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ASSISSTANT COMMISSIONER OF EXTERNAL AFFAIRS
NEW YORK CITY DEPARTMENT OF BUILDINGS**

**HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING & BUILDINGS
OCTOBER 29, 2014**

Good morning Chair Williams and members of the City Council. My name is Patrick Wehle and I am Assistant Commissioner of External Affairs at the Department of Buildings. I am joined by my colleague Mathher Abbassi, the Department's Senior Electrical Engineer in the Division of Technical Affairs and Code Development. We are pleased to be here this morning to offer testimony on Introductory Number 433-A, which requires the installation of protective covers on electrical outlets in certain multiple dwellings.

Specifically, Intro. 433-A amends the City's Housing Maintenance Code to require the owner of a multiple dwelling to install and maintain protective covers over electrical outlets that are accessible to children and pets in public areas. Owners who fail to install or maintain protective covers over electrical outlets in these public areas would be subject to a Class B Hazardous Violation, which is a civil penalty of no less than \$25 and no more than \$110 per day. The Departments of Buildings, Housing Preservation & Development, Health & Mental Hygiene, and the FDNY would be tasked with enforcement.

The Department applauds the Council's desire to protect children and pets from accidental electrical shock and while the goal of this legislation is certainly laudable we appreciate the opportunity to share some of our insight and suggestions for reform.

To begin with, while outlet covers can be helpful in reducing the occurrence of electrical shock, their utility is limited due to the fact that they can easily be removed and not replaced. The lack of permanency of these outlet covers would also prove such a law difficult to enforce. Recognizing the limits of outlet covers in keeping people safe from electrical shock, the 2008 National Electrical Code replaced outlet covers with tamper-resistant receptacles which prohibit the insertion of a foreign object into the prong thus curbing unintended electrical shock. I have included with my testimony for the Council Exhibit 406.6 from the New York City Electrical Code (“Electrical Code”) which discusses tamper-resistant receptacles and I have also provided a sample of such a receptacle for this Committee to examine. Currently the Electrical Code requires these receptacles to be placed *within* multiple dwelling units, not in public areas, and only for new construction or renovation.

The Department supports amending the Electrical Code to require tamper-resistant receptacles in public areas for new construction and renovation. The amended version of this bill extended the requirement for outlet covers to public areas in all multiple dwellings. Should the Committee decide to amend the legislation further to require tamper-resistant receptacles instead of outlet covers we respectfully suggest you consider the need to extend this requirement to all multiple dwellings. Unlike safety covers, tamper-resistant receptacles generally require installation by a professional and furthermore, the Electrical Code and all the City’s Construction Codes for that matter, generally do not apply requirements retroactively unless a serious public safety threat is identified. Finally, applying this requirement to all multiple dwellings would require a public outreach campaign to make owners aware of the requirement. I imagine this Committee will

also receive testimony from owners of multiple dwellings and their representatives on this legislation.

Finally, given that the Electrical Code is the resource used by professionals to perform electrical work, we believe including this requirement in the Electrical Code would increase the likelihood of compliance more so than including it in the Housing Maintenance Code as this version of the legislation does.

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

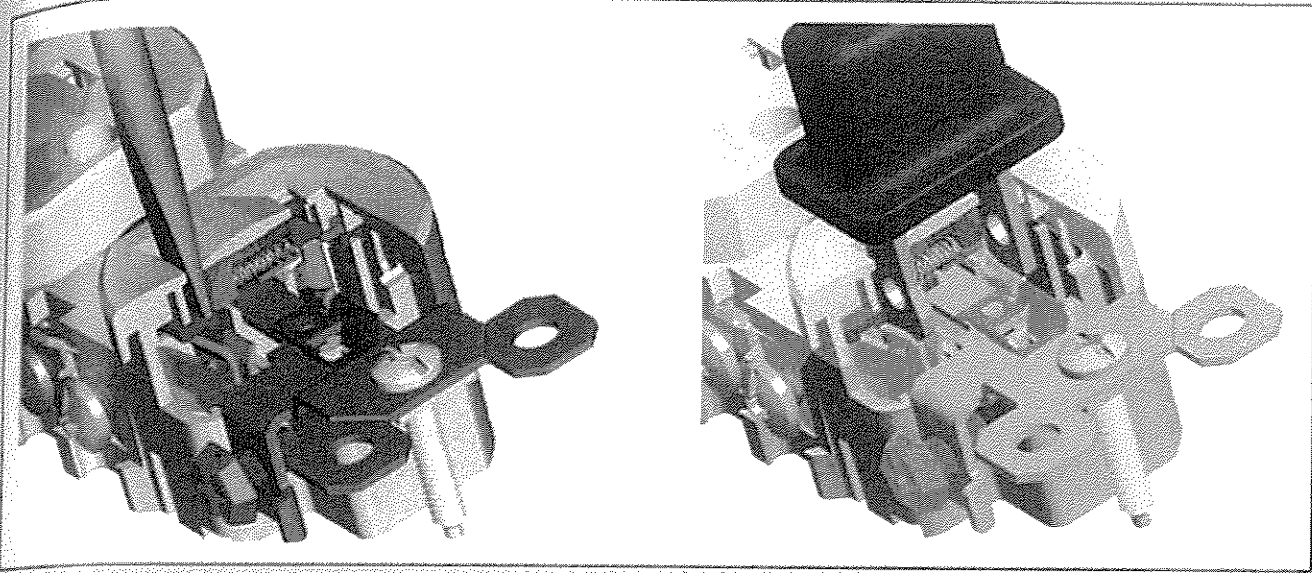


Exhibit 406.6 Tamper-resistant receptacle. Insertion of an object in any one side does not open the shutter (left), but a two-bladed plug or grounding plug compresses the spring and simultaneously opens both shutters (right). (Courtesy of Pass & Seymour/Legrand®)

