro
10 0939 and 940 that will help protect New York City
11 residents from the perils of unscrupulous landlords
12 committing these heinous acts. Thank you.

13 JACKLYN BAILY: Hello my name is... Hello,
14 my name is Jacklyn Baily. I live at 682 Ocean
15 Avenue in the Flatbush are. My building is owned by
16 Cotown Property [sp?]. I'm a member of Flatbush
17 Tenants Coalition. I'm also the tenants leader in
18 my building. I support the legislation 0939 and
19 0940. I feel that it's more than holding the
20 landlords accountable for the working without
21 permits. It's about holding the landlords
22 accountable for putting tenants lives at risk.
23 There's subdividing apartment buildings converting
24 two bedroom apartments into four. They're
25 improperly moving gas lines without the supervision

1 or approval of the DOB, of National Greater Coned.
2 My landlord is putting lives in danger of
3 unsuspecting tenants who are moving into the
4 building. This legislation is key to stopping the
5 problem. We need severe penalties to be distributed
6 for the illegal activities to ensure that families
7 sure that... the tenants and the community at large
8 will be safe and justice will be served to those
9 committing these crimes. I do not feel protected by
10 the DOB. Their lack of enforcement and oversight is
11 alarming. Thank you for listening to my testimony.
12 Have a good day.

14 CHAIRPERSON WILLIAMS: Thank you very
15 much for your testimony and for waiting this long.
16 It is important to us when people come out and give
17 their testimony in support or against some bills.
18 So we appreciate you coming. Obviously I've done a
19 lot of work with... for many years so thank you. And
20 a special shout out to Flatbush Tenant Council
21 because they cover the area I represent. So thank
22 you very much. I appreciate it. And I want to thank
23 DOB for remaining here for the entirety of the
24 hearing to listen to everyone. And I want to thank
25 Council Members Daneek Miller and Inez Barron for

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their understanding of us going into their time in
this room. And with that the hearing is now closed.

[gavel]

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 23, 2015