

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 09, 2014
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HELD AT: 250 Broadway- Committee Rm, 14th Fl.

B E F O R E:

JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

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

1 [gavel]

2 CHAIRPERSON WILLIAMS: Good morning all.

3 Thanks for coming through this cold and rainy day.

4 My name is Jumaane Williams, Chair of the Council's

5 Committee on Housing and Buildings. I'm joined

6 today by Council Members Espinal, Dromm, and

7 Levine. We are here to discuss three bills. Our

8 first bill, Intro number 252 is sponsored by

9 Council Member Dromm will require the Department of

10 Buildings to post online a list of addresses which

11 receive a notice of order to stop work and the date

12 on which the order was given. The department will

13 have to do the same for when a stop work order is

14 rescinded. Intro number 346 sponsored by Council

15 Member Rodriguez would require HPD to report any

16 multiple dwelling with 50 or more open violations

17 to the council and to the Council Member in whose

18 district the building is located. Finally Intro

19 number 526 sponsored by yours truly which is given

20 no special treatment will require owners to provide

21 two weeks' notice to residents when a building

22 amenity will be unavailable for more than 24 hours

23 excluding periods when the amenity is normally

24 unavailable. When the amenity will be permanently

25 unavailable the posting must remain for 30 days

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2 after the amenity becomes unavailable. Understand
3 that Council Members Dromm would, would, Council
4 Member Dromm would like to give a brief statement
5 concerning his bill so at this time I'd like to
6 invite him to do so.

7 COUNCIL MEMBER DROMM: Thank you Chair
8 Williams for hearing Introduction 252 and for the
9 opportunity to speak today. This bill addresses the
10 issue of serious building code violations plaguing
11 all our communities. Especially troubling are the
12 building owners who continue to work despite their
13 properties having been issued stop work orders.
14 Detailed data on the issuance and rescission of
15 stop work orders will help neighbors organizations
16 and policy makers by not only highlighting problems
17 with individual buildings but also tracking
18 patterns throughout our communities. Specifically
19 Intro 252 requires the Department of Buildings to
20 publish certain information on its website
21 including a list of addresses disaggregated by zip
22 code and for each zip code disaggregated by
23 community districts and council districts for which
24 a notice or order to stop work has been given and
25 the date when such notice or order was given and a

1 list of addresses disaggregated by zip code,
2 disaggregated by community district and council
3 district for which a notice or order to stop work
4 has been rescinded and the date of such rescission.
5 In addition Intro 252 clarifies that the rescission
6 of a stop work order is invalid unless it is made
7 in writing and that the department should publish
8 this information immediately. Finally this bill
9 clarifies that the police department or other law
10 enforcement agency may arrest persons engaged in
11 criminal activity and to the extent permitted by
12 law cease equipment being used to engage in
13 criminal activity. I want to acknowledge State
14 Senator Tony Avella for championing this bill when
15 he was in the council. And I also want to thank the
16 advocates for being here and I look forward to
17 working with you to expand the tools available to
18 us to tackle this continuing problem. Thank you
19 very much.

21 CHAIRPERSON WILLIAMS: And I'm sorry
22 neglected to say that Council Member Levine is a
23 co-prime with Council Member Rodriguez and Council
24 Member Levine will be giving an opening statement.

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2 COUNCIL MEMBER LEVINE: Thank you Chair
3 Williams. In Council Member Rodriguez' absence I'm
4 happy to read the following statement. It's often
5 said that knowledge is power. Today we come
6 together to discuss how best the administration can
7 arm city council members with the information we
8 need to advocate for the rights of tenants across
9 all districts. Specifically Intro 346 will require
10 the Department of Housing Preservation and
11 Development to issue a report to the full council
12 and to the relevant council member when a building
13 has 50 violations or more. We should not and cannot
14 wait until a building falls into a state of
15 disrepair before we step in and intervene. Intro
16 346 allows the council to be proactive and to
17 target the landlord that are the worst actors
18 within our districts and in turn to better serve
19 tenants. By alerting the council to the names and
20 addresses of the violators in our districts the
21 council will be better able to hold those landlords
22 accountable for making necessary repairs. As it
23 stands now New York City has 255 buildings that
24 would make the list that this bill would call for.
25 In Council Member Rodriguez' district alone there

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2 are 20 buildings with over 50 violations each and
3 some with as many as 258. The severe accumulation
4 of large numbers of violations within one building
5 can lead to crisis situations which we must attempt
6 to prevent. We cannot allow the residents of our
7 city to endure decrepit conditions. In some
8 instances for years before we take action. Intro
9 346 will increase transparency and will allow
10 Council Member, council members to strategize about
11 the best ways to ensure the welfare and rights of
12 our constituents while simultaneously rooting out
13 the city's worst landlords. Although there are some
14 who feel that the issue can be resolved through an
15 open data platform. Council Member Rodriguez and I
16 stress the benefits of regular mandated reporting
17 to the council. These reports would ensure openness
18 and transparency while also giving members the
19 ability to monitor their districts on a macro level
20 without being forced to weed through multiple
21 reports and sources to obtain the same data and
22 information that this report would provide. I look
23 forward to hearing the testimony of the
24 commissioner and would like to thank Chairman
25 Williams for hearing Intro 346 today. Thank you.

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2 CHAIRPERSON WILLIAMS: Thank you everyone
3 for providing the additional background on your
4 bills. Regarding my bill Intro 526 it is critically
5 important that tenants whether they are rent, rent
6 regulated or market rate have some sufficient
7 notice when an amenity, not just a ping pong table,
8 is often inside of the buildings... it is offered on
9 an equal basis and that sufficient notice is given
10 when those amenities are removed temporarily or
11 permanent. I introduce this legislation after
12 seeing reports that tenants in 4 Pellumn Parkway
13 Bronx apartment buildings allegedly suffered a
14 pattern on practice of tenant harassment including
15 removing four in building washers and dryers
16 without notice. Not only should tenants be notified
17 when amenities including critical ones like
18 elevators or heat and hot water are being repaired
19 but when they are being removed all together. This
20 legislation is only one of several steps needed to
21 end this form of harassment. I'd like to thank my
22 staff for the work they did to assemble this
23 hearing including Nick Smith my Deputy Chief of
24 Staff and Legislative Director Jen Wilcox... Cadrey
25 [sp?]... did I get it right, I'm getting closer,

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2 councils to the committee Guiermo Patino [sp?],
3 Jose Conley [sp?] policy analyst to the committee
4 and Sara Gastellum [sp?] the committee's finance
5 analyst. Thank you and we have Patrick Whaley,
6 Michael Alacha, Mario Feirrigno [sic], Ferrigno
7 sorry and Jordan Press who will be giving
8 testimonies and after we do the affirmation
9 statement. Can you all please raise your right
10 hands? Do you affirm to tell the truth, the whole
11 truth, and nothing but the truth in your testimony
12 before this committee and to respond honestly to
13 council member questions? Thank you very much. You
14 can begin in the order you prefer.

15 MARIO FERRIGNO: Chairman Williams and
16 members of the committee my name is Mario Ferrigno
17 and I'm the Assistant Commissioner for Code
18 Enforcement at the Department of Housing
19 Preservation and Development, HPD. With me is HPD
20 Director of Legislative Affairs Jordan Press. I
21 appreciate the opportunity to testify about Intro
22 526, a bill requiring owners to provide notice to
23 their tenants when building amenities are
24 unavailable and about Intro 346, regarding
25 providing notice to the council about multiple

1 dwellings with numerous code violations. Intro 526
2 adds a broad definition of building amenity to the
3 housing maintenance code. The bill would require
4 owners of multiple dwellings to post a notice if
5 any of the listed amenities or other building
6 amenities will be unavailable for 24 hours or more.
7 Emergencies would be exempted. The department does
8 not support this legislation. First and foremost
9 the housing maintenance code was created to ensure
10 that multiple dwellings are maintained in safe and
11 sanitary condition. We understand the interest in
12 value of notifying tenants when certain services
13 will not be available such as heat and hot water or
14 electrical services. But we do not believe that
15 access to recreational areas, activities, or
16 amenities broadly should be addressed in the
17 housing maintenance code nor should it be HPD's
18 responsibility to enforce the notice requirements.
19 Enforcement would distract from our core
20 responsibilities and legal mandates to enforce
21 correction of unsafe and unsanitary conditions.
22 Further in order to enforce this legislation our
23 inspectors would need to know what amenities are
24 actually provided in any particular building, know
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1 if the amenity is a shared amenity, determine
2 whether the amenity is in fact operable, and then
3 somehow figure out whether such unavailable,
4 unavailability is occurring on an emergency basis
5 or not. This should not be the responsibility of an
6 HPD inspector. Access to an amenity is a
7 contractual matter between a tenant and a landlord,
8 not a matter of safety. Access to an amenity may be
9 a regulatory matter. In some circumstances if a
10 rent regulated tenant's lease states that he or she
11 will have for example access to a court yard that
12 is always locked the tenant may have recourse to
13 file for a rent reduction with HP, with HCR due to
14 a decrease of services. But again this is not a
15 matter of whether a building is maintained in a
16 safe and sanitary condition. We also note that
17 different amenities have varying levels of
18 importance in day to day life tenants. For example
19 not having access to parking or a laundry room may
20 be a true inconvenient for a resident. An
21 inoperable treadmill or vending machine on the
22 other hand often does not have a quality of life
23 impact. Also these types of amenities are generally
24 provided as a convenience, may require the payment
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1 of a fee, parking and swimming pool access is often
2 paid for and do not relate to the maintenance or
3 habitability of a particular unit or multiple
4 dwelling. In essence this bill seeks to enforce
5 notification about the temporary loss of amenities
6 that most people would not consider essential to
7 the safety or condition of the building. We
8 previously testified in October that with revisions
9 we could support Intro 222 which would require
10 notice when certain services such as water,
11 electricity, gas, heat, and hot water are
12 interrupted. These are the type of services that
13 the loss of even temporarily significantly affects
14 the quality of life in the building. The proposed
15 expansion of the notice requirements will divert
16 HPDs inspectors from addressing problems with those
17 essential services. Intro 346 requires HPD to
18 notify the council and the relevant council member
19 of any multiple dwelling that has 50 or more open
20 violations on their housing maintenance code as
21 well as other laws. However this information and an
22 abundance of other relevant information about the
23 properties is already available to the council and
24 the general public in a variety of forms. First HPD
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1 posts on its website comprehensive information
2 about violations of the housing maintenance codes
3 in individual buildings including information about
4 the property owner, complaints received by the
5 agency, emergency repairs, and litigation brought
6 by HPD or by tenants. This information is also,
7 published monthly on HPD's website in formats which
8 can be used for creating reports or analyzing data
9 in a flexible way. Second, under Local Law 11 of
10 2012 all New York City agencies must make data
11 available, open data in summary formats by 2018.
12 HPD was one of the first agencies to respond to
13 this requirement. Local Law 11 made the operations
14 of city government more transparent, effective, and
15 accountable to the public. HPD continues to respond
16 to requests and suggestions to make open data
17 easier to access, easier to work with, and easier
18 to understand for the public. Further because of
19 open data the council has data available not only
20 from HPD but also from numerous other city agencies
21 whose work affects multiple dwellings in their
22 district. Using city data to help identify those
23 buildings that may require intervention, support,
24 or outreach is an important task and HPD applauds
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1 the council's interest in obtaining this
2 information. However, we do not support this
3 specific introduction. As compared to the static
4 reporting that would be created by this
5 introduction which would have to be amended as
6 needs change the information provided through open
7 data gives the council much more flexibility to
8 tailor analysis of data to specific problems and
9 questions which likely will change over time.
10 Unlike the reports this introduction would require
11 open data also allows users to combine information.
12 For example the Department of Buildings has 26
13 available data sets, the Department of Finance has
14 96 available data sets and the Department of City
15 Planning has 85 available data sets which can be
16 used in addition to HPD specific data to get a
17 broader picture of the conditions financial and
18 physical of buildings in a council district. In
19 addition to our concerns about the need for the
20 bill Intro 346 is also vague and would be
21 burdensome to comply with. The legislation does not
22 indicate any time frames for this reporting or the
23 form that the notification should take. By
24 triggering reporting in 50 violations it does not
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2 take into account whether those violations are non-
3 hazardous A violations or immediately hazardous C
4 violations. The legislation also does not consider
5 the size of the building and a number of violations
6 per dwelling unit. Building violation totals change
7 from day to day as new violations are issued and as
8 owners certify correction of conditions or request
9 violation dismissals making such reporting stale.
10 Thank you for the opportunity to testify and I'm
11 happy to take any questions.