ductor blades and is used to ensure a “make-first, break-last” grounding connection. In some non-ANSI-approved pin-and-sleeve-type connections, the grounding contact of the receptacle is closer to the face of the receptacle than it is to other contacts, serving the same purpose.

(E) Use. Grounding-type attachment plugs shall be used only with a cord having an equipment grounding conductor.

FPN: See 200.10(B) for identification of grounded conductor terminals.

406.10 Connecting Receptacle Grounding Terminal to Box

The connection of the receptacle grounding terminal shall comply with 250.146.

406.11 Tamper-Resistant Receptacles in Dwelling Units

In all areas specified in 210.52, all 125-volt, 15- and 20-ampere receptacles shall be listed tamper-resistant receptacles.

The requirement for tamper-resistant 15- and 20-ampere receptacles in dwelling units was added to the 2008 *Code*

to increase safety for children. All areas specified in 210.52 will now need tamper-resistant receptacles. Previously they were only required by Article 517 in pediatric areas. Exhibit 406.6 shows a typical tamper-resistant receptacle.

ARTICLE 408 Switchboards and Panelboards

Summary of Changes

- **408.3(F):** Added a field marking requirement to indicate the presence of one phase with a higher voltage-to-ground where mid-point grounded, delta systems are used.
- **408.4:** Revised to require spare installed OCPDs be identified and that circuit directory not be based on conditions of occupancy where turnover is likely.
- **408 Part III:** Removed criteria establishing panelboard classification; deleted 42 circuit limitation for any panelboard; and revised to require overcurrent protection for all panelboards regardless of use.
- **408.54:** Relocated requirement on providing physical means to limit number of OCPDs in a panelboard to Part IV, Construction Specifications.



**Department of
Housing Preservation
& Development**

**Testimony of the Department of Housing Preservation and
Development**

**to the New York City Council Committee on Housing and Buildings
Hearing: Int. No. 222, in relation to the obligations of owners to
provide notice to their tenants for non-emergency repairs and
Int. No. 289, in relation to the provision of housing applications in
multiple languages by the department of housing preservation and
development**

Wednesday, October 29th, 2014

Good morning Chair Williams and members of the Housing and Buildings Committee. My name is Baaba Halm, I am HPD's Assistant Commissioner for Government Relations. I am joined by our Associate Commissioner for Enforcement and Neighborhood Services, AnnMarie Santiago and Margaret Brown, Assistant Commissioner of Policy and Operations for the Division of Asset Management. We appreciate the opportunity to testify regarding Int. No. 222, in relation to the obligations of owners to provide notice to their tenants for non-emergency repairs and Int. No. 289, in relation to the provision of housing applications in multiple languages by the department of housing preservation and development.

Int. No. 222, would require the owner of a dwelling to provide occupants with at least 72 hours-notice prior to making repairs or performing other work in a dwelling and within a particular dwelling unit which would cause an interruption in services. The notice must be posted in a prominent place within the public part of the building and placed under the entrance doors of each dwelling unit. The notice must include information on the type of work which will be performed and the estimated start and end of the service interruption. The bill would exempt repairs or work performed on an emergency basis and would require HPD to by rule determine what would constitute an emergency basis. Repairs made by the Department pursuant to section 27-2125 of the Administrative Code would also be exempt from the provisions of the bill.

Communication between property owners and their tenants is an important issue, especially regarding the provision of basic services such as water, electricity, gas, heat and hot water. When such services are planned to be interrupted due to a necessary repair or upgrade, we believe that most responsible owners already notify tenants so that the tenants can prepare for the outage properly. Int. No. 222 would require such notification from all property owners.

HPD understands the intent of this bill and wants to work with the Council on clarifying the scope of the bill. It is not clear what service interruptions would be subject to the bill's notice requirements (heat, hot/cold water, electrical outages, elevator outages, cable or other services)?

What about disruptions caused by utility companies? Property owners are not usually informed beforehand about outages which will be caused by a utility company and may therefore be unable to provide prior notice

to tenants in a building about a service disruption. Also, placing these notices under each apartment door may be onerous for large multiple dwellings (such as some of our Mitchell Lama developments).

If workers do not gain access to the apartment and the inspection needs to be rescheduled, does a new notice need to be given? What if repairs take longer than scheduled, would a new notice requirement be triggered, and must a new notice be given for follow-up visits by contractors?

