

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND EMERGENCY  
MANAGEMENT

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February 25, 2025  
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HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Joann Ariola, Chairperson

COUNCIL MEMBERS:

Kevin C. Riley  
Lynn C. Schulman  
Susan Zhuang

A P P E A R A N C E S

Gus Sirakis, Deputy Commissioner for Development and Technical Affairs at the New York City Department of Buildings

Guillermo Patino, Deputy Commissioner for Policy and Legal Affairs at the New York City Department of Buildings

Thomas Currao, Chief of Fire Prevention at the New York City Fire Department

Don Nguyen, Deputy Commissioner for Legal Affairs and General Counsel for the New York City Fire Department

Christopher Leon Johnson, self

2 SERGEANT-AT-ARMS: This is a microphone  
3 check on the Committee on Fire and Emergency  
4 Management located in the Chambers recorded by James  
5 Marino on 2/25/25.

6 SERGEANT-AT-ARMS: Good morning, and  
7 welcome to today's hearing on Fire and Emergency  
8 Management.

9 At no point will anybody approach the  
10 dais at today's hearing.

11 Chair, you may begin.

12 CHAIRPERSON ARIOLA: [GAVEL] Good morning,  
13 and welcome to this hearing on the Committee on Fire  
14 and Emergency Management. I am Chairperson Joann  
15 Ariola. I would like to recognize that we have been  
16 joined by Council Members Lynn Schulman and Susan  
17 Zhuang.

18 Today, the Committee will be examining a  
19 timely and important topic related to building and  
20 fire safety, the process and inspections of New York  
21 City's temporary certificates of occupancy. Pursuant  
22 to the New York City Building Code, no building shall  
23 be occupied or used in whole or in part unless there  
24 is a certificate of occupancy issued certifying that  
25 such building conforms substantially to the approved

2 construction documents and the provisions of the  
3 Building Code and other applicable laws and rules.

4 This requirement is an essential safeguard to  
5 ensuring that buildings constructed and occupied in  
6 New York City meet the rigorous standards by the New  
7 York City Buildings Department, Fire and Electrical  
8 Codes, vital provisions that keep New Yorkers safe.

9 Perhaps reflecting a pragmatic approach of ensuring  
10 flexibility in the construction and inspection  
11 process, the Building Code further authorizes the  
12 Department of Buildings to issue temporary  
13 certificates of occupancy before the completion of  
14 work covered by a permit provided that the subject  
15 portion or portions of the building may be occupied  
16 and maintained in a manner that will not endanger the  
17 public safety, health, or welfare of those inhabiting  
18 it or surrounding it. Controversy surrounding this  
19 Mayoral Administration, including allegations of  
20 impropriety relating to fire safety inspections and  
21 the issuance of temporary certificates and the  
22 occupancy at a recently constructed Turkish house in  
23 Midtown Manhattan, has brought increased scrutiny to  
24 the inspections conducted by Fire and the Buildings  
25 Department and how the agencies prioritize public

1 safety before allowing buildings to open with  
2 outstanding safety issues. Unfortunately, it appears  
3 there are broader issues that have been uncovered by  
4 a recent audit conducted by the City's Comptroller.  
5 To review the widespread use of temporary  
6 certificates of occupancy, including identifying 637  
7 office buildings currently without a valid final  
8 certificate of occupancy, according to review, on  
9 average, those buildings have been without City  
10 approval for three and a half years, with some having  
11 failed to obtain a valid certificate for more than 12  
12 years. Eighty-eight of those buildings were found to  
13 have immediate hazardous violations, the majority of  
14 which were due to dangerous façade conditions. These  
15 findings call into serious question the Department of  
16 Buildings' approach to inspecting and approving  
17 occupancy of new construction and raises doubts  
18 regarding the extent which we can rely on the City's  
19 use of temporary certificates of occupancy in  
20 circumstances where public safety is threatened.

22                   With that said, we look forward to  
23 hearing testimony from the Administration on the  
24 topic and explore how the Council can continue its

2 work of ensuring City agencies prioritize the safety  
3 of all New Yorkers.

4 I will now turn to our Committee Counsel  
5 and have him read the affirmation for all individuals  
6 from the Administration who will be providing  
7 testimony here today.

8 COMMITTEE COUNSEL KINGSLEY: Thank you,  
9 Chair. We'll be hearing from the Fire Department and  
10 the Buildings Department today. From the Fire  
11 Department, we'll have Don Nguyen, the General  
12 Counsel, and we'll have Thomas Currao, the Chief of  
13 Fire Prevention. From DOB, we'll have Gus Sirakis,  
14 the Deputy Commissioner of Development and Technical  
15 Affairs at DOB, and Guillermo Patino, who's the  
16 Deputy Commissioner for Policy and Legal Affairs at  
17 DOB. Can all the following just raise your right hand  
18 and just affirm the following.