12 MICHAEL ALACHA: Good afternoon Chair
13 Williams and members of the City Council. My name
14 is Michael Alacha. I'm the Assistant Commissioner
15 for Engineering and Safety Operation with the
16 Department of Buildings. I'm joined by my colleague
17 Patrick Whaley Assistant Commissioner for External
18 Affairs. I'm pleased to be here this morning to
19 offer testimony on Introduction 252 which requires
20 the posting of information related to stop work
21 orders on the Building Department's website.
22 Specifically Intro 252 amends the city's
23 administrative code to require upon the issuance or
24 rescission of a stop work order the immediate
25 posting of the address at which the order or

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2 rescission was issued by the department on its
3 website including the date of the issuance or
4 rescission. This information would be disaggregated
5 by zip code, community board, and city council
6 district. The buildings department issues a stop
7 work order when our inspectors find unsafe work or
8 conditions on a site or a building. Stop work
9 orders are issued to protect the public and
10 properties. Full stop work order, orders stop all
11 work on the construction site or building excluding
12 any remedial work necessary to make the site or
13 building safe. Partial stop work orders stop a part
14 of the work on a construction site or building
15 allowing other code compliant work to continue.
16 Stop work orders are typically issued for work
17 without a permit, work contrary to approve plans,
18 continuous of work after a permit has been revoked
19 by the borough commissioner, and for unsafe
20 construction affecting the public or property. The
21 department takes a great deal of pride of the
22 enormous amount of information we make available to
23 the public. On our website users can access our
24 building information system BIS which is a database
25 that provides property profiles and information on

1 construction applications, complaints, violations,
2 and licensees. Currently information on stop work
3 orders can be accessed through BIS. Users can type
4 an address and receive a wealth of information on
5 the location including whether the stop work order
6 has been issued, why it has been issued, the date
7 it was issued and the date of rescission if
8 applicable. Given the information on stop work
9 orders is currently available to the public on our
10 websites we question the added value that would
11 result in making this available in a variety of
12 geographic subset. Complying with Intro 252 would
13 also present severe challenge to the department.
14 For the 12 months period ending November 30th, 2014
15 the department issued 6,509 stop work orders.
16 During the same period of time we also issued 4,430
17 full rescission of stop work orders and 195 partial
18 rescissions. As drafted Intro 252 would require the
19 addresses of these more than 11,000 actions to be
20 immediately posted on our website and to be grouped
21 by zip code, community board, and city council
22 district. Immediately posting this enormous volume
23 of information with amount to a drain on the
24 department's resources that can be better utilized
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2 elsewhere. In addition the department only
3 disaggregates information in BIS based on zip code
4 and community district, not by council district. I
5 thank you for the attention and the opportunity to
6 testify before you today. Mr. Whaley and myself
7 will be available for any questions.

8 CHAIRPERSON WILLIAMS: Thank you very
9 much for your testimony. We've been joined by
10 Council Member Cornegy, Torres, and Rosenthal. I'm
11 going to ask a few questions of HPD of my bill and
12 ask the sponsors to ask some questions about their
13 bills then I might come back and round up and then
14 I'll go to my colleagues who don't have bills. So
15 the... I know there's an opposition to 526. So I was,
16 one of the things enforcement would distract from
17 our core responsibilities and legal mandates to
18 come, first correction of unsafe and unsanitary
19 conditions. If this bill were actually passed
20 wouldn't that make it a legal mandate also? Yeah.

21 MARIO FERRIGNO: [off mic] If it became a
22 law.

23 CHAIRPERSON WILLIAMS: So it wouldn't
24 distract from it, it would just become another
25 legal mandate?

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2 MARIO FERRIGNO: [off mic] It would be in
3 addition to our current mandates.

4 CHAIRPERSON WILLIAMS: The, the amenities
5 you talked about... so heat and hot water is obvious.
6 The laundry room is another one although it's not
7 safe and... I wonder if it has, has to do with safety
8 would you at least agree that it, something that is
9 kind of mainstay for tenants that are there?

10 MARIO FERRIGNO: [off mic] I would agree
11 that it's an amenity. I would not compare it to
12 heat and hot water which is I don't believe an
13 amenity is an essential service.

14 CHAIRPERSON WILLIAMS: So in, in your,
15 according to your testimony it sound like the
16 recourse that tenants should have would be only
17 going to HCR if an amenity like the laundry room
18 was taken away?

19 MARIO FERRIGNO: [off mic] That would be
20 one of the possible options. It's also, in my
21 testimony I said it would, it's a contractual issue
22 which is a tenant landlord issue which could, could
23 result in some sort of action and housing..
24 potentially.

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2 CHAIRPERSON WILLIAMS: So also walk me
3 through what additional, how much of addition of a,
4 of a burden would be to be responsible for this so
5 I can fully understand.

6 MARIO FERRIGNO: [off mic] It's difficult
7 for me to answer that without knowing you know
8 complaint volume, it would be very difficult to
9 address that question...

10 CHAIRPERSON WILLIAMS: Okay. Because I
11 mean the testimony is basically saying that it will
12 be, be a burden and take away from other
13 responsibilities so I'm trying to figure out how.

14 MARIO FERRIGNO: [off mic] Well it, it,
15 what, what the testimony was was that these are
16 amenities and they're not related to the safety of
17 the, or, or the condition of a home or a dwelling.
18 It's not questioning the importance of them. You
19 know it's not a matter of that. Again my comment
20 was strictly concerning any potential additional
21 workload which I can't predict obviously.

22 CHAIRPERSON WILLIAMS: I just, I just, I
23 just want to be clear because when I, when I was
24 hearing and reading the testimony I understood two
25 things. I understood that you believe that it

1 should only be geared toward safety... I'm trying to
2 find the word, the two words that you used...
3 services and safety primarily and that adding this
4 would take away from those things so that it would
5 cause an additional work burden that would prevent
6 you from focusing on safety and essential services.
7 Is that, are those two things not what you believe
8 the problem...
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10 MARIO FERRIGNO: Again, my testimony was
11 that the housing maintenance code was created to
12 ensure multiple dwellings are maintained in a safe
13 sanitary manner... [cross-talk] safe and sanitary
14 condition. These amenities do not contribute to a
15 safe and sanitary conditions.

16 CHAIRPERSON WILLIAMS: Okay so let me
17 under, so help me clarify this... enforcement would
18 distract from our core responsibilities and legal
19 mandates to enforce correction of unsafe and
20 unsanitary conditions. So obviously we got to the
21 point that if we passed a law it would become a
22 legal mandate. But let's say that was not true. How
23 would it, what would be distracting you from doing
24 the other core responsibilities? How was it a
25 distraction?

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2 MARIO FERRIGNO: If it was not a law and
3 we didn't enforce, we weren't required to enforce
4 it then it would not be a distraction to HPD. If we
5 were required to answer additional complaints of
6 this nature it would increase our workload.

7 CHAIRPERSON WILLIAMS: That's what I'm
8 trying to figure out. How will it, so, so how much,
9 I, I'm trying to...

10 MARIO FERRIGNO: It would be difficult,
11 I, it's difficult for me to answer that without
12 knowing what, what the complaint... [cross-talk]

13 CHAIRPERSON WILLIAMS: So it's possible
14 that it wouldn't be much at all?

15 MARIO FERRIGNO: Again, it's hard for me
16 to say what it would be.

17 JORDAN PRESS: If I may? So...[cross-talk]

18 CHAIRPERSON WILLIAMS: Just say, mention
19 your name.

20 JORDAN PRESS: Jordan Press from HPD. So
21 if a amenity were to not be available and this
22 posting were to happen or to not happen, if there
23 were a complaint that, that an amenity is not
24 available and there isn't a posting... if HPD were
25 called to investigate this matter because it, it is

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2 now sitting in the housing maintenance code as the
3 Assistant Commissioner's test, testimony informs we
4 would have to determine whether, whether in fact
5 this is a shared amenity in the building, we would
6 have to figure out whether or not it's inoperable,
7 so for some of the items that are listed in the
8 text I won't read through them all but there, it's
9 an extensive list, some of which are, are clear and
10 others you know our, our inspectors don't normally
11 check for the operability of, of certain amenities.
12 So we would have to go and determine whether in
13 fact that amenity is operable or not. And then we
14 would have to determine whether it was inoperable
15 because of an emergency or not. These are all
16 things that take up the, these inspectors' times
17 and the department feels that that time, we have a
18 finite number of inspectors who are trying to be as
19 responsive as possible to true hazardous conditions
20 in the buildings that they would be spending time
21 figuring out whether this posting had in fact need,
22 needed to be there versus checking on heat and hot
23 water, checking on... [cross-talk]

24 CHAIRPERSON WILLIAMS: So...

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2 JORDAN PRESS: ...other hazardous
3 conditions.