We also recommend adding a provision to allow for a shorter notification period for extenuating circumstances in which a contractor's availability changes, in such a way that the work may be delayed if not started within less than 72 hours. And consider exempting outages of a short duration. Additionally, in order to comply with the required notice and public comment periods under CAPA, we need at least 180 days to create and implement the rules to define emergencies which would be exempt.

Again, we look forward to working on Int. No. 222 with the Council.

Int. No. 289, relates to the provision of housing applications in multiple languages by the Department of Housing Preservation and Development. The bill would require HPD to make all application forms available in all mandatory languages. Under the bill these languages would be English, Arabic, Chinese, Haitian Creole, Korean, Russian and Spanish and any other optional language. A notice must be provided with all application forms that such forms are available in all mandatory languages and optional languages. HPD must also provide this notice on its website and in portions of our offices that are open to the public.

We understand that the City is not only diverse but is also home to many residents for whom English is not the primary language. There is an acute need for affordable housing throughout the city and HPD responds to this need by offering information on many of the City's affordable housing programs. Because we understand the importance of housing and recognize that removing language barriers is critical to those seeking housing, we currently provide a number of Agency-wide language assistance programs. These programs comply with legal mandates under Title VI of the Civil Rights Act of 1964, the U.S. Department of Housing and Urban Development's Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (HUD Guidance) and the Mayor's Executive Order 120 which require the Agency to provide Limited English Proficient (LEP) customers with meaningful access to housing services.

Our Language Line service provides over-the-phone interpretation and written translation for 175 languages. If immediate translation or live interpretation is needed for an LEP customer, HPD, in conjunction with the Mayor's Office of Immigrant Affairs, offers a program comprised of 95 HPD employees that volunteer their language services to provide written translation or oral interpretation in 28 languages.

Some of our programs (for example Section 8 vouchers and Special Needs Housing) are reserved for eligible applicants who fall within specific HPD preference categories or special admission programs. Applications are not accepted from the general public but are rather submitted through designated intermediaries from different divisions within the agency, management staff from various housing providers

and staff from other governmental agencies. Applicants for these programs along with the referral entity together utilize the Language Line services to provide any needed translation services. Since an application for these programs are not available to the general public, because of the preference requirements, publishing notice on our website that these applications are available in multiple languages may confuse the general public.

Most folks who are interested in our housing options look to the Agency to provide information on housing lotteries. As you know, HPD does not rent apartments. We work with real estate professionals and community sponsors who market apartments-these subsidized apartments are then rented through an Open Lottery System. Until last year, this system was a cumbersome process which required prospective applicants to request a paper application from each individual development to which they were interested in applying, then mail the completed form to the project sponsor. We recognized that this was tedious and sometimes confusing; therefore we simplified and updated the process. Now an applicant can access information online about multiple lotteries and apply for these openings through our NYC Housing Connect website. Applicants create a profile in Housing Connect; then, with the click of a button, can apply to new projects as they become available.

The automated system has dramatically improved New Yorkers' experience of applying for affordable housing by enabling apartment seekers to fill out a single application to submit to multiple housing lotteries. Housing Connect currently boasts over 350,000 registered users. The average number of applicants for each housing lottery has roughly quintupled, which ensures that each lottery meets its preference

categories, including those for Community Board members, people with disabilities, veterans, and municipal employees.

That said, we recognize that not all applicants have access to a computer or are comfortable applying through an electronic process. To accommodate those constituents, paper applications continue to be available for those who prefer them.

Over the past several months, we have been working to ensure that both NYC Housing Connect and the paper application process are accessible to everyone, including people with visual impairments and those for whom English is not a first language.

Within the next few weeks, we will be making our paper application forms available in Spanish, Chinese (which covers Mandarin and Cantonese), Korean, Russian and Haitian Creole. Translation of the forms was completed yesterday and they are now undergoing a final quality assurance review to ensure that every question is easily understood in each language.

Additionally, HPD's website and NYC Housing Connect give users the option of translating any page into one of 35 languages including Arabic, Spanish and Russian. The translation is made available through Google Translate and is already available on the website. As a next phase in our accessibility initiative, we will soon be working with Google Translate to hone the quality of those translations and ensure that the phrasing is easily understood in each language.

HPD recognizes the need for translation and interpretation services for our programs and affordable housing lottery applications- we are already

providing these services, and, given the already existing legal framework for provision of these services, we do not believe that this legislation is necessary or helpful.

Thank you for the opportunity to testify on these bills. We would be happy to answer any questions from the Committee.



Council of New York Cooperatives & Condominiums
INFORMATION, EDUCATION AND ADVOCACY

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TESTIMONY BEFORE THE COMMITTEE ON HOUSING & BUILDINGS

Wednesday, October 29, 2014

Good morning Chairman Williams and members of the Committee. My name is Mary Ann Rothman, and I am the Executive Director of the Council of New York Cooperatives & Condominiums (CNYC), a membership organization comprised of housing cooperatives and condominiums located throughout the five boroughs of New York City. Ours is one of several organizations helping the many cooperatives and condominiums in our city. I speak on behalf of the Federation of New York Housing Cooperatives and Condominiums and the Coordinating Council of Cooperatives as well. Our members all take pride in the buildings we own and we do our best to operate them in the safest, most efficient and most economical way possible.