19 Do you affirm to tell the truth, the  
20 whole truth, and nothing but the truth before this  
21 Committee, and to answer honestly to Council Member  
22 questions?

23 ADMINISTRATION: (INAUDIBLE)

24 COMMITTEE COUNSEL: Seeing you all affirm  
25 that, you may go ahead. Thank you so much.

2 CHAIRPERSON ARIOLA: Who wants to go  
3 first?

4 DEPUTY COMMISSIONER SIRAKIS: Good  
5 morning, Chair Ariola and Members of the Committee on  
6 Fire and Emergency Management. I am Gus Sirakis,  
7 Deputy Commissioner for Development and Technical  
8 Affairs at the New York City Department of Buildings.  
9 I'm joined by Guillermo Patino, Deputy Commissioner  
10 for Policy and Legal Affairs at the Department, as  
11 well as Thomas Currao, Chief of Fire Prevention, and  
12 Don Nguyen, Deputy Commissioner for Legal Affairs and  
13 General Counsel from the New York City Fire  
14 Department. We're pleased to testify before the  
15 Committee regarding the Department's role in issuing  
16 certificates of occupancy.

17 The Department is responsible for issuing  
18 certificates of occupancy, including temporary  
19 certificates of occupancy for buildings under its  
20 jurisdiction. Such buildings or parts thereof may not  
21 be occupied until the Building's Department issues a  
22 temporary or final certificate of occupancy. While a  
23 final C of O does not expire, an alteration to an  
24 existing building could require that a new  
25 certificate of occupancy be issued. For example, such

alteration changes the occupancy group or zoning use group of the building. It should also be noted that buildings built before 1938 do not require a certificate of occupancy unless they later perform alterations that would change their use, egress, or occupancy. Last fiscal year, the Department issued approximately 15,000 final and initial temporary certificates of occupancy. In order to qualify for a final certificate of occupancy, a registered design professional must certify that the building has been built or altered in accordance with the Department-approved plans, and the Department must perform an inspection to confirm that the building has been built or altered in accordance with such plans. Specifically, in order for a final certificate of occupancy to be issued for a building, a building owner must apply for such certificate of occupancy, final construction, plumbing, and electrical inspections must be completed, compliance with the approved pavement plan must be demonstrated, work associated with sanitary stormwater drainage must be completed, a fire protection plan must be filed and accepted, and certificates of compliance for certain service equipment, including air conditioning and



ventilation systems, elevators, boilers, must have been issued by the Department.

As mentioned earlier, the Department may also issue temporary certificates of occupancy. Temporary certificates of occupancy may be issued where there are outstanding issues that must be resolved before a final certificate of occupancy can be issued. Temporary certificates of occupancy generally expire 90 days after issuance and may be renewed given that temporary certificates of occupancy expire. It is not uncommon for a building's temporary certificate of occupancy to lapse while a building owner takes steps to renew it, which may include responding to issues raised by the Department concerning a renewal application. From the Department's perspective, an expired temporary certificate of occupancy is considered an administrative issue and does not necessarily indicate that a building has become unsafe. As such, the Department does not vacate a building only because a temporary certificate of occupancy has expired. Members of the public are encouraged to report any concerns regarding a building to 3-1-1 so

2 the Department can investigate such concerns and take  
3 appropriate action.

4           In addition to the requirements outlined  
5 above, there may be additional requirements that must  
6 be met in order for a building to qualify for a  
7 certificate of occupancy. Such requirements are  
8 project-specific. The Department has created a  
9 certificate of occupancy worksheet to help building  
10 owners and their design professionals determine what  
11 requirements they must meet in order to qualify for a  
12 certificate of occupancy, which may include approvals  
13 from other agencies. For example, certain buildings  
14 must have their fire protection plans, which outline  
15 their fire safety systems and features approved by  
16 the New York City Fire Department before the  
17 Department may issue a final certificate of  
18 occupancy. Additionally, there could be relevant  
19 approvals needed from the New York City Department of  
20 Environmental Protection, the Landmarks Preservation  
21 Commission, the New York City Department of Housing  
22 Preservation and Development, and other agencies.

23           Thank you for the opportunity to testify  
24 before you today. We welcome any questions that you  
25 may have.