4 CHAIRPERSON WILLIAMS: Just walk through
5 with me how would you have, what would you have to
6 do to find out whether it was inoperable. And those
7 things that you said can you walk through how you
8 would have to find that information out?

9 JORDAN PRESS: Well to pick out a couple
10 of items with, that are, that are listed in the
11 bill if a...

12 CHAIRPERSON WILLIAMS: You want to use
13 the ping pong table that's been in the media? We
14 can, we can start with the recreation...

15 JORDAN PRESS: Oh so a billiard table
16 which is the next one listed. If a billiard table
17 was, was to be... actually an easier one, probably a
18 more common one would be a treadmill in an exercise
19 room.

20 CHAIRPERSON WILLIAMS: Sure.

21 JORDAN PRESS: So if a treadmill were
22 inoperable you know so fully inoperable, doesn't
23 quite work right, it's, it's jittery, it's
24 unplugged. So our inspectors are now going into a,
25 into an exercise room, having to, you know

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2 unqualified to know whether a, they are not trained
3 in, in equipment maintenance of this sort would
4 have to determine whether or not that treadmill is
5 operable or not and again whether it was inoperable
6 on an emergency basis or not, to decide whether or
7 not that posting was in fact required and whether
8 the landlord was in violation of the housing
9 maintenance code for not posting.

10 CHAIRPERSON WILLIAMS: So you're worried
11 that inspectors would have to come in and they
12 would see that a treadmill is only unplugged and
13 would have wasted time?

14 JORDAN PRESS: Whether it's unplugged,
15 whether it's some other mechanical problem with it
16 that our inspectors are not, are not trained to
17 determine.

18 CHAIRPERSON WILLIAMS: Are your
19 inspectors.. [cross-talk]

20 JORDAN PRESS: They're trained, they're
21 trained in the, in the housing maintenance code.

22 CHAIRPERSON WILLIAMS: Are your
23 inspectors plumbers or electricians?

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2 MARIO FERRIGNO: They're not required to
3 be plumbers or electricians. Some of them could be
4 but many of them are not.

5 CHAIRPERSON WILLIAMS: So they basically
6 just come in and see if the water's on or the
7 water's off?

8 MARIO FERRIGNO: Well depending on the
9 complaint, if it's a heat or hot water, if it's a
10 heat or hot water complaint obviously they will...
11 heat and room temperature and the hot water
12 temperature.

13 CHAIRPERSON WILLIAMS: So they don't
14 actually have to be experts on the thing that
15 they're coming to inspect?

16 MARIO FERRIGNO: Well they don't
17 typically inspect for plumbing per say. The
18 Department of Buildings has a plumbing division
19 that would, would inspect for plumbing issues that
20 were system issues.

21 CHAIRPERSON WILLIAMS: So let's not talk
22 about the treadmill, let's talk about a laundry
23 room which I think is much clearer why that it is
24 particularly important. What would, if we can get
25 these bills, if we can get this bill down to a list

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2 of amenities that we, I don't necessarily agree
3 that treadmills or even a billiard board should be
4 taken out only because some of these things are
5 used as a form of harassment to prevent tenants
6 from doing certain things those things are taken
7 away. So we do have to find a way to make sure that
8 doesn't happen. Just in the sake of argument that
9 we pretend some of them are more... than others... if
10 we use something like a, a laundry room, other, any
11 list of amenities that makes sense to you that it
12 does rise to the level of somebody should be
13 checking on a complaint that the laundry room is
14 out of order or an elevator is out of order and
15 post something somewhere.

16 JORDAN PRESS: So on, on the matter of an
17 elevator I defer to the Department of Buildings
18 which is responsible for, for elevators for, for
19 other items I think..

20 CHAIRPERSON WILLIAMS: Let's, let's, I
21 just want to stick with laundry room... [cross-talk]

22 JORDAN PRESS: Okay so, so, so for a
23 laundry room and, and I would agree with you that
24 it is a, it is certainly an inconvenience to not
25 have your laundry room available. The question then

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2 is whether this belongs in the housing maintenance
3 code for HPD to enforce or whether in fact this is
4 the contractual matter between the tenant and the
5 landlord. This was a, a service that was, that was
6 inspect, that was expected because it was in the
7 lease that a laundry room would be available and
8 now the laundry room is not available and the
9 tenant should have recourse if its rent regulated
10 through HCR and if it's not through housing court.

11 CHAIRPERSON WILLIAMS: So before we get
12 to the, to that one I'm still trying to get in the
13 work burden that would be caused which was the
14 first argument. So in dealing with the work burden
15 are there any list of amenities that you feel would
16 make sense?

17 JORDAN PRESS: Well so in the, in the
18 laundry room example is the, a, a washing machine
19 that does not turn on is clearly an inoperable
20 washing machine. What if the washing machine's
21 cycle is very short and isn't getting repaired.
22 Should our inspectors be responsible for sitting
23 and running the 30 minute cycle to see if it
24 completes that cycle and, and I would argue that,

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2 that their time is better focused on again safety
3 and sanitary conditions.

4 CHAIRPERSON WILLIAMS: Okay I'm just not
5 sure that we would say sit down for 30 minutes and
6 see if the cycles on. I know that there are varying
7 degrees of testing some of these things. If you're
8 testing water it might just be that the tenant
9 turned that little knob at the bottom a little
10 lower than they should have. So let me come out and
11 spend a, an inspector's time as well. So... a lot of
12 things that can use inspector's time and just in
13 this day and age of landlords self-certifying
14 things that they should probably not be self-
15 certifying it's just hard to, me, it's hard for me
16 to believe that we couldn't find a way to make this
17 work in a way that does not provide additional
18 burden in the way that you're talking about. So I'm
19 hoping we can find a way to push past some of this
20 even if it is working on what amenities makes sense
21 and what amenities don't. And I think the second
22 part would have to do with the contractual
23 agreement which I'm happy to talk with some more
24 with the attorneys. But it seems to me that someone
25 should be looking at these things in terms of, of

1 forms of harassment as well as inconvenience to
2 tenants who don't have recourse. And if this thing
3 is complaint, complaint driven I think it'll also
4 cut down on your having to go and... I forgot what it
5 was called but when I was an advocate we got paid
6 to do those cellar to roof inspections and I know
7 inspectors also do. Maybe these are not on the list
8 of those things that they have to check but are
9 complaint driven, we can find a way to check it
10 out. So I don't know if I'm 100 percent convinced
11 about the work burden. And it didn't seem like you
12 were able to provide that much information of how
13 much more work it would be. So if you have those or
14 any kind of testimony to that effect I'd love to
15 hear it. Next I want to call on Council Member
16 Dromm to talk about any questions of his bill in
17 particular.

18
19 COUNCIL MEMBER DROMM: Thank you Mr.
20 Chair and...

21 CHAIRPERSON WILLIAMS: I'm sorry we've
22 been joined by Council Member Mendez and Ulrich.

23 COUNCIL MEMBER DROMM: Thank you. I have
24 a few questions. I believe that Assistant
25 Commissioner you had mentioned in your testimony

1
2 there are 6,509 stop work orders issued as of
3 November 30th, 2014. How many of those stop work
4 orders were rescinded within 24 hours?

5 MICHAEL ALACHA: I, I, I would say the
6 majority of them because the, the, the majority of
7 our work, stop work orders are for construction
8 related on, on, on larger jobs. And contractors
9 tend to re, remedy the, the, the conditions we give
10 them and they want to get back to work because it's
11 a lot of money for them not to get back to work.

12 COUNCIL MEMBER DROMM: So what would be
13 the... [cross-talk] the conditions most often cited
14 in those work orders.

15 PATRICK WHALEY: I'm sorry Council Member
16 excuse me I wanted to clarify something. Good
17 afternoon members of the committee, Chair Williams.
18 My name is Patrick Whaley. I'm the Assistant
19 Commissioner for External Affairs at the Buildings
20 Department. Just to clarify... just receive more
21 specific numbers on the information you're
22 requesting Council Member.

23 COUNCIL MEMBER DROMM: Okay.

24 PATRICK WHALEY: And of the 6,509 stop
25 work orders issued for that 12 month period ending

1
2 November the 20th of this year 586 were first
3 rescinded within the 12, first 24 hours. By first
4 rescinded we mean either it was a partial
5 rescission or a full rescission of that stop work
6 order and then of those 310 were fully rescinded.

7 COUNCIL MEMBER DROMM: And what was the
8 total number on that again?

9 PATRICK WHALEY: The total is 586.

10 COUNCIL MEMBER DROMM: The total number
11 of stop work orders though?

12 PATRICK WHALEY: For that year ending... at
13 the end of November it was 6,509.

14 COUNCIL MEMBER DROMM: So most of them
15 are not being...

16 PATRICK WHALEY: That's correct.

17 COUNCIL MEMBER DROMM: ...rescinded within
18 24 hours. That's contrary to what the other
19 commissioner said right?

20 MICHAEL ALACHA: I thought you asked me
21 if they were you know rescinded in a, in a short
22 period. To rescind in one day is really an
23 exception because they need to send an expediter to
24 tell us that they're ready and we have to send an
25 inspector back to release it. But the majority of

1
2 them will be the next day because we cannot rescind
3 a stop work order without a reinspection. So I
4 apologize... [cross-talk]

5 COUNCIL MEMBER DROMM: So how long does
6 it take to get a stop work, work order up on, on
7 the website?

8 MICHAEL ALACHA: Most, most of them again
9 the same day. However given the circumstances if
10 it's a busy unit or there's other circumstances it
11 might take till the next day. But most of our
12 units, the way it happened is the supervisor and
13 the, the inspector in the field calls the
14 supervisor and they agree that a stop work order
15 should be placed. The supervisor places the stop
16 work order on BIS that same day.