Two of the three Intros that you are considering today would impact our members. One requires 72 hour notice of non-emergency repairs, along with a description of what will be done (e.g., no hot water, no water at all, no heat) and the approximate length of time that the inconvenience will last. The other requires that electrical outlets in public areas be child-proofed. I would venture to say that these practices are already in place in the vast majority of our member cooperatives and condominiums. They are reasonable best practices for a congenial community.

I would like to make two suggestions in keeping with the realities of operating buildings today. Sometimes, after announcements have been made and the water shut down in anticipation of the work to be done, suddenly the contractor has an emergency elsewhere, or didn't get delivery of a necessary part, and so the work must be postponed. Now it would be rescheduled on the next day if possible, but that would mean that the 72-notice couldn't be given. I would respectfully suggest that consideration be made for such a situation, as it is generally more important to get the job done than to lose time by restarting the notice process. My second suggestion calls for flexibility in the means of giving notice. In this electronic age, there are many alternatives to notes under doors. Many cooperatives and condominiums use e-mail or their own website to reach building residents, and I know that there are rental buildings that do the same. A generation ago, telephone chains were effective, and they are still a good back-up when it is known that certain neighbors don't use ~~computers~~ computers or text on their phones. I think greater flexibility should be allowed in the means of giving notice of a pending repair.

Thank you for this opportunity to comment.

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MEMORANDUM IN OPPOSITION

Intro. 222

The Rent Stabilization Association (RSA) represents over 25,000 owners and managers of residential buildings in New York City that collectively contain over a million units of housing. Good management and sound practices dictate that owners and managers should always give as much advance notice as possible to tenants if a need arises that requires the interruption of an essential service. However a 3 day notice is often not possible in non-emergency situations and therefore RSA is opposed to Intro. 222.

The bill does not define "service". Therefore there might be things such as telephone or internet work being performed by a third party that the owner/manager has no control over. Even when DEP is upgrading water pipes in the street it's often no more than 24 hour notice to the owner because of construction issues.

For many small owners the hiring and scheduling of contractors to perform work is challenging. Contractors like to service their bigger clients and often put smaller work off to fill in a schedule. Essentially small owners are at the mercy of the plumber, electrician, general contractor, etc. Often times they will schedule work and show up a day or two later as their schedule permits. At that point the owner has no choice but to allow the work to be performed.

RSA agrees with the intent of the bill but cannot support it because as a practical matter it will not work.



MEMORANDUM IN OPPOSITION

Intro. 433

The Rent Stabilization Association (RSA) represents over 25,000 owners and managers of residential buildings in New York City that collectively contain over a million units of housing. RSA is in full support of making all buildings in NYC safe for residents and visitors but because there is no demonstrated need for safety covers on outlets in public areas RSA is opposed to Intro. 433.

Intro. 433 would require safety covers on electrical outlets in public areas in all existing multiple dwellings. Public areas are not places where young children or pets are allowed to roam freely or unsupervised. Safety covers in public areas would in all likelihood be removed or stolen by visitors or residents for use within a dwelling unit subjecting an owner to constant violations. Additionally, the bill does not define a public area. Would this mean that laundry rooms, community rooms, exercise rooms, etc. would also be subject to this law? Again, these plugs or covers would simply disappear subjecting the owner to needless violations.

For the above reasons RSA opposes Intro. 433.

For the Record

Associated Builders and Owners of Greater New York

Int. No. 222

The requirement for advance notice of non-emergency repairs, including posting and delivery, are onerous, vague, and unnecessarily time consuming. Is a drip from a faucet an emergency? Perhaps not, but waiting 72 hours to address it can create an emergency when a washer blows out or a pipe fails and flooding occurs. We cannot envision any regulations that would reasonably cover the subjective and practical obstacles to implementing this law in a manner that was safe for tenants or good for building maintenance.

Int. No. 433

With regard to Intro. 433, we believe that tamper resistant receptacles and their placement in dwelling units are addressed in the city electrical code, which is based on the national electrical code, and we generally oppose picking out code sections for piecemeal amendment.

It is worth noting that receptacle caps and covers are particularly prone to removal by residents or others, perhaps in the process of using the receptacle. This could create a problem with tenant caused violations, such as smoke detector battery removal, where a violation could be accidentally or intentionally recreated beyond the owner's control.

Thank you.



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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President On Intro 222, Regarding Building Owners' Obligation to Provide Notice to Tenants for Non-Emergency Repairs October 29, 2014

Good Morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you to Chair Williams and to Councilmembers on the Housing and Buildings Committee for the opportunity to testify today.

As you know, Intro 222 is a bill that I am co-sponsoring with Councilmember Rosie Mendez. Like many bills that this committee is considering this fall, its aim is to preserve tenants' quality of life through minimizing the impact of maintenance-related disruptions. Specifically, Intro 222 requires landlords to provide at least 72 hours of advanced notice for all non-emergency repairs that will result in service interruptions. Penalty for violation will be determined according to the Class of violation that HPD will designate for noncompliance.

Currently, the City does not require any advanced notification for planned, non-emergency repairs that do not necessitate entry into a tenant's apartment. This is problematic. We are relying entirely on landlords' goodwill to protect tenants. Even among landlords and management companies that do provide notice, the lack of a common definition of "sufficient notification" has resulted in variations among notification time ranging from days to mere hours.