2 CHAIRPERSON ARIOLA: Thank you so much. So  
3 just as you say, as the Department does not vacate a  
4 building only because a temporary certificate of  
5 occupancy has expired, you mentioned that 3-1-1  
6 notifies you. Are there any other measures in place  
7 besides 3-1-1 that would trigger you to send out an  
8 inspector to find out, like, is there any way you're  
9 notified that a certificate of occupancy has expired,  
10 an inspection needs to be done again besides 3-1-1?  
11 Is there any other measure in place that would let  
12 you know that you had to send inspectors to Building  
13 A?

14 DEPUTY COMMISSIONER SIRAKIS: Thank you  
15 for the question. If I understand it correctly, I  
16 think the idea of the C of O process that we have in  
17 place right now has been digitized, which is where  
18 we're able to get all of these statistics. In the  
19 past, the C of O was an 8.5 by 11 piece of paper.  
20 Even the digital versions that you see on our  
21 website, all of our C of Os, I think, with the  
22 exception of some that may have been misidentified  
23 from older records, are scanned and uploaded onto the  
24 individual building's property profile. As we have  
25 moved into the digital age, as applications are filed

2 for new C of Os, we are issuing them digitally, both  
3 final COs as well as temporary COs, and the  
4 expiration date has a digital date and timestamp on  
5 that record. So, we do have that information. From  
6 the standpoint of how we perform our inspections,  
7 typically there's two forms of inspections. One would  
8 be the customer requested inspection that they are  
9 ready for completed construction or something related  
10 to an enforcement action. From the enforcement side,  
11 we don't regularly just visit a building because of  
12 an expired TCO. That in and of itself doesn't ring as  
13 an immediate safety concern. Things such as no report  
14 filed for a façade, an incident related to a current  
15 building. We'll get referrals from other agencies for  
16 hazardous conditions. Those would be other ways that  
17 we would go besides the traditional 3-1-1 complaints  
18 as to how we would arrive at a building.

19 CHAIRPERSON ARIOLA: So, if a temporary C  
20 of O has expired and no one calls 3-1-1 to report  
21 that, or the building owner doesn't reply for a  
22 renewal, then you don't have any mechanism in place  
23 to then go out. It could continue to be open with  
24 just a temporary C of O, which has expired.

2 DEPUTY COMMISSIONER SIRAKIS: That's  
3 correct. That does happen. I think there are other  
4 mechanisms that push the certificate of occupancy  
5 into the forefront and push owners to renew their  
6 certificate of occupancy. For instance, if you are  
7 looking to rent to tenants, they will ask for a  
8 certificate of occupancy, which pushes the owner of  
9 the building to renew. Sales of the property,  
10 lending, other agency licensure process. So for  
11 instance, the Department of Health, if you're looking  
12 for child care, will always be asking for a C of O.  
13 The State Liquor Authority asks not only for a  
14 certificate of occupancy, but also then a letter of  
15 no objection from the Department of Buildings that  
16 the use is actually permissible in that space. So,  
17 it's in the owner's best interest for other reasons  
18 beyond just the Buildings Department wants it from  
19 that standpoint. I think it represents beyond the  
20 safety of the construction, the C of O itself also  
21 represents the other legal rights that come with the  
22 property, the other legal authority there. So, by  
23 itself, it's not necessarily a safety issue that the  
24 TCO has expired. You kind of got to look at the whole  
25 big picture of that from that standpoint of what are

2 the safety concerns that come with the building in  
3 and of itself.

4 CHAIRPERSON ARIOLA: But it would still be  
5 able to operate depending on, let's say it's not a  
6 restaurant or it's not looking for any type of liquor  
7 license or anything like that. I just think that  
8 that's kind of leaving an open end for disaster if  
9 you don't have another checkpoint in place besides  
10 someone making a complaint or a 3-1-1. So, maybe  
11 that's just something that you could work on.

12 Which aspects of an application for a  
13 temporary certificate of occupancy are ultimately  
14 discretionary and which aspects are required and does  
15 it vary by building class?

16 DEPUTY COMMISSIONER SIRAKIS: Very good  
17 question. I think building COs are a pretty  
18 complicated matter in and of itself. They go through  
19 multiple layers of review at DOB as well as with  
20 other agencies as well, but the process for applying  
21 for a C of O gets multiple levels of review. First,  
22 we have a team of project advocates who review the  
23 application for the certificate of occupancy to  
24 compare what's coming forward from the owner's design  
25 team and contractors as far as what do they claim