17 COUNCIL MEMBER DROMM: So when you go to
18 BIS and you want to look up to see if a stop work
19 order has been issued you need to put in the
20 community board number, is that correct?

21 MICHAEL ALACHA: No you just need to put
22 the address of the property and as soon as you, the
23 property profile comes up usually if there's a stop
24 work order there's a red banner, very visible. And
25 that indicates a stop work order then you could

1
2 drill down and see when and why and maybe you can
3 go back and see history of other stop work orders.

4 COUNCIL MEMBER DROMM: So who on your
5 staff is responsible to put up those stop work
6 orders?

7 MICHAEL ALACHA: We, we have several
8 units and enforcements and we also have
9 developments. For example if it's a, the scaffold
10 unit and they get a complaint or there's an issue
11 during their proactive inspections and the scaffold
12 poses an unsafe condition the inspector that
13 visually saw the violating conditions will write
14 the violation, will actually post the stop work
15 order after conversing with the supervisor on the
16 building, serve the violations if the respondent is
17 there or post them if, if not. And then same day or
18 the next day that stop work order will be reflected
19 in BIS.

20 COUNCIL MEMBER DROMM: So is the, a
21 function to disaggregate the information available?

22 MICHAEL ALACHA: Based on the testimony
23 not by district council. It, it's by zip code and
24 by community board.

1
2 COUNCIL MEMBER DROMM: Other, and if, so
3 otherwise you have to go through long list of
4 buildings that... [cross-talk] of work orders, stop
5 work orders... [cross-talk]

6 PATRICK WHALEY: ...you have to enter the
7 address into BIS. Currently there is no reporting
8 re-function, function that disaggregates all the
9 stop work orders by zip code, community board, or
10 council district.

11 COUNCIL MEMBER DROMM: Correct.

12 PATRICK WHALEY: What we do have
13 currently is you can pull reports on BIS that
14 provide jobs for specific locations like a zip code
15 or a community board. You would then receive those
16 addresses for jobs and then you can type those
17 addresses into BIS and find out if those specific
18 addresses have stop work orders or I believe
19 actually the report itself would include
20 information on whether or not a stop work order was
21 issued.

22 COUNCIL MEMBER DROMM: So in your
23 testimony part of your opposition to it was that it
24 would place an unfair burden on your office. If
25

1
2 this legislation were to be passed.. would you need
3 additional staff?

4 MICHAEL ALACHA: Yes, yes if we have to
5 achieve it with our current staff we'll definitely
6 be taking our inspectors from doing safety
7 inspections because those are the inspector that
8 can't focus on enforcement of safety.

9 COUNCIL MEMBER DROMM: So how many would
10 you estimate you would need and what would the cost
11 be?

12 MICHAEL ALACHA: I, I, I haven't done the
13 calculations..

14 COUNCIL MEMBER DROMM: But you do feel
15 it's prohibitive?

16 MICHAEL ALACHA: I really don't have an
17 opinion. I would have to also look at some IT
18 related changes. I really didn't go into any
19 calculations.

20 COUNCIL MEMBER DROMM: Often times I
21 think, and the purpose of the legislation is that
22 we need to know immediately what stop orders have
23 been placed on buildings and I think that it's
24 important for the public and for council members,
25 offices to also have that information as readily

1
2 available as possible and that's the purpose of me
3 introducing this legislation again. So I, I, I hope
4 that there's some opportunity to further discuss
5 this with you as we go down the road. Because I
6 know that in 2006 when Senator Avella initially
7 heard this legislation Stephen Kramer who at that
8 time was the senior council to the buildings
9 commissioner testified that the, this, that the
10 function to disaggregate information was not
11 available even though the Department of Buildings
12 did think that it was good idea to do that. And he
13 did testify at that time that with some money and
14 time we think that zip codes could be built in and
15 might be a useful function.

16 MICHAEL ALACHA: And, and we, we feel, we
17 still feel the same way. I think it's a great idea...

18 [cross-talk]

19 COUNCIL MEMBER DROMM: But it's been
20 eight years since that time...

21 MICHAEL ALACHA: Yeah I...

22 COUNCIL MEMBER DROMM: ...and nothing has
23 been done to change that.

24

25

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2 MICHAEL ALACHA: I wasn't aware if there
3 was an effort that was put on the table but I agree
4 with you it should be by council district.

5 PATRICK WHALEY: So we, we currently are
6 able to disaggregate information generally by zip
7 code and by community district, not by council
8 district.

9 COUNCIL MEMBER DROMM: By council
10 district. Okay thank you.

11 CHAIRPERSON WILLIAMS: Thank you Council
12 Member. I just want to be clear I, you, you can now
13 disaggregate by zip code? That is possible...
14 possible function?

15 MICHAEL ALACHA: Yes.

16 PATRICK WHALEY: But not specifically for
17 stop work orders but for, for... through BIS we
18 provide reports that disaggregate information by
19 zip code and by community board district.

20 CHAIRPERSON WILLIAMS: But not stop work
21 orders?

22 PATRICK WHALEY: Not stop work orders.

23 CHAIRPERSON WILLIAMS: Okay so I mean is
24 it just a blanket for, for both of the testimonies...
25 and I, and I actually I'm very sensitive when

1
2 people say it will cost a burden it, or it will
3 cause a burden or it is prohibitive for some part
4 particularly in the, in the HPD testimony but in
5 some of what you're saying it would be good if when
6 you say that there was something that actually
7 backs up like how much it will cost to add this
8 function or how many claim do you think you will
9 have, how many, how much of a cost, what work will
10 be taken away from inspectors. But none of that was
11 really given today so it makes it difficult to
12 accept that. It sounds like more of we don't want
13 to do it for, for some reason as opposed to what
14 actually cause some kind of harm. So hopefully in
15 the future you can come having, had some backup to
16 help us understand what will be prohibitive about
17 what we're suggesting to pass into law. But I know
18 we have a question. Oh just one question from DOB
19 would you recommend that the open violations be
20 limited to certain classes of violations in 346.
21 I'm sorry HPD, HPD for 346 would you recommend that
22 the open violations be limited to certain classes
23 of violations. Because we had all violations
24 included and you said you, you didn't want all
25 violations which I think makes some sense but would

1
2 you want it to be limited or does that really make
3 a difference?

4 JORDAN PRESS: Well I've, I think the
5 premise of our position is that all of this
6 information is available for council members or
7 anyone in the general public to sort and, and, and
8 determine as they like. We simply in the testimony
9 wanted to point out that, that simply saying 50
10 violations doesn't necessarily get to the
11 seriousness of those violations. So I would, I mean
12 our, our, our position is that it, it...

13 CHAIRPERSON WILLIAMS: It's already
14 there?

15 JORDAN PRESS: It's already there.

16 CHAIRPERSON WILLIAMS: You don't see this
17 with all that information there how often would you
18 suggest that we check the website to know if there
19 are buildings in our district that need our
20 attention.

21 JORDAN PRESS: The, I believe the open
22 data is, so violation counts change daily and
23 that's available on HPD online. You can check
24 building by building on a daily basis. The open
25

1
2 data is published monthly. So I would suggest a, a
3 monthly check.

4 CHAIRPERSON WILLIAMS: So it would be
5 easier for us to check monthly to see if we have
6 buildings that are in our district as opposed to
7 you telling us when they come up?

8 JORDAN PRESS: It would... I'm sorry I was
9 processing these... The question again is?

10 CHAIRPERSON WILLIAMS: It's, you, you,
11 you recommend that it's easy for, easier for us as
12 council members to check the website monthly to see
13 if there are buildings in our district as opposed
14 to you letting us know when there are particularly
15 bad buildings in our district?

16 JORDAN PRESS: That's correct.

17 CHAIRPERSON WILLIAMS: Understood.
18 Council Member Torres.

19 COUNCIL MEMBER TORRES: Thank you Mr.
20 Chairperson. Under Intro 526 if an owner were to
21 fail to provide notice or post notice what kind of,
22 I suspect that would be a Class A violation or...

23 JORDAN PRESS: So the, the legislation
24 does not speak to it so...

1
2 MARIO FERRIGNO: I would speculate, which
3 I don't like to do but... [cross-talk]

4 COUNCIL MEMBER TORRES: Fair enough. Well
5 because it since it poses no hazard I imagine a
6 non-hazardous condition. [cross-talk]

7 MARIO FERRIGNO: I, I would, I would
8 agree with that.

9 COUNCIL MEMBER TORRES: Okay. Is, is the
10 inspection... building amenities is that common in
11 the context of PPI inspections, the roof to cellar
12 inspections?

13 MARIO FERRIGNO: If it's not covered in
14 the housing maintenance code then it, it would not
15 be inspected by PPI or, or regular borough
16 inspectors.

17 COUNCIL MEMBER TORRES: Right. And now
18 partly now your, I think your contention is that
19 it's mostly a contractual matter and then in some
20 cases it's a regulatory matter. In those cases in
21 which it's a regulatory matter there are concerns
22 and this is a legal question so you might not be in
23 a position to answer it. Are there concerns about
24 preemption or...

1
2 JORDAN PRESS: I, I wouldn't be able to
3 answer the question.

4 COUNCIL MEMBER TORRES: Okay. I also
5 agree with your criticism about the reporting based
6 on number of code violations. If you had a building
7 that had 3,000 units and had 51 violations that
8 tells me nothing about the safety of the condition
9 so I, I share your concern there. I guess to
10 Council Member Williams' point about the cost that
11 526 would impose on your inspectors, their
12 diversion of time from major violations to these
13 Class A violations, is that a cost that's possible
14 to quantify? I'm not sure how you would do that
15 but...

16 JORDAN PRESS: So I mean one of the
17 difficulties that the Assistant Commissioner is we
18 would, in order to get an estimate we would have
19 to, we would have to have some data on the, the
20 prevalence of amenities in different buildings
21 around the city which is not something that HPD
22 tracks. So I, we, we have no idea of knowing how
23 many treadmills there are in multiple dwellings
24 around the city and what the you know average state
25 of those treadmills operability are.