Intro 222 will primarily address three issues: 1) through advanced notice, to minimize negative impact of building service interruption due to planned repair works, 2) to inform and protect tenants through establishing a baseline requirement, and 3) to provide a means for determining noncompliance and tenant harassment.

Minimizing Negative Impact of Service Interruption

The intent of this bill is practical. Picture this scenario: A person in wheelchair leaves for work in the morning. He doesn't know the building's elevator is going to be out of service for repairs starting at 6 pm because the owner has only put up a notice of non-emergency repair at noon that same day. Instead of having sufficient time to adjust his work hours so he can be home before the elevator goes offline, the tenant returns to find that he has no way of reaching his apartment. There is nothing he can do but to wait around until the workers finish and reactivate the elevator.

In situations like this and in other similar ones involving heat, hot water, electricity, or other utilities or building amenities going out of service due to non-emergency repairs, having at least 72 hours of advanced notice will allow tenants to prepare for planned service losses and minimize any negative impact that might result. I understand that many landlords and management companies already provide notice at least 72 hours before a scheduled non-emergency repair. This is the standard the bill seeks to establish as the baseline for sufficient advanced notice throughout New York City.

Protect and Inform Tenants

As winter approaches, it is even more important that buildings expected to be without heat or hot water due to non-emergency repairs provide adequate notice to tenants. We just entered the heat season on October 1, which goes until May 31 of next year. Under Multiple Dwelling Law §79 and New York City Administrative Code §27-2029, during heat season, each apartment must be heated at or above the specified minimum indoor temperature based on the time of day and outdoor temperatures. Sadly, as I'm sure many of you know, heat and hot water aren't always provided when they should be. This can be a result of many things, including negligent landlords or bad management. As of October 21, 2014—only three weeks into the heat season—New York City has already received more than 9,000 complaints filed via 311 for lack of or inadequate heat.

But sometimes, heat and hot water must be stopped for several hours for maintenance or if a building repair issue arises, and these legitimate reasons for service interruption embodies Intro 222's intent to protect and inform tenants. Advanced notice not only allows tenants to plan ahead and prepare for heat or hot water outages, but tenants would also know if a planned repair is legitimate, separating genuine repair needs from unscrupulous landlords' bogus claims of same-day service interruptions that are in reality unrelated to building repairs.

Minimize Intentional Landlord Harassment

I am fully aware that there are instances when a tenant is concerned not about a landlord's unintentional oversight in posting sufficient non-emergency repair notice, but that a delay or withholding of proper notification is a tactic of overt tenant harassment.

CAAHV, a housing rights organization in Chinatown and the Lower East Side, has been assisting a constituent on an anti-harassment case. This tenant lives in a tenement building on Forsyth Street, where a work crew member had climbed through his apartment's window to access the building for repairs—without any notification for entry into either the building or the apartment. This caused the tenant to feel unsafe, especially with children at home. In other Chinatown buildings, "notification" wouldn't happen until the morning of when workers are knocking on the doors of the tenants. Some of the tenants work night shifts in restaurants, which causes disruption to their daily schedule.

I understand that these and other tenant harassment tactics will not go away with Intro 222, nor will it prevent landlords from allowing sub-par repair work to be done so that the need for continued, repeated repairs will create *de facto* ongoing service interruptions. These situations all severely impact tenants' quality of life and we all continue to work together with tenant advocates, legal service providers and organizers to provide much needed support. Furthermore, this is precisely why it is vital to pass Intro 222 in order to establish a baseline for tenant notification and a tool for recourse for tenants of noncompliant landlords. When incorporated into the Housing and Building Committee's larger goal to advance additional measures to stop harassment and elevate quality of life under the Quality Housing Act, I believe that this legislation leads to the overall improvement of a tenant's enjoyment of his or her home.

I urge the committee to vote in favor of Intro 222. Thank you again for the opportunity to testify.



**LEGAL
SERVICES**

INCORPORATED

TESTIMONY

ON

**INTRO 289: IN RELATION TO THE PROVISION
OF HOUSING APPLICATIONS IN MULTIPLE
LANGUAGES BY THE DEPARTMENT OF
HOUSING PRESERVATION AND
DEVELOPMENT**

PRESENTED BEFORE:

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

PRESENTED BY:

**DONNA CHIU
SENIOR STAFF ATTORNEY
MFY LEGAL SERVICES, INC.**

OCTOBER 29, 2014

**MFY LEGAL SERVICES, INC., 299 Broadway, New York, NY 10007
212-417-3700 www.mfy.org**

I. Introduction

MFY Legal Services, Inc. envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for more than 50 years MFY has provided free legal assistance to residents of New York City on over a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. We provide advice and representation to more than 9,000 New Yorkers each year, including more than 3,600 tenants.

One of MFY's priorities is to ensure that clients who do not speak English or have limited English proficiency receive legal assistance in their native languages. Aside from the more frequently spoken languages such as Spanish and various dialects of Chinese, MFY has provided direct assistance to clients in Tagalog, Russian, Albanian, Haitian-Creole Hindi, and many other languages.