2 that they've completed at that stage. We, at that  
3 point in time, have sent out inspectors to sign off  
4 on construction, plumbing, and fire sprinkler  
5 systems, maybe electrical as well at that point in  
6 time, boilers. If not, we will be sending them back  
7 to the drawing board for those things. We are looking  
8 for the safe measures being in place for folks to be  
9 able to come in and occupy. When a TCO expires, for  
10 instance, it could be because there are  
11 administrative issues associated with the TCO. For  
12 instance, at some point in time, once a building is  
13 issued a TCO, they enter into all of our compliance  
14 filings. That means they enter into our façade  
15 inspection program. They enter into our elevator  
16 inspection program, the boiler inspection program.  
17 They need to provide their energy grade. They need to  
18 provide their Local Law 97 reports. The gas piping  
19 inspections, all of those inspections get triggered.  
20 And if they miss a cycle there, they end up with  
21 violations, for instance, that have to be resolved  
22 before a TCO will be renewed. As far as the specific  
23 items that have to be provided, we've put together...  
24 one would be the required items listed under the  
25 specific application, but then we have a CO worksheet

2 that we have put together where we describe what are  
3 the various items that we are looking for for a final  
4 CO or a TCO and what we feel are the acceptable  
5 options for submission at a given stage, and we  
6 describe, depending on the item, what is necessary at  
7 that point. This typically comes in from an architect  
8 or engineer with different attestations and  
9 affidavits depending on the item. So, for instance,  
10 you know, the building may or may not require a fire  
11 alarm. That's where we start getting involved with  
12 our colleagues at the Fire Department. There may be  
13 landmark issues. That's where we start getting  
14 involved with our colleagues or continue working with  
15 our colleagues at Landmarks from that standpoint.

16 CHAIRPERSON ARIOLA: All right. I just  
17 want to make mention that we've been joined by  
18 Council Member Kevin Riley.

19 And what you just said, this is all part  
20 of a written policy for the DOB.

21 DEPUTY COMMISSIONER SIRAKIS: Yes.

22 CHAIRPERSON ARIOLA: That you follow? And  
23 what is the DOB's practice for following up with  
24 buildings... Well, I guess you answered that in the  
25 first question, right? So, we're going to move on



2 from there. But those policies are all, those  
3 practices are also written in where it comes from 3-  
4 1-1. It really kind of, it's sticking in my throat a  
5 little bit because, you know, I mean, we get  
6 complaints in our office. We tell them to, you know,  
7 notify 3-1-1. Then we work with our borough  
8 commissioner, and borough commissioners have been  
9 very, very easy to work with. I want to tell you, you  
10 know, I just want to say that. And especially in my  
11 case, I can speak to ours. But, you know, it's just I  
12 think that there needs to be more of a followup with  
13 your inspectors. So, is it a matter of that you don't  
14 have the inspectors to go out to do this because you  
15 noted that there were more TCOs that had expired in  
16 Manhattan. Was that because of a lack of inspectors  
17 to go out to the five boroughs? Is that something  
18 that we as a Body should start to look at to fill  
19 lines?

20 DEPUTY COMMISSIONER SIRAKIS: I think from  
21 the standpoint of, you know, does the bigger picture,  
22 does DOB need more inspectors? I would, you know,  
23 I'll selfishly say absolutely yes because I think we  
24 do very important work. I really believe in the  
25 mission and the work of the agency and obviously our

2 colleagues at Fire and the other safety agencies. I  
3 think definitely the more inspectors we have, the  
4 more issues we will be able to head off. I think one  
5 of the things that the City Council has done from an  
6 enforcement standpoint is support our efforts at  
7 proactive enforcement where we're looking at  
8 predictive analytics and using the data that we have.  
9 So, I mentioned that our C of O process is now  
10 digital. That's giving us very good data points that  
11 we never had before. So, most of our buildings, we  
12 have 1.1 million buildings in the City of New York. I  
13 think three-quarters of them were built before 1938  
14 so that's before the requirement to actually have a C  
15 of O. We issued 15,000 updated C of Os and temporary  
16 COs, but it's to a small fraction of the buildings  
17 that we deal with on a regular basis. We have a lot  
18 of information from legacy databases that we can  
19 leverage and utilize, and I think an expired CO could  
20 be one of them. But I don't know that it by itself is  
21 a leading indicator of safety matters. So, lack of  
22 safety compliance filings. Are you regularly skipping  
23 the boiler filings? Are you regularly skipping the  
24 elevator filings? Do you have a lack of maintenance  
25 on your property where there are a number of 3-1-1

1 complaints? We have the ability to do more, the more  
2 staff you give us. And I think a CO, I'm not  
3 dismissing that a CO is important by all means. I  
4 think it is. But, you know, with 1.1 million  
5 buildings in our purview, I don't know that we'll be  
6 able to get everywhere all at once. And I think an  
7 expired CO could be a data point that we look at to  
8 see is it an indicator of a future issue as part of  
9 this. I think that could be something that we look  
10 into obviously from that standpoint. It's obviously  
11 something that we want owners to work through. But we  
12 can definitely write violations if we see folks  
13 occupying with an expired CO or contrary to their CO.  
14 The grounds for a vacate I think are much higher. I  
15 think the ability of the Department is spelled out  
16 when it comes to vacates as to what are the specific  
17 reasons for imminent life and health that we would  
18 put people out of their building, their home  
19 possibly. But you could see that one of the reasons a  
20 CO might expire is because the ground floor tenant of  
21 a condo building, for instance, who's a commercial  
22 tenant has run into issues that have open violations  
23 that could prevent the building's CO from being  
24 renewed for the, and it would be for the entire  
25