1
2 COUNCIL MEMBER TORRES: Now to, to the
3 chairman's point of the denial of access to
4 amenities as intended as a form of harassment then,
5 then does that make it still a purely contractual
6 matter or is that a matter that implicates the
7 housing maintenance code?

8 MARIO FERRIGNO: Would be contractual.

9 COUNCIL MEMBER TORRES: Still contractual
10 even though, even in light of I, we've passed
11 legislation prohibiting harassment and I believe we
12 amended the housing maintenance code. So, but that
13 still would have no effect on, on amenities?

14 MARIO FERRIGNO: Again my response
15 concern the amenities themselves and whether or not
16 you know they affect the safety and, and
17 habitability of an apartment or a building. And we
18 believe they don't, and we believe they don't
19 belong in a housing maintenance code.

20 COUNCIL MEMBER TORRES: But there, there
21 were conditions that you know if you have paint
22 chipping off the wall right? I mean that's
23 something that's, that, that constitutes a
24 violation of the housing maintenance but no one
25

1
2 would argue that that's going to undermine the
3 habitability of the apartment.

4 MARIO FERRIGNO: That would depend right,
5 could be a lead paint hazard.

6 COUNCIL MEMBER TORRES: Right well if
7 it's a lead paint yeah that's Class C but if it's a
8 Class A no one's arguing that it's substantially
9 undermining the...

10 MARIO FERRIGNO: But it is a maintenance
11 condition.

12 COUNCIL MEMBER TORRES: Do, do you feel
13 like it's appropriate for the housing maintenance
14 code to address harassment if, if the denial of
15 recreational, I guess access to these amenities is
16 intended as a form of harassment. Because that
17 would strike me as a matter that's appropriate for
18 the housing maintenance code.

19 JORDAN PRESS: I, I think that's a, a
20 conversation we should have that... [cross-talk] it,
21 it's not something we're prepared to speak on at
22 this time but be happy to continue that
23 conversation.

24 COUNCIL MEMBER TORRES: Okay but I do
25 share your concerns. I mean if you feel that this

1
2 would divert time and energy away from then that's
3 something that we should not take lightly so..
4 because I know HPD has limited resources and almost
5 all of your funding, if not all of your funding is
6 dependent on federal funding. And given the
7 political climate in Washington there's no telling
8 what budget cuts we'll have, what implications
9 we'll have for housing code enforcement so.. You
10 know we have the best system in the world and I
11 want to be careful not to, to undermine it in any
12 way. So I share those concerns.

13 MARIO FERRIGNO: Thank you.

14 COUNCIL MEMBER TORRES: Thank you Mr.
15 Chairman.

16 CHAIRPERSON WILLIAMS: No problem. Just
17 back to one thing that Council Member Torres said.
18 What, what in your opinion... you said that the paint
19 issue is maintenance and why would the laundry room
20 not be maintenance?

21 MARIO FERRIGNO: Again it's covered we
22 believe through a lease which is a contract between
23 the tenant and the land lord. Maintenance and main,
24 maintaining heat and hot water is clearly a
25

1
2 maintenance issue covered in the housing.. [cross-
3 talk]

4 CHAIRPERSON WILLIAMS: I was talking
5 about the paint, the paint issue, the chipping
6 paint.

7 MARIO FERRIGNO: Right, peeling paint
8 which, which often times is the result of leaks
9 which is something also that we you know we cover
10 in the housing maintenance code. These are
11 maintenance conditions..

12 CHAIRPERSON WILLIAMS: But even if it's
13 not connected to a leak it would be something you
14 have to follow up on as a Class A. But, but even if
15 the paint was leading to a leak like we're seeing
16 here the amenity could be leading to harassment.

17 MARIO FERRIGNO: Again you know as it
18 stands now these are not issues that are covered in
19 housing maintenance code. And that's not..

20 CHAIRPERSON WILLIAMS: That's what we're
21 trying to change.

22 JORDAN PRESS: I would also say I, I
23 think that if your interest is particularly around
24 laundry rooms that that, and, and which I would
25 understand. I would be very upset if my laundry

1
2 room was not available. I think, I think that's a
3 conversation we should have about how that gets
4 addressed.

5 CHAIRPERSON WILLIAMS: It's too... I mean
6 it's, I definitely want to focus on the amenities
7 but I guess people would normally think if this
8 makes sense we do also want to look at harassment
9 issues even if it is something like a billiard it
10 seems, it is kind of in the grand schemes of things
11 not the biggest issue but if it's being used as a
12 form of harassment to tenant is something that we,
13 we should look at. And again going the route that
14 you mentioned, going through housing court the
15 quote unquote blacklist becomes an issue as well
16 whether or not a tenant is correct or not they are
17 put into a position where they are now demonized
18 and unable to find apartments. So we have to think
19 about that as well as we move forward. Now and to
20 the issue that Council Member mentioned about
21 obviously the way 346 is written I think there
22 could be some, some ways to frame it... frame such
23 finer trigger that would alert us that there is a
24 problem in the building. So obviously 50 A
25 violations don't mean anything and 50 violations in

1
2 a 5,000 unit building doesn't mean anything. But I
3 think there is something that can be triggered to
4 help us figure out that there's a problem building.
5 And I, I personally think if we find the correct
6 trigger point it, it would be better for HPD to
7 inform the council members as opposed to the
8 council members checking every month. This, we have
9 the agencies there so it's difficult to check every
10 agency website on every issue monthly as opposed to
11 that agency alerting us to when there's a problem
12 in the district. So I disagree with your answer to
13 the question the first time. Council Member
14 Rosenthal.

15 COUNCIL MEMBER ROSENTHAL: Thank you very
16 much Chair. I appreciate that. Couple of just... If
17 you could walk me through again on bill, I think
18 it's 346... hang on, no sorry 252. You were saying...
19 sorry 252 right. You were saying that... if you could
20 just explain to me again that you do have
21 information aggregated by zip code and community
22 district but somehow you do that for some issues
23 but not for stop work orders? Could you explain
24 that again? Or were you saying that you can have it
25 for stop work orders?

1
2 MICHAEL ALACHA: Well the, the stop work
3 orders you have to go to the individual property
4 profile. You, that's, that's all I know. If you,
5 our system, our BIS system may be capable to query
6 a group based on zip code will give you maybe a
7 list and certain zip code then someone has to take
8 that list and individually go to each address to
9 see this stop work order.

10 COUNCIL MEMBER ROSENTHAL: Sorry asking a
11 different question. So you could aggregate, just
12 very simply could you aggregate by zip code and by
13 stop work, by community district and send that
14 information to the corresponding community board
15 council member on a regular basis?

16 PATRICK WHALEY: I think what we're
17 trying to get at is given the, the volume of stop
18 work orders that deal with...

19 COUNCIL MEMBER ROSENTHAL: 6,500.

20 PATRICK WHALEY: Yeah 6,500 in a given
21 year. That would be a challenge to aggregate all
22 that in the same matter that we do for other
23 things.

24

25

1
2 COUNCIL MEMBER ROSENTHAL: Like give me
3 an example where you do do it? So an, what, where
4 is it where you do aggregate the data?

5 PATRICK WHALEY: I think, I can't really
6 frankly give you a specific example but I can tell
7 you that there is currently for sure a wealth of
8 information on the department's website that we do
9 provide information based on zip code and community
10 district. So I guess you know property profiles so
11 you can find out jobs specific permit applications
12 and filings that are existing for specific in
13 specific community districts or specific zip codes
14 so I suppose that would be an example.

15 COUNCIL MEMBER ROSENTHAL: So why would
16 it, I mean isn't it, isn't that just a simple
17 change in the code for... [cross-talk]

18 PATRICK WHALEY: Not necessarily because...
19 Something like a stop work order isn't as static as
20 say just a, a permit that was pulled. Stop work
21 orders can be issued any time of the day and they
22 could potentially be rescinded partially or fully
23 within several hours later.

24 COUNCIL MEMBER ROSENTHAL: Sure.

1
2 PATRICK WHALEY: So that makes it a
3 little bit more of a challenge.

4 COUNCIL MEMBER ROSENTHAL: Except that if
5 you can aggregate the information let's pretend for
6 a second on a monthly basis or whenever, you know
7 updated as of certain date wouldn't anyone look at
8 it... you know that's just a foot note. As you are
9 aware if you're looking at a specific property now
10 go to that specific property it may have changed in
11 the last 15 minutes.

12 PATRICK WHALEY: I think aggregating this
13 information monthly would certainly be an easier
14 task than doing it immediately as the bill
15 requires.

16 COUNCIL MEMBER ROSENTHAL: Right but
17 wouldn't... I guess I'm saying you know sort of my de
18 minimus understanding of how IT and code works
19 that's the kind of thing where... okay let's set
20 aside monthly and say okay monthly it's not
21 difficult to do, so we know we can do that without
22 much problems, any problems, any additional
23 workforce needed. It's just a code change. So as
24 for doing it in a dynamic way... okay I, I don't
25 understand why IT couldn't... [cross-talk]

1
2 PATRICK WHALEY: I hear you. Not, not
3 being an IT person it's difficult for me to be
4 specific about it as well but I would say there's a
5 big difference between providing a monthly report
6 for say for community districts and zip codes for
7 stop work orders as opposed to doing it
8 immediately. There's certainly a much larger
9 resource challenge in doing that.

10 COUNCIL MEMBER ROSENTHAL: So forgive me
11 for not, I'm not sure I agree with you on that. I'd
12 want to hear from an IT person. But are there other
13 things that you do in a dynamic fashion where you
14 update it, it gets entrant, you know automatically
15 updated as something changes?

16 PATRICK WHALEY: Well stop work orders
17 are updated to our web daily just not in the manner
18 that the bill is requesting.

19 COUNCIL MEMBER ROSENTHAL: No I'm saying
20 are there other things that are aggregated on the,
21 on the, up, constant basis where the IT program is
22 dynamic, capable of capturing.. [cross-talk]

23 PATRICK WHALEY: I don't think there's
24 anything that does so daily. I think we do have
25 reports that would aggregate weekly and monthly. We

1
2 have several of those reports but in terms of the
3 daily report I don't believe we have anything like
4 that.

5 COUNCIL MEMBER ROSENTHAL: Okay so it
6 sounds like you could do it weekly or monthly
7 anyway you know with, without any additional cost.

8 PATRICK WHALEY: It would certainly be
9 less of a challenger for sure. I, I can't sit here
10 and say definitely if that's the case.