II. MFY's Clients' Experiences

MFY serves hundreds of New York City homeowners and renters every year who are limited-English proficient (LEP). Many of these LEP residents are linguistically isolated, meaning they do not have family or friends who can readily translate English-language materials for them. This makes it especially difficult for them to understand and timely respond to applications, instructions, and critical notices that are not in their own languages. As a result, they do not have the same access to affordable housing opportunities that proficient English-speakers do, and they are more likely to lose housing or housing assistance that they do have.

For example, MFY is frequently contacted by LEP tenants who have received a hearing notice, a Section 8 rental assistance notice or an affordable housing opportunity letter from HPD. They know they can contact MFY and speak with an advocate in their language. For these linguistically-isolated LEP tenants, their contact with MFY is usually the first time they have been able to have the document translated. This causes a significant delay between when they receive the notice and when they are able to act on the content of the notice. In some instances, by the time the clients understand the content of the notice, the deadline for them to respond or to take action has already expired. Thus, LEP tenants often receive less time to act on important notices than otherwise-similar English-speaking tenants.

III. The Department of Housing Preservation and Development and Translation

MFY refers clients to the New York City Department of Housing Preservation and Development (HPD) on a regular basis. MFY may advise its clients to contact HPD to make a complaint about a housing maintenance code violation; request an apartment inspection; check on the status of an apartment maintenance complaint; or apply for or get information about housing lotteries for City-sponsored apartments and affordable homes, Mitchell-Lama apartments, or the Section 8 Housing Choice Voucher Program. Tenants who live in HPD-administered housing or receive Section 8 must use HPD applications to certify their incomes, request reasonable accommodations for disabilities, file grievances, and sometimes request basic services such as repairs or extermination. These applications are critical to tenants' keeping their homes: failure to timely complete income recertification forms in Mitchell-Lama, Section 8, or other subsidized housing can lead to termination of tenancy and homelessness; a tenant who cannot file grievances or request maintenance because of a language barrier may lose her housing because her rent is wrongly calculated or her apartment is not habitable. However, most if not all HPD housing applications sent to the tenants are only in English. Intro 289 will now require HPD to include a notice - written in the mandatory languages - that the forms are available in other languages. This is a step in the right direction.

Tenants also rely on the written information on HPD's website. However, some LEP tenants have experienced difficulty navigating the website to find the forms they need because the website is presented only in English. There is a tab at the top of the page with the English words "translate this page". However, this option is listed only in English, and the link leads to a popup window with instructions and language options again listed only in English. Further, the automatic literal translation, provided by Google, is stilted, awkward and sometimes nonsensical. For example, the Chinese-language Google translation of information about Current Housing Lotteries inappropriately translates the English word "lottery" using the Chinese words meaning "raffle." This is one example of how LEP tenants can be misled by the inaccurate translations.

Of web pages most likely to be used by tenants, only one had information available in multiple languages at the press of a button: "How to Report an Apartment Maintenance Problem." The other sections that MFY clients frequently visit, such as the current list of ownership opportunities and housing lotteries, only use Google translate. The Building, Registration, and Violation database, where tenants can look up Housing Maintenance Code violations and complaints and find their landlords' addresses, is not translated at all.

IV. Recommendations

MFY applauds HPD for its work to promote housing equality, opportunity, and safety. Int. No. 289, calling for the provision of housing applications in multiple languages, is the right step towards ensuring that HPD's services and information are equally accessible to all New Yorkers.

MFY also strongly encourages HPD to improve its online language accessibility by providing translation directions and links labeled in multiple languages, and by providing professional translations of the most important online content rather than relying solely on Google. The SCRIE section of the New York City Department of Finance's website provides an excellent model.

V. Conclusion

MFY looks forward to working with the Council and HPD continue to make its housing applications and related information equally accessible to all New Yorkers. MFY hopes Int. No 289 is only a first step in improving language access at HPD and not the last.

MFY wishes to thank the Committee for this opportunity to testify and for its continuing work to improve the lives of all New Yorkers.

Manhattan
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**TESTIMONY OF LEGAL SERVICES NYC REGARDING NON-EMERGENCY REPAIRS
NOTICE AND LANGUAGE ACCESS
(INTROS 222 AND 289)**

**New York City Council
Committee on Housing and Buildings
October 29, 2014**

My name is Anita Wu and I am a law graduate at Legal Services NYC. Legal Services NYC welcomes the opportunity to give testimony before the New York City Committee on Housing and Buildings.

Legal Services NYC is one of the largest providers of legal services for low income people in New York City. With five borough offices and numerous outreach sites, Legal Services NYC's mission is to provide expert legal assistance that improves the lives and communities of low income New Yorkers. Legal Services NYC annually provides legal assistance to thousands of low income clients throughout New York City. Historically, Legal Services NYC's priority areas have included housing, government benefits and family law; in recent years, Legal Services NYC has vastly expanded services in areas of need critical to our client base, including consumer issues and foreclosure prevention, unemployment, language access, disability, education, immigration, and bankruptcy.

Our offices regularly receive complaints from our clients that their landlords failed to provide any prior notice before sending repairers to their apartments during the day, often when the tenant is at work. Despite the fact that no notice for repairs was provided, landlords often use "failure to provide access" as a harassment tactic and as a basis for eviction.