2 structure. The CO is for the entire building. We're  
3 saying that the building substantially complies with  
4 code and zoning at that point in time. If the ground  
5 floor tenant has an open violation, has no relation  
6 to any of the residential tenants above, that would  
7 keep us from renewing the CO until that is resolved.  
8 Who financially has to pay those fines, which we need  
9 to close that out. Who has to file the certificate of  
10 compliance. These are all things that property owners  
11 struggle with on a regular basis. They're very  
12 important to do, and we won't give them that legal  
13 document that they can then turn around and pass off  
14 to some other entity and say this building complies  
15 with code and zoning until they satisfy us from that  
16 end.

17 CHAIRPERSON ARIOLA: What is your actual  
18 headcount for inspectors for the 1.1 million  
19 buildings?

20 DEPUTY COMMISSIONER SIRAKIS: Our  
21 inspector budgeted headcount, 594.

22 CHAIRPERSON ARIOLA: And how many do you  
23 actually have on?

24 DEPUTY COMMISSIONER SIRAKIS: 499 with 95.

25 CHAIRPERSON ARIOLA: So 490?

2 DEPUTY COMMISSIONER SIRAKIS: 499.

3 CHAIRPERSON ARIOLA: 499. Okay. So, the  
4 Comptroller found in his report that 88 buildings  
5 were without certificates of occupancy and also had  
6 received immediately hazardous violations. Are TCOs  
7 ever revoked on a building for these reasons because  
8 of failure to maintain safe conditions? And does the  
9 City have a liability for hazards that arise during  
10 TCO periods?

11 DEPUTY COMMISSIONER SIRAKIS: From the  
12 revocation standpoint, I do believe we have the  
13 authority to revoke a TCO. That's the whole purpose.  
14 Once we issue a final C of O, even DOB cannot set it  
15 aside. We would have to go to the Board of Standards  
16 and Appeals to set it aside. It's legally binding on  
17 everyone at that point, and we would have to go  
18 convince the Board of Standards and Appeals why the  
19 final TCO should not be valid at that point. That's  
20 why we hold it in such strict regard from that  
21 standpoint. A temporary CO, though, within 90 days it  
22 will expire and we will refuse to renew. And if we  
23 see hazardous conditions, one of the things that we  
24 hold over the property owner's head is we will not  
25 renew your TCO, not give you your legal rights

2 associated with the CO unless you take action to  
3 correct these conditions. So, that's why they have to  
4 pay outstanding fines and penalties. Payment of the  
5 penalties, though, also comes with, in some  
6 instances, you have to file the report that shows how  
7 you're correcting the action, such as the façade  
8 issues that were identified there. So it could be the  
9 reverse. It could be that the reason that the CO is  
10 not renewed is because the owner is still dealing  
11 with a very complex façade issue.

12 CHAIRPERSON ARIOLA: Okay. I just want to  
13 make note if anybody has any questions at this point.

14 Okay. We'll move on to the Fire  
15 Department. How are you, Chief?

16 CHIEF CURRAO: I'm doing well, Chair.

17 CHAIRPERSON ARIOLA: Good.

18 CHIEF CURRAO: How are you?

19 CHAIRPERSON ARIOLA: Good. It's very  
20 important to me to know that there's continuity and  
21 communication between, say, Building Department and  
22 Fire Department. Would you say that there is a good  
23 communication that you have with the Building  
24 Department when you're going in to do your follow-up  
25 inspections?

2 CHIEF CURRAO: I do. I mean, we  
3 collaborate and communicate all the time, and what's  
4 more, we're looking for additional ways to strengthen  
5 that, whether that's through verbal communication,  
6 through digital sharing of data so we're always  
7 looking to improve that.

8 CHAIRPERSON ARIOLA: All right. Thank you.  
9 And would you describe the process of how building  
10 files a fire prevention plan? What are the components  
11 of that plan, and how the plan serves to protect  
12 occupants of the building?