11 COUNCIL MEMBER ROSENTHAL: Okay.

12 PATRICK WHALEY: But given that we do
13 update things weekly... [cross-talk]

14 COUNCIL MEMBER ROSENTHAL: Yeah.

15 PATRICK WHALEY: ...monthly... [cross-talk]

16 COUNCIL MEMBER ROSENTHAL: Seems like a...
17 [cross-talk]

18 PATRICK WHALEY: ...for other types of...
19 [cross-talk]

20 COUNCIL MEMBER ROSENTHAL: ...no brainer.

21 PATRICK WHALEY: Certainly, certainly
22 possible...

23 COUNCIL MEMBER ROSENTHAL: Thank you very
24 much. Thank you Chair.

1
2 CHAIRPERSON WILLIAMS: Thank you. Now
3 Council Member Dromm you have final question?

4 COUNCIL MEMBER DROMM: So how many... on an
5 average maybe stop work orders would be in each
6 council district at any given time?

7 MICHAEL ALACHA: Oh I, I have no idea
8 because I would have to look at the total of, map
9 it out.

10 COUNCIL MEMBER DROMM: So that's kind of
11 going to my point which is that I as a council
12 member also don't have any idea unless I can
13 aggregate it by council district to know if, if, if
14 I pass a building that I suspect may be in
15 violation of a work order or may have some type of
16 emergency situation going on I'd have to you know
17 guess and know the address in order to look it up
18 to then find out if in fact there's a stop work
19 order on it. There's no way for me to check on a
20 regular basis the addresses in my district that
21 have stop work orders and then the current status
22 of them.

23 PATRICK WHALEY: So currently if you had
24 the address obviously you could...

1
2 COUNCIL MEMBER DROMM: Only if I have the
3 address though.

4 PATRICK WHALEY: Yes, correct. Apart from
5 that you can also get reports of permit
6 applications, of jobs disaggregated by community
7 district not council district or zip code. And with
8 that list of jobs you could then check to see if
9 any of those jobs have stop work orders issued on
10 them. It's a bit more of a work around but it,
11 it's, it's doable.

12 COUNCIL MEMBER DROMM: And, and the bit
13 of the more work around is part of the issue as
14 well because often times and, you know I, I, I like
15 to go back and at some point discuss with you the
16 numbers because we got two different versions of
17 that as well. It's, it's the immediacy of the need
18 to know when those stop orders are taking effect
19 that an prevent dangerous things or building
20 disasters from happening and that's why I still do
21 believe that this legislation is necessary. Thank
22 you.

23 CHAIRPERSON WILLIAMS: Thank you Council
24 Member. Thank you very much. One second sorry.
25 Thank you very much for testimony. I look forward

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2 to talking about this bill in particular see if we
3 can find a kind of ground where we can get what we
4 need without the onerous things that you believe
5 may happen and see if we can find a way to address
6 all the concerns. Thank you so much for testimony,
7 thanks for coming in. Next we have Rebecca Sheehan
8 from Senator Avella. So the, we have after that
9 about four more people slated to testify. I'm going
10 to do something very scary and not put anyone on a
11 clock. But I reserve the right, if people with
12 great power do not have great responsibility with
13 their power go overboard. So please be considerate
14 when you're giving your testimony. Thank you. Can
15 you please raise your right hand?

16 REBECCA SHEEHAN: Yes.

17 CHAIRPERSON WILLIAMS: Do you swear or
18 affirm to tell the truth, the whole truth, and
19 nothing but the truth in your testimony before this
20 committee and to respond honestly to Council Member
21 questions?

22 REBECCA SHEEHAN: I do.

23 CHAIRPERSON WILLIAMS: Thank you. You can
24 begin.

25

1
2 REBECCA SHEEHAN: Thank you. Hi, good
3 afternoon Chair Williams. My name is Rebecca
4 Sheehan. I'm Counsel to New York State Senator Tony
5 Avella. Senator Avella had planned on being here
6 today to read his testimony himself but
7 unfortunately was unable to join you today so he's
8 asked me to come and read his testimony into the
9 record. I would like to thank Council Member Dromm
10 for introducing this legislation and Chair Williams
11 for allowing my staff to testify before you today.
12 As a city council member in 2006 I introduced
13 similar legislation that called upon the Department
14 of Buildings to make information about stop work
15 orders more readily accessible to the public. The
16 framework of that legislation is included in
17 Council Member Dromm's Into 252 which simply
18 requires the Department of Buildings to provide a
19 list of addresses disaggregated by zip code and
20 then disaggregated by community and council
21 district where a stop work order has been issued
22 and the day when such order was issued. The problem
23 that existed in 2006 still exists today. Concerned
24 residents must still navigate the labyrinth of the
25 Department of Building's website in order to

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2 determine if a stop work order has been issued in
3 order to alert the department to illegal work if it
4 is indeed occurring. The current system of
5 organizing website information based solely on
6 address, block and lot, and community board creates
7 unnecessary delays in getting this information and
8 requires one to search through hundreds of
9 addresses, listings at a time. The lack of timely
10 notification of stop work orders leads to an
11 inability to properly enforce them and allows
12 illegal work to go on unfettered for days at a
13 time. As I stated in the October 2006 committee
14 hearing it is the lack of timely notification that
15 not only leads to confusion but may lead to
16 developers getting away with something for a couple
17 of days possibly endangering workers or others in
18 the immediate area of construction or allowing a
19 potentially dangerous construction project to get
20 closer to completion. On October 30th, 2006 the
21 Housing and Buildings Committee held a hearing to
22 consider several stop work order related
23 initiatives including my bill Intro 43 of 2006
24 which included the provisions for required website
25 information. During this hearing Stephen Kramer

1 Senior Counsel to the Buildings Commissioner
2 testified that quote the function to disaggregate
3 information was not available even though the
4 Department of Buildings did think that it's a good
5 idea to do that. Mr. Kramer also testified that
6 with some money and time that we think that zip
7 codes could be built in and might be a useful
8 function. I recently searched the Department of
9 Buildings website to see what changes have been
10 made since this hearing in 2006. Unfortunately it
11 does not appear to be much. There is a link to
12 quote "Building my Block" which still only allows
13 you to search by community board and still fails to
14 provide a direct search for stop work orders.
15 Instead I was forced to search through page after
16 page of separate listings from new buildings, major
17 alterations, and enlargements, minor enlargements,
18 and full demolitions through multiple community
19 board districts since I like many residents am not
20 sure where the exact community board lines fall
21 within my, within a certain neighborhood. I suggest
22 that after eight years there should certainly have
23 been enough time and enough money to make this
24 simple programming change to the BIS system which
25

1
2 will have a direct impact on the city's ability to
3 stop at legal construction from occurring.

4 CHAIRPERSON WILLIAMS: Thank you Ms.
5 Sheehan for the testimony. Just real quick are you
6 hear for both DOB or HPD or just DOB? Did you have
7 anything in the testimony that was particularly
8 persuasive?

9 REBECCA SHEEHAN: Well again I mean as
10 Senator Avella's representative here today I, I
11 think he would probably have some, some questions.
12 I think Council Member Dromm addressed quite a few
13 of them. And, and I believe that Council Member
14 Rosenthal raised an important issue. I think
15 Senator Avella believed back eight years ago that
16 this was a, a simple programming change. And while
17 that may require some upfront cost to make that,
18 that programming change. It certainly would pay for
19 itself and certainly would have paid for itself a
20 long time ago. And there being much better ability
21 to enforce stop work orders and if that may have
22 resulted in violations you know that were due in
23 owing to the city you know it could have paid for
24 itself and, and possibly stopped you know some
25 illegal construction from occurring. And I think he

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2 would also argue that you know although there are
3 you know over 6,000 stop work orders per year when
4 you break that down even if you just did it you
5 know by week you'd be talking about somewhere
6 around 125 stop work orders a week. Divide that by
7 five days it doesn't seem to be that much of an
8 onerous cost that would require that much hiring of
9 additional staff. And again I think he would
10 believe that this could be a programming change.
11 And then council members or anyone else in the
12 public could quickly just do a quick search and get
13 a list of those buildings in their districts you
14 know that may be in, in a situation where they had
15 a stop work order issued or rescinded. And it, and
16 just one final thought. If I remember correctly in
17 reading the testimony the transcript from back then
18 I think Mr. Kramer had said something to the effect
19 that you know I don't want to misquote him but you
20 know he seemed to believe that it was a programming
21 change as well that would, that would and could be
22 looked into and that was an agreement that
23 something like that would have been done and, and
24 that has not.

25

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2 CHAIRPERSON WILLIAMS: Thank you very
3 much.

4 REBECCA SHEEHAN: Thank you.

5 CHAIRPERSON WILLIAMS: And most of us
6 agree with what you're saying. So thank you. Andrew
7 Hoffman from CHIP, Ryan Baxter from REBNY I'm sure
8 REBNY will be testing in favor of all of these
9 pieces of legislation.

10 ANDREW HOFFMAN: My name is Andrew
11 Hoffman... [cross-talk]

12 CHAIRPERSON WILLIAMS: Oh wait a second.
13 Can you both raise your right hand please. Do you
14 swear or affirm to tell the truth, the whole truth,
15 and nothing but the truth in your testimony before
16 this committee and to respond honestly to council
17 members questions?

18 [combined affirmations]

19 CHAIRPERSON WILLIAMS: Thank you. You can
20 begin at your...

21 ANDREW HOFFMAN: My name is Andrew
22 Hoffman. I am the vice chairman of the Community
23 Housing Improvement Program which is CHIP, it's a
24 trade association representing 25 hundred building
25 owners in the city's five boroughs founded in 1966.