The proposed Intro 222 will prevent tenant harassment by mandating a minimum seventy-two hours written notice to tenants for non-emergency repairs. Our office has represented many elderly and disabled tenants in these trials which can take over a year to litigate due to the lack of written evidence concerning whether notice was given. Notice requirements of the kind set forth in the proposed bill will minimize unnecessary litigation and conserve the limited resources of free legal services providers for other eviction cases. And, when proper notice is given to tenants, they can make arrangements in their schedules so that much needed repairs may be completed.

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Peggy Earisman, Project Director

Currently, one in four New Yorkers is limited English proficient (LEP). Since there is such a strong correlation between limited English proficiency and poverty, many of our clients at Legal Services NYC are LEP. Our clients interact with city agencies on a daily basis in an attempt to access services that they need to feed, clothe, and house their families in order to survive. However, many services are simply not accessible to our LEP clients who find themselves regularly turned away from agency offices because of language barriers. Our clients regularly face discrimination at agencies when they are told that they will not be served unless they come back with someone who speaks English. For many of our clients this is impossible, for others it means taking a child out of school to interpret for them or asking a neighbor to accompany them, which can be embarrassing and burdensome.

Executive Order 120, signed by Mayor Bloomberg in 2008 was a positive step forward in acknowledging the barriers commonly faced by LEP New Yorkers when interacting with the city government.

Legal Services NYC recommends requiring posting of the notices mandated by Intro 222 in multiple languages since LEP tenants often cannot understand English notices. We often hear from our community-based organizations in Chinatown about tenants who could not comply with notices because they were unable to read the English notices.

The proposed Intro 289 will mandate that housing applications be provided in multiple languages by HPD. We commend the City Council's commitment to ensuring that crucial language services are provided to LEP New Yorkers. At Manhattan Legal Services, we often hear from our monolingual Spanish and Chinese speaking clients that they are discouraged from applying for services through city agencies due to language barriers. Mandating that applications be translated is an important first step. We encourage HPD to implement measures to ensure that translated applications are actually *available* at all points of service through an internal monitoring program. In our experience, many agencies fail to provide the services they are required to provide due to a lack of agency oversight and failure to monitor. We also encourage HPD to post multi-lingual signs notifying LEP tenants of their rights to interpretation and translation services, and informing them of an accessible complaint procedure.

We thank the City Council for addressing these important issues, and look forward to working with the Committee in providing effective protections to vulnerable low income tenants.

Respectfully submitted,

Anita Wu
Manhattan Legal Services
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Testimony by New York Legal Assistance Group (NYLAG)

**before the New York City Council,
Committee on Housing and Buildings:**

Int. No. 222. A Local Law to amend the administrative code of the city of New York in relation to amending the obligations of owners to provide notice to their tenants for non-emergency repairs.

Int. No. 289. A Local Law to amend the administrative code of the city of New York in relation to the provision of housing applications in multiple languages by the department of housing preservation and development.

Int. No. 433. A Local Law to amend the administrative code of the city of New York in relation to the installation of safety covers on electrical outlets in public areas of multiple dwellings.

October 29, 2014

Chair Jumaane D. Williams, Council Members, and staff, good morning and thank you for the opportunity to speak about Introductions Number 222, 289, and 433. My name is Kamilla Sjödin¹ and I am an Associate Director at the New York Legal Assistance Group, a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-

¹ For full disclosure, I am a former counsel to the New York City Council Committee on Housing and Buildings and the, at that time, Subcommittee on Public Housing.

wage workers, low-income members of the LGBT community, Holocaust survivors, as well as others in need of free legal services.

We are testifying today in support of all three bills and applaud the Council for taking measures that ensure notice to tenants, take into account the diversity of this City, and address safety concerns, respectively.

Int. No. 222 would require landlords to provide tenants with at least 72 hours' notice prior to commencing non-emergency repair work that would cause an interruption in services. Placing the notice in a prominent place, as well as under the door of each apartment, should suffice to ensure that tenants receive the information. We would also encourage buildings that have a website or the ability to reach tenants via email to post on their website and send out an email in addition to, but never instead of, the paper requirement. The work announcement should be in paper writing because some tenants, particularly the elderly, do not have access to email or cannot communicate via phone. Written notice also creates a paper trail that could prevent harassment and/or frivolous nuisance claims. At NYLAG, we recently had a case where the landlord alleged that he requested access to an apartment but where our client was not able to provide it due to short notice and existing medical appointments. Our client now faces a holdover eviction from his rent controlled apartment of 40 years but there is no proof that landlord requested access on the dates alleged.

We would also encourage notice of certain work to be given with even more time, especially for work that will cause a long interruption. For example, requiring 72 hours' notice before shutting off a building's water for six hours may make sense, whereas giving 72 hours' notice of elevator repair work that will take six weeks may not. Each

time there is a service interruption tenants have to make arrangements that can include anything from getting groceries ahead of time to finding alternate childcare. The more onerous the interruption, the more difficult the adjustments for tenants. Notice gives elderly and disabled clients an opportunity to plan around the work or to propose alternative dates. Oftentimes, tenants need to make arrangements with family, friends, and social workers to assist with moving furniture or even temporary relocation for repairs to be done. Additionally, the law should require specifics about the repairs being done to the apartment; otherwise tenants face harassment in the form of never-ending repairs. Specifics about the repairs should include the work being done, which violations the work addresses (if any), the proposed date(s) or work, and the duration and completion dates of the work.