13 CHIEF CURRAO: Sure. Certainly. So, the  
14 fire protection plan, if you think about it, is the  
15 physical items that actually help to make a building,  
16 a typical building, more safe and support the safety  
17 of occupants and react in a safe manner during a fire  
18 or an emergency. So, that fire protection plan is  
19 uploaded into Accela. That is our digital system that  
20 tracks everything. It's uploaded as a PDF. It goes to  
21 our emergency planning and preparedness unit. They  
22 will review it, and they will look at everything. So,  
23 if you think about how a building is set out, the  
24 particular location of the building, the surrounding  
25 streets, it will go inside. It will look at, you

2 know, firewalls, fire partitions, stair  
3 pressurization, all these different inherent building  
4 features that help to make a building more  
5 particularly safe. It will talk about what's the  
6 construction, what's the occupancy, and what's the  
7 expected occupancy load. And then the final part is  
8 really building systems, right? So, it will look at a  
9 whole laundry list of, you know, the alarm system,  
10 the smoke and carbon monoxide detectors,  
11 communication systems, areas of refuge, a whole  
12 laundry list that really builds a profile of how that  
13 building is going to be constructed. And it actually  
14 has come out of 109, out of the DOB Construction  
15 Code, how it's going to be constructed to be the most  
16 fire safe and emergency safe it can be.

17 CHAIRPERSON ARIOLA: Great. And that's all  
18 part of what you would need for your fire protection  
19 plan sign-off?

20 CHIEF CURRAO: Correct.

21 CHAIRPERSON ARIOLA: And so under what  
22 circumstances would you not renew or recommend to not  
23 renew a temporary restraining order? I'm sorry,  
24 temporary, a TCO.



2 CHIEF CURRAO: So, we don't have a direct  
3 line into the TCO process. So, we get everything from  
4 the client or the building applicant, and we review  
5 the fire protection plan. Sometimes it goes back and  
6 forth. There's letters of deficiency, you know,  
7 change this, add this, this is missing, and then we  
8 will issue a letter of approval. Same thing if it's,  
9 say, a fire alarm system. So, the applicant will file  
10 through our plan intake unit. They'll file a plan for  
11 a fire alarm system. We'll go back and forth. These  
12 need to be, you know, letter of denial or letter of  
13 acceptance. Then they will issue or request a project  
14 authorization, which actually lets them actually put  
15 the fire alarm system within the building. Then they  
16 will go and come back to us again. They will request  
17 an inspection. We will send our fire alarm inspection  
18 team to go out there, and if everything is good,  
19 we'll file a letter of approval at the end. All those  
20 different components is what the client actually  
21 needs to be able to apply to the Department of  
22 Buildings for the TCO.

23 CHAIRPERSON ARIOLA: Right. So that  
24 becomes all digitalized, and then it goes to the DOB,

2 and then then you decide if, so there is that  
3 interaction.

4 So, how many certificates of occupancies  
5 were granted during the past three fiscal years, and  
6 if you can break it down by borough and building  
7 type.

8 DEPUTY COMMISSIONER SIRAKIS: Okay. So,  
9 I'll give you the last three full fiscal years, and  
10 then what we have (INAUDIBLE)

11 CHAIRPERSON ARIOLA: Okay. Thank you.

12 DEPUTY COMMISSIONER SIRAKIS: Sure. Fiscal  
13 Year '22, 13,958. Fiscal Year '23, 15,412. Fiscal  
14 Year '24, 15,007. And Fiscal Year '25, 5,378.

15 CHAIRPERSON ARIOLA: Okay. And how many  
16 buildings currently have COs, and how many currently  
17 have TCOs?

18 DEPUTY COMMISSIONER SIRAKIS: I can get  
19 you the breakdown of what we issued for those years.  
20 How many buildings have final COs and TCOs citywide  
21 is a bigger question. That's, as I explained earlier,  
22 I think buildings built before 1938 are not required  
23 to have a CO unless they make any substantive change  
24 to their egress or change the use and occupancy of  
25 the building. So, for instance, a single-family home

2 in Queens built in 1925 may never need a C of O from  
3 the Buildings Department...

4 CHAIRPERSON ARIOLA: Right.

5 DEPUTY COMMISSIONER SIRAKIS: Unless they  
6 do something significant. Our C of O records are  
7 largely, even though they are digitized by property,  
8 are largely still paper. They are unintelligent PDFs  
9 that you have to open and look at individually, and  
10 it is sometimes a legal debate as to what is the last  
11 issued final CO for a particular property. So  
12 citywide, we don't have that information yet, but  
13 that's part of the purpose of our digitizing our C of  
14 O process.