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2 CHIP's been a key player in city and state housing
3 policy for over 40 years. I come here today to
4 speak in opposition of Intro 526 amending the city
5 code as it concerns notice requirements for
6 building amenities. While I understand and agree
7 residents of apartment buildings deserve notice of
8 major building service upgrades repair I don't
9 think additional legislation amending the
10 administrative code is necessary for these
11 situations. In an industry that's already highly
12 regulated sometimes we joke only second to the
13 nuclear energy industry I don't think we need any
14 additional regulations. I believe it's redundant,
15 confusing, and begins a march down a slippery slope
16 of additional unnecessary rules and accompanying
17 penalties that this legislation promises by
18 directing HPD to promulgate these notice
19 requirements. I think the most glaring problem with
20 this piece of legislation is the grouping of
21 required services with de minimus services as
22 defined by the New York state homes and community
23 renewal. According to the DHCR fact sheet number
24 three required services are services such as heat,
25 hot water, cold water, maintenance, painting,

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2 janitorial service, and elevator service. And under
3 the rent stabilization code an owner must generally
4 maintain all services required by the RSL on the
5 base states of May 31st, 1968 or May 29th, '74
6 depending upon when the building was built. The
7 agency also sets forth mechanics on how these
8 required services, how penalties are set up for
9 these required services we could put up notices all
10 day long but residents still have the right to
11 required services and will have a rent reduction if
12 we don't give required services. The fact sheet
13 also goes on to speak about de minimus services and
14 it's also specified in fact sheet 37 of the DHCR.
15 Certain conditions complained of constitute a
16 decrease in required service may have only a
17 minimal impact on tenants and do not affect the use
18 and enjoyment of the premise. And then fact sheet
19 37 discusses a list of schedule of de minimus
20 items. This schedule, and I'm quoting now, this
21 schedule is not intended to be inclusive or
22 determination of all cases or circumstances. Then
23 it goes on to list, and I won't read them all but
24 I'll just highlight a few, air conditioning,
25 canopies in buildings, carpeting, clotheslines,

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2 waxing of floors, landscaping, items in the lobby
3 and hallway such as fresh cut flowers and removal
4 of fireplaces and modification of furniture and
5 recreational facilities such as sunbathing on the
6 roof. These all are classified as de minimus in
7 nature and do not constitute any reduction in
8 service. And if an owner would re, remove those
9 services from the list of services that they are
10 providing to residents there would be no
11 commensurate rent reduction. We should also note
12 that this list is a few years old and I think
13 everyone in this room could agree that a failure to
14 maintain a ping pong, foosball, or air hokey table
15 would be defined as de minimus. The fact that this
16 piece of legislation groups together these two
17 different types of services places an unnecessary
18 importance on these minor building issues and
19 therefore should be excluded from this discussion.
20 Many property owners already notify residents of
21 major building service updates in the normal course
22 of managing a building. But there are many unknowns
23 as far as when the work is going to be done. And a
24 requirement of a two week notice above and beyond
25 the normal notices that we put under peoples' doors

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2 or put in the elevator would be burdensome. This
3 bill only adds additional confusion and will not
4 address the harassment issues that I heard
5 discussed today and I request no further action on
6 this bill be taken. Thank you.

7 RYAN BAXTER: Good afternoon Chairperson
8 Williams and members of the Committee on Housing
9 and Buildings. My name is Ryan Baxter and I'm the
10 senior policy analyst for the Real Estate Board of
11 New York. The Real Estate Board of New York
12 representing over 16 thousand owners, developers,
13 managers, and brokers of real property in New York
14 City thanks you for the opportunity to testify
15 regarding the proposed changes to the
16 administrative code. We also appreciate that the
17 city council has been proactive in seeking our
18 comments and collaborating with building owners. We
19 have been actively engaged in discussions with our
20 membership to help ensure that the proposed
21 regulations efficiently and effectively meet the
22 goals of the, that these bills try to accomplish.
23 While we support the intent of the proposals we
24 have a few concerns with two of the three on
25 today's agenda. In regards to Intro number 252, the

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2 online publication of information relating to stop
3 work orders issued by the DOB, we are concerned
4 about unnecessary delays in the rescission of stop
5 work orders if the department need, post the
6 information on the appropriate website prior to
7 issuing the rescission. We ask that the bill be
8 revised in order to clarify whether or not the
9 levity of rescissions of the stop work orders are
10 dependent upon the proposed posting requirement. In
11 regards to Intro number 526 requiring multiple
12 dwelling, excuse me multiple dwelling owners to
13 provide notice to their tenants prior to
14 temporarily or permanently making building
15 amenities unavailable, we appreciate the need for
16 consistent and reliable communication between
17 landlords and tenants regarding service outages
18 however we suggest that an emergency basis be
19 defined by the reasonable judgment of the landlord.
20 At the very least the bill and department rules
21 need to explicitly exclude all work conducted on an
22 urgent primitive basis to investigate possible
23 emergencies. Finally all penalties and violations
24 associated with the proposal should be clearly
25 stated within the bill to avoid unnecessary

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2 confusion. We believe that effective legislation
3 can be crafted to achieve the council's goals while
4 addressing the operational concerns listed above
5 and we look forward to working to that end with the
6 council. Thank you again for the opportunity to
7 comment.

8 CHAIRPERSON WILLIAMS: Thank you very
9 much. Mr. Hoffman you said quite a lot. I wanted to
10 go back to your saying that these legislation,
11 particular 526, was redundant. What about it is
12 redundant?

13 ANDREW HOFFMAN: I, I said, asking us to
14 post a notice for some of these... if, if in this
15 conversation we have, we put, we put required
16 service and de minimus on two different, you know
17 two different playing fields, we already notify our
18 tenants if I'm going to do a major elevator
19 renovation or I'm putting a new boiler in.

20 CHAIRPERSON WILLIAMS: You do that
21 because you have to?

22 ANDREW HOFFMAN: No I do that because
23 it's the proper thing to do...

24 CHAIRPERSON WILLIAMS: I see.
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2 ANDREW HOFFMAN: ...as an owner and that's
3 the way that we as an industry have been doing that
4 for as long as I've been working there which is a
5 long time.

6 CHAIRPERSON WILLIAMS: But redundant
7 would indicate there's already a law that does what
8 we're trying to do.

9 ANDREW HOFFMAN: I'm, I wasn't suggesting
10 that.

11 CHAIRPERSON WILLIAMS: Oh I see. That's
12 what I wanted to clarify. And then fact sheet 37
13 that you brought up talking about de minimus is
14 interesting because there are a lot of de minimus
15 things here and one might have thought that many of
16 things that you mentioned were completely de
17 minimus.

18 ANDREW HOFFMAN: Yeah I think, I think
19 fact sheet 37 is about 15 years old.

20 CHAIRPERSON WILLIAMS: Well we were
21 talking about things like treadmills and, and
22 billiard bills it's... [cross-talk] to recreational
23 facilities... [cross-talk]

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2 ANDREW HOFFMAN: ...I don't think that
3 stuff in residential apartment buildings was very
4 popular back then.

5 CHAIRPERSON WILLIAMS: Well, and
6 according to fact sheet 37 it says under
7 recreational facilities modifications such as
8 reasonable substitution of equipment combination of
9 areas or reduction in the number of items of
10 certain equipment where overall facilities are
11 maintained. So that means if the facility is not
12 maintained it is not de minimus.

13 ANDREW HOFFMAN: Correct.

14 CHAIRPERSON WILLIAMS: Okay so you read a
15 list of things as if you were saying the thing
16 itself was de minimus but that wasn't accurate.
17 There was a little, there was... [cross-talk]

18 ANDREW HOFFMAN: I didn't, I didn't say.
19 I didn't, I excluded that from my... [cross-talk]

20 CHAIRPERSON WILLIAMS: I got you. But the
21 way a lot of it was read was to make it seem as
22 everything we mentioned were de minimus but it's
23 not. There is quite a list here. And not all of it
24 means that the, the, the heading is completely de
25 minimus but they have different subsets that

1 explain which might be minimum and which might,
2 which might not be. You also mentioned air
3 condition but it seems like that was only in
4 building wide not necessarily in apartments. So I
5 just wanted to clarify that there's some things I
6 said we, we may have mixed up by, probably not
7 intentionally, but mixed up none the less so. I
8 think there were some things that we still would
9 want to cover because it's not minimum and it's
10 actually not redundant. And so if you already
11 posing the bill probably wouldn't affect you
12 because you're already doing it.

14 ANDREW HOFFMAN: The, there's a few
15 issues. First of all it's two weeks is extremely
16 problematic. We don't know many times if we're
17 going to be doing this work two weeks prior to when
18 we're doing it. You know what there, there, there's
19 scheduled work, there's emergency work, and then
20 there's some place in between. And the some place
21 in between is what really concerns us. You know
22 what emergency owners could declassify everything
23 as an emergency and I don't think good owners want
24 to do that to get out of the, whatever, whatever
25 concept there is as far as this bill is concerned.

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2 But what happens if my laundry room, I have
3 problems in the laundry room, and I need to shut it
4 down and fix it and I'm doing that on three or four
5 days' notice. It's not, it's not emergency but I
6 want to get it done. So what should I do? I should
7 wait the two weeks and leave the laundry room in a,
8 in a half fashion for the two weeks until I post a
9 notice and then give myself the two weeks until
10 everybody knows that it's going to get shut down on
11 that day? I don't see that as a workable formula in
12 operating residential real estate.

13 CHAIRPERSON WILLIAMS: So legitimate
14 question is about timing, how much time, what
15 constitutes as an emergency is different than
16 questioning whether this is necessary or pretending
17 that everything that we mentioned was de minimus.
18 Those are two different conversations.

19 ANDREW HOFFMAN: I, I certainly would
20 have a conversation concerning required services
21 but I really think we need to draw the line on de
22 minimus services.

23 CHAIRPERSON WILLIAMS: Except what you
24 define as de minimus was not actually accurate
25 portrayal of what's on fact sheet 37. [cross-talk]

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2 ANDREW HOFFMAN: I think, I think we can
3 sit down, I think we can talk about the fact that a
4 ping pong table not being available... [cross-talk]

5 CHAIRPERSON WILLIAMS: I'm just repeating
6 what you said in the way you tried to indicate it.
7 And I read what the fact sheet says and I'm very
8 familiar with the fact sheets of HCR having been a
9 tenant organizer so I made sure I pulled it up just
10 to make sure what I was seeing was accurate. But... I
11 just want to... [cross-talk]

12 ANDREW HOFFMAN: I edited, I edited my
13 testimony on the fly... I crossed out some of the
14 stuff.

15 CHAIRPERSON WILLIAMS: I just want to
16 make sure that we're having conversations on things
17 that are actually legitimate concerns and I think
18 it is legitimate to mention what is an emergency,
19 making sure that we have the timing right. Some
20 things may be de minimus, some things may not. I
21 would also add that even the ones that may be
22 considered de minimus can be and still are used as
23 harassment in which we are still concerned about
24 that.