15 CHAIRPERSON ARIOLA: So, with the City of  
16 Yes that recently passed for housing and development,  
17 what adjustments are you making? Because a lot of  
18 buildings are going to be going up, and we are going  
19 to need a lot more inspectors. We're going to need a  
20 lot more fire inspectors. We're going to have a lot  
21 of buildings going up and requesting temporary C of  
22 Os. There are going to be many different types of  
23 buildings, but most of them will be residential. So,  
24 without any type of followup, which is what I'm  
25 hearing, without a complaint, like that could be a

2 problem for bad actors to kind of skirt around the  
3 policies and procedures and put a building up, get a  
4 temporary C of O, and perhaps start putting people in  
5 before a C of O has been issued. How would you  
6 backtrack on that?

7 DEPUTY COMMISSIONER SIRAKIS: Well, I  
8 think there's a couple of different things that we're  
9 doing overall. I think number one is we are  
10 immediately starting at the plan exam phase where we  
11 are training our staff. We are also planning on doing  
12 training for the filing public as to what are the  
13 changes in City of Yes so that we get the right  
14 building in the right area from that standpoint as to  
15 what is allowed and not allowed by City of Yes. Then  
16 further, I think the digitized C of O process, the  
17 reason that we have all of these stats is because  
18 this is all data to us that we can share, we can  
19 parse down to understand what are the residential  
20 occupancies versus... the COs that have residential  
21 occupancies versus commercial by different areas. We  
22 could see where complaints are coming in as well and  
23 maybe compare that with our C of O data. I think  
24 though also from our standpoint before we issue a TCO  
25 to a property, we are confident that the building is

1 safe to occupy. We would not be letting people in if  
2 there were serious safety measures that are necessary  
3 to maintain the occupancy from that standpoint. We  
4 are regularly and routinely pushing back on C of O  
5 applications when people are not ready and issuing  
6 objections. There's definitely a lot of back and  
7 forth that happens through the C of O process. The  
8 TCO could be that because the first half of the  
9 building is ready but the second half has not been  
10 completed yet so people can move into the first half  
11 but not the second half. As floors are added to the  
12 building, there may be no interconnection between the  
13 two or impact between the two. It would be on a case-  
14 by-case basis, but I think our predictive analytics  
15 support there would be the best way to look at how  
16 are the City of Yes projects progressing as far as  
17 are we getting complaints. We can look at HPD  
18 complaints as well through this process if we are  
19 able to access their information and data, but I do  
20 think that it is also definitely every New Yorker's  
21 right to call 3-1-1 and let us know if they see  
22 something that they're not comfortable with from that  
23 standpoint. It will get to us. We will get an  
24 inspector out there from that standpoint and do an  
25

2 assessment, but the TCO expiration could be a data  
3 point that's explored as part of this to see if it is  
4 actually leading to issues in the residential realm.

5 CHAIRPERSON ARIOLA: Yeah. I think that  
6 we're just leaving a lot to chance because if we're  
7 at 1.1 million buildings now, imagine what we'll be  
8 when the City of Yes becomes a reality, and are there  
9 any discussions of expanding Department of Buildings  
10 in any way, shape, or form with you, with the  
11 Administration, saying, you know, we need more  
12 inspectors. We need more project managers. We need  
13 more people going out. We need more followup, and  
14 this kind of two-part question, you can answer that  
15 one, and then, Chief, if you could just answer, like,  
16 where does the FDNY have discretion on what is needed  
17 for the sign-off, and can you at any point say this  
18 is not... because that was the whole issue with the  
19 Turkish issue where there wasn't complete fire  
20 protection in place, and I know that this is in court  
21 and you may not be able to answer, but I'm just  
22 making a point of it to say I wish that the Fire  
23 Department, who are the experts in all of these  
24 areas, just had a little more discretion and input

2 when these inspections are being done. So, what is  
3 your level of discretion?

4 CHIEF CURRAO: So, I think our level of  
5 discretion is really based on our subject matter  
6 expertise. So, whether it's the fire alarm system,  
7 the fire protection plan, if there is, say, a range  
8 hood system that needs to be addressed in that  
9 particular building, auxiliary radio communications,  
10 the Fire Department leverages a lot of expertise and  
11 knowledge and technology to make sure that those  
12 systems are put in correctly so that... and before we  
13 give sign-off to the applicant on any one of those,  
14 before they can even make that move to apply for a  
15 TCO, they have to sort of get through that, you know,  
16 that sort of safety gateway, so to speak, before they  
17 can even apply for a TCO.

18 CHAIRPERSON ARIOLA: Okay. And any, like,  
19 word of growth for your Department because of the  
20 City of Yes?

21 DEPUTY COMMISSIONER SIRAKIS: Yes, that's  
22 what we were just conferring on. So, we did receive  
23 83 staff lines for the basement ADU expansion and 60  
24 staff members for the proactive enforcement that  
25 we're describing. And I think overall, you know, what

2 you're describing is what we plan on doing with the  
3 staff, making sure that code and zoning compliance is  
4 taken into account and that we're doing our best for  
5 enforcement. The whole purpose of us digitizing COs  
6 is to be able to use that as a data point to find out  
7 where to best utilize our staff.

8 CHAIRPERSON ARIOLA: All right. If no one  
9 else has questions, then I want to thank you for  
10 coming here and testifying and being very informative  
11 and having really cohesive answers, and I'm sure that  
12 we'll be talking a lot more as the City of Yes  
13 progresses. Thank you so much for coming in today.

14 Josh, I will read now the public  
15 testimony. I'll dismiss.

16 Now we will open the hearing for public  
17 testimony. I remind the members of the public that  
18 this is a government proceeding and that decorum  
19 shall be observed at all times. As such, members of  
20 the public shall remain silent at all times.

21 The witness table is reserved for people  
22 who wish to testify. No video recording or  
23 photography is allowed from the witness table.  
24 Further, members of the public may not present audio  
25 or video recordings as testimony but may submit



2 transcripts of such recordings to the Sergeant-at-  
3 Arms for inclusion in the hearing record.

4           If you wish to speak at today's hearing,  
5 please fill out an appearance card with the Sergeant-  
6 at-Arms to be recognized. When recognized, you will  
7 have two minutes to speak on today's oversight  
8 hearing topic.

9           If you have a written statement or  
10 additional written testimony you wish to submit for  
11 the record, please provide a copy of that testimony  
12 to the Sergeant-at-Arms. You may also email written  
13 testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72  
14 hours of the close of this hearing. Audio and video  
15 recordings will not be accepted.

16           For in-person panelists, please come up  
17 to the table once your name has been called.

18           Now I will call our first panelist,  
19 Christopher Leon Johnson.

20           Yes. Welcome. Thanks for coming.

21           CHRISTOPHER LEON JOHNSON: Thank you.  
22 Hello. My name is Christopher Leon Johnson. Thanks  
23 for having this panel, Ms. Ariola. Just about five  
24 minutes ago, Brad Pander just complained about  
25 recently, kind of convenient that Brad Pander just

1 complained about the temporary certificate of  
2 occupancy for Turkish House, which is really ironic.  
3 People are asking why, Pander, you're campaigning on  
4 government time. You're using your government Twitter  
5 account to campaign for mayor by exploiting this  
6 whole panel here, this whole hearing today. By the  
7 same time, you won't ever call out the non-profits  
8 that do the same thing that are working with your  
9 wife, that you allow 500 million dollars to be  
10 funneled through them through the help of your wife,  
11 Brad. You need to look yourself in the mirror with  
12 that.  
13

14 Now, let's talk about this, right? Here's  
15 the thing with certificates of occupancy is that  
16 there needs to be more real transparency of what goes  
17 on, of how these stuff are being looked up. I believe  
18 that all TPO should be in front of the building and  
19 inside the building where people just first see it,  
20 in a bigger font. Now, people should be able to call  
21 this stuff, people should be able to report this  
22 stuff 24 hours a day, seven days a week. As much as  
23 the Fire Department is open 24 hours, seven days a  
24 week, they should be able to complain about this  
25 stuff while at the same time that our borough

2 presidents, all five borough presidents should be  
3 held liable for this too because they are the direct  
4 people to access to the city and the Public Advocate  
5 office. I want to know why the Public Advocate didn't  
6 come for this. He advocate for the people. Where is  
7 Jumaane? Where's our Public Advocate? He didn't even  
8 put out a report for this. The borough president  
9 should be here too. I mean, hey, I understand it's a  
10 lot of complex stuff with trying to get a certificate  
11 of occupancy, but there should be more bigger  
12 advocacy just as you, Joann. You're like the only  
13 person that's calling this stuff out, but where's the  
14 other Council Members? {TIMER CHIME} Where are they  
15 at?

16 CHAIRPERSON ARIOLA: Thank you so much for  
17 your testimony and your time.

18 CHRISTOPHER LEON JOHNSON: Thank you.

19 CHAIRPERSON ARIOLA: I appreciate it.

20 Seeing no one else in person or online, I  
21 think we can close our hearing today. I want to thank  
22 our Committee Counsel, Josh Kingsley; our Senior  
23 Analyst, Will Hongach; our Executive Director, Peter  
24 Spencer, my Chief-of-Staff and Special Advisor,  
25 Phyllis Inzerillo, and our amazing technical team, as

2 well as our great Sergeants-at-Arms and those who  
3 testified today. [GAVEL] Thank you all for coming  
4 out.

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C E R T I F I C A T E

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



Date February 26, 2025