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2 ANDREW HOFFMAN: And so are we. And that
3 is completely separate issue...

4 CHAIRPERSON WILLIAMS: Sure.

5 ANDREW HOFFMAN: ...than a two week notice
6 requirement. Unfortunately the two week notice
7 requirement is not going to solve any harassment
8 issues. So what the tenant's going to have a copy
9 of something and show that for every two weeks we
10 shut the, you know we shut the billiards down to,
11 to harass them because they have an event scheduled
12 in the building? You know what...

13 CHAIRPERSON WILLIAMS: I think that
14 sounds good actually.

15 ANDREW HOFFMAN: CHIP, CHIP, CHIP is,
16 CHIP is... [cross-talk]

17 CHAIRPERSON WILLIAMS: ...actually provide
18 evidence of harassment.

19 ANDREW HOFFMAN: You know what, that's
20 not going to work.

21 CHAIRPERSON WILLIAMS: Okay.

22 ANDREW HOFFMAN: Alright because the
23 people, you, we both know that the owners truly
24 harassing somebody by taking away a ping pong table
25

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2 are not going to post that notice alright. We both
3 know that. There are extremely... [cross-talk]

4 CHAIRPERSON WILLIAMS: I was just saying...
5 description you described was great so...

6 ANDREW HOFFMAN: It's not going to
7 happen, you both, you and I both know it's not
8 going to happen. There are extremely strong
9 harassment laws on the books. City Council just
10 amended them to make them even stronger and CHIP is
11 firmly, firmly committed to make sure that tenants
12 don't get harassed. And this bill is not going to
13 it.

14 CHAIRPERSON WILLIAMS: Okay thank you
15 both very much for your testimony.

16 RYAN BAXTER: Thank you.

17 CHAIRPERSON WILLIAMS: Last, certainly
18 not least, John Furlong from ANHD and Kelly Glenn
19 from the Urban Justice Center, come on down.
20 Thanks. Can you please both raise your right hand?
21 Do you swear or affirm to tell the truth, the whole
22 truth, and nothing but the truth in your testimony
23 before this committee and to respond honestly to
24 council member questions?

25 JOHN FURLONG: We do.

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KELLY GLENN: I do.

CHAIRPERSON WILLIAMS: You can begin
whichever way you would like to.

KELLY GLENN: Okay I'll start. Good
afternoon committee and thank you for the
opportunity to testify. I'm Kelly Glenn from the
Community Development Project at the Urban Justice
Center. I'm a housing paralegal and development
coordinator. I'm going to summarize the, the
written testimony that you have before you and then
also add on some things to address testimony that's
already been given. No, I'll try not to be. Yeah.
So you know a lot of the members of the committee
are familiar with our work, we partner with
community based organizations, provide legal
assistance, and other kinds of assistance in a
variety of areas to low income New Yorkers and
housing is one of our, our biggest practice areas.
So we're here to voice support for all three of the
initiatives proposed. And to start with Bill 252 we
do not believe that it would be, that it would
create a burden for the Department of Buildings.
It's not asking the Department of Buildings to
collect additional information but rather making

1 existing information more accessible as you know.
2 And so we, we support that. We think it'll help
3 reduce individual request for information through
4 3-1-1 by making that information online more
5 accessible and raising awareness of community
6 organizations and community leaders that we support
7 and empowering them to further help tenants
8 understand their rights. Also hopefully deterring
9 you know contractors who may be more inclined to,
10 to violate stop work orders by helping them to see
11 that that information is going to be more public
12 and more accessible and therefore easily enforced.
13 For bill 346 I apologize that my testimony
14 incorrectly wrote DOB, it should be HPD I realized.
15 But we are support, in support of the idea that HPD
16 would notify council members of violations and I, I
17 do agree that it should be in proportion to the
18 building size, that there should be some sort of
19 accommodation for that so that owners of very large
20 buildings aren't able to, that they're held more
21 accountable to, to having those, those violation.
22 And we think that it will help US Council Members
23 to more effectively represent your constituents. I
24 do appreciate the testimony of the Department of
25

1
2 Buildings and HPD regarding their concerns for, for
3 those bills. In response to Bill, to Initiative 526
4 we, from what we see we're not very concerned with
5 the issues of you know billiard tables and ping
6 pong tables and things because the tenants that we
7 organize are generally low income and the tenant,
8 the services that they're deprived of are things
9 like washing machines or building's front doors not
10 locking, things that really are matters of health
11 and safety as I think you are more concerned about
12 as well. And so I'm not going to speak as much to
13 de minimus conditions but because I believe that
14 most of the conditions that, that affect tenants in
15 the city are, are more serious than that. But we do
16 support the idea that landlords would provide
17 residents with, with that notice that it would help
18 residents to plan more when they're going to need
19 to expect an outage of a service and uh I think it
20 does make sense that given that DHCR does have
21 jurisdiction over rent reductions based on
22 decreased services that that's something that DHCR
23 might choose to get more involved in rather than or
24 in addition to HPD and that it would help tenants
25 to realize that it, it's not, even if landlords

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2 give them notice that a required service is going
3 to be out if that's a, if that becomes permanently
4 unavailable that tenants still have the right to a
5 rent reduction regardless if they were advised of
6 the service outage or not. And that they have the
7 right to, to those services if they're going to be
8 paying the rent that they pay. We also think it
9 would help reduce 3-1-1 calls if tenants are, are
10 advised that you know the water will be out for,
11 for an afternoon. And generally just that, that
12 these bills will not cause undue burdens on the
13 city agencies that it will empower the council and
14 the community organizations to help tenants more.
15 And we look forward to working with you in, in
16 hopefully executing these, these initiatives and
17 helping to continue to protect tenants' rights. So
18 thank you for the opportunity to testify.

19 JOHNATHAN FURLONG: Good afternoon. Thank
20 you Chairman Williams and members of the committee
21 to, for the opportunity to testify today. My name
22 is Johnathan Furlong. I'm the Senior Tenant
23 Organizer for the Association for Neighborhood and
24 Housing Development, ANHD. We are a membership
25 organization of housing and economic development of

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2 group CDCs affordable housing developers and
3 supportive housing providers. I am also going to
4 summarize my testimony. We would like to comment on
5 both bills, two bills rather, Intro 526 and 346.
6 ANHD believes that these are common sense
7 approaches to making building conditions more
8 transparent and we would like to express our
9 support for both. You know in, in some despite our
10 believe that folks have you know a right to...
11 affordable housing that's really not the case here
12 in New York City. Thousands of tenants across the
13 boroughs who live in substandard conditions often
14 face a reduction or a secession of amenities with
15 little or no notice at all. Speaking you know very
16 specifically I used to be a tenant organizer at the
17 Bradbury [sp?] Community Council, one of ANHD's
18 member groups and often times I would you know
19 working in a number of project based Section 8
20 buildings in Brooklyn have instances where
21 elevators would go out of service for long periods
22 of time. Intercoms would go out at that same time.
23 And you had a great many number of sort of elderly
24 tenants that were completely sort of trapped in
25 their own apartments. So passage of 526 Chairman

1 Williams would really give tenants adequate notice
2 and, and time to sort of plan for these things if
3 they had friends or family that could sort of look
4 in on them and make sure that things were okay that
5 would be you know if a real sort of positive
6 outcome for tenants. In other buildings that
7 organized in tenants where they were sort of active
8 engaged tenant accusations another thing that would
9 sort of routinely happen would, that management
10 and, and landlords would close up a community room
11 which is another such amenity that I think has kind
12 of real consequence with little or no notice. And
13 so those tenants associations that were sort of
14 planning on kind of having organizing activities or
15 meetings or events would have to find another
16 space. I don't, speaking in response to the
17 gentleman from CHP I don't agree that many
18 landlords give adequate notice. I mean I'm sure
19 many probably do but a great many more do not when,
20 when things are going to go offline or, or have
21 repairs so I think that transparency in this case
22 is, is, is of the essence. ANHD would also like to
23 voice its support for Intro 346. We've also, we've
24 always been steadfast in sort of helping our
25

1 membership groups you know do really active work
2 and improving conditions, building conditions in
3 their sort of catchment areas. We believe that the
4 council having a more comprehensive knowledge of
5 buildings in a particular district that have very
6 serious physical distress allows for more
7 collaboration with those member groups and you know
8 their elected officials. And you know while we're
9 sort of fully supportive of this bill we would like
10 to recommend that, and this has been said already,
11 that the agency really, HPD really look at
12 buildings that have say for example more than five
13 code violations per unit. So really looking at the,
14 you know looking at the ratio rather than the whole
15 number. So you know for example 50 violations might
16 not be significant for a 50 unit building but it's
17 significant for a six unit building and we're more
18 than sort of happy to assist the council in, in
19 figuring out kind of what those triggers are and
20 kind of what makes the most sense. Thank you.

22 CHAIRPERSON WILLIAMS: Thank you very
23 much for the testimony. And I always find it a
24 pleasure to hear testimony from people I worked
25 with in the field back in the day. So thank you

1
2 very much for the testimony John and thank you UJC
3 for your testimony. Appreciate it.

4 JOHNATHAN FURLONG: Thanks very much.

5 CHAIRPERSON WILLIAMS: I don't think we
6 have any questions unless did you, were, did any of
7 you hear anything persuasive from any of the
8 testimony that was given?

9 JOHNATHAN FURLONG: I mean I think, I
10 think looking at, at C violations in terms of
11 trying to calculate this stuff would have some real
12 impact and, and just... [cross-talk]

13 CHAIRPERSON WILLIAMS: Just C, not B and
14 C?

15 JOHNATHAN FURLONG: I mean B and C but
16 you know C being the most, obviously the most
17 egregious but yeah I mean they should all be taken
18 together but I think you know perhaps looking at
19 sort of conditions that would you know look at, or
20 violations rather looking at underlying conditions
21 so heat and hot water or leaks, that kind of thing.

22 CHAIRPERSON WILLIAMS: Thank you. Thank
23 you very much... testimonies.

24 KELLY GLENN: Thank you.
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COMMITTEE ON HOUSING AND BUILDINGS

CHAIRPERSON WILLIAMS: We have also
testimony for the record RA, for, from RSA and
NYSFAFH and... I think with that this test, this
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 11, 2014 _____