To encourage environmental friendliness, we recommend that the notices be printed on half pages, or 4 ¼ by 5 ½ inches. We also suggest that the notice be written in the neighborhood's most common second language on the back, so that non-English language speakers are also adequately warned of pending work.

Int. No. 289 would require applications at HPD to be provided in additional languages. This requirement is crucial to ensure that all New Yorkers have equal access to opportunities afforded by HPD. Language barriers greatly disadvantage those who do not speak, read or write English and taking this into account is a significant step in equalizing our society. We encourage all agencies to be required to provide all information in multiple languages and commend the Council for requiring it in this context. We also encourage the City to mandate that this and other information be available online.

Finally, Int. No. 433-A would require that certain electrical outlets have safety covers in public areas. If such a measure would ensure that humans and animals have a safer environment, we support the passage of this bill. Assuming exposed outlets pose a real danger, we request that it be considered a C violation, as opposed to a B violation, particularly as outlet covers are a fairly cost effective way of keeping everyone safe.

We welcome the opportunity to further discuss or comment on these matters in the future.

Thank you for the opportunity to testify today.

Respectfully submitted,

Kamilla Sjödin, Associate Director, Housing Law



Make the Road New York's testimony before the City Council's Committee on Housing and Buildings

October 29, 2014

My name is Luis Henriquez, and I am a Supervising Attorney with Make the Road New York (MRNY). MRNY is the City's largest membership-based immigrant organization, with over 15,000 members and community-based centers in Bushwick, Brooklyn, Jackson Heights, Queens, Port Richmond and Midland Beach, Staten Island, and Brentwood, Long Island.

I am here to testify in support of Intro 289, which seeks to expand language access for immigrant and Limited English Proficient (LEP) New Yorkers by requiring HPD to make available housing applications in Arabic, Chinese, Haitian Creole, Korean, Russian, and Spanish.

I start by highlighting MRNY's history of advocacy with respect to language access. As members of the Communities for Housing Equality Coalition, we participated in the release of the May 2006 report titled "Hear This! The Need for Multilingual Housing Services in NYC" (available at http://www.maketheroad.org/pix_reports/2006MayHEARTHIS.pdf). Based on 697 surveys with immigrant and LEP tenants, the report showed that members of these communities were living in unhealthy and unsafe conditions, yet overwhelmingly did not know that there was a City agency, the Department of Housing Preservation and Development, which was designed to address their housing needs. While 6 out of 10 survey respondents reported

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BROOKLYN, NY 11237
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FAX 718 418 9635

QUEENS
92-10 ROOSEVELT AVENUE
JACKSON HEIGHTS, NY 11372
TEL 718 565 8500
FAX 718 565 0646

STATEN ISLAND
161 PORT RICHMOND AVENUE
STATEN ISLAND, NY 10302
TEL 718 727 1222
FAX 718 981 8077

LONG ISLAND
1090 SUFFOLK AVENUE
BRENTWOOD, NY 11717
TEL 631 231 2220
FAX 631 231 2229

critical housing code violations in their apartments, a similar number said they did not know what HPD was. Only 18% of the respondents filed a housing conditions complaint with HPD. Of the tenants who did not file a complaint—the overwhelming majority—roughly half indicated that they failed to do so because they did not know what HPD was, felt uncomfortable communicating with the agency due to language barriers, or lacked an interpreter. Moreover, almost half of the LEP tenants who did present a complaint received further correspondence from HPD not in their native language, while only 10% of the respondents who received an HPD inspector in their homes were shown a language access card by the inspector.

Based on these findings, MRNY continued to advocate at the City level for increased language access, and alongside partner organizations was instrumental in the passage of Local Law 73 and Executive Order 120, which required City agencies to provide language appropriate services in the six most common languages spoken by New Yorkers. After the implementation of these laws in 2009, MRNY conducted a study along with the NY Immigration Coalition and released a report in July 2010, titled “Still Lost in Translation – City Agencies’ compliance with Local Law 73 and E.O. 120: Examining Progress and Work Still to be Done” (available at http://www.maketheroad.org/pix_reports/MRNY_Still_Lost_in_Translation_July_2010.pdf). Focused on HPD, the Human Resources Administration (HRA), and the New York Police Department (NYPD), the report found that 44% of the LEP respondents were not provided language assistance when interacting with HRA, while even a larger number of respondents did not receive language appropriate services from the NYPD (67%) or HPD (61%). A series of recommendations were set forth as means to improve agency compliance with language access laws, including: placing welcome/greeter personnel at the entrance of agency buildings (before

security posts) to help clients navigate the agency; matching LEP persons with bilingual caseworkers, permanently if possible; and improving signage, outreach and education, staff training, and accountability measures.

In keeping with this history, MRNY fully supports the passage of Intro 289. Some of the communities we serve, especially Bushwick and Jackson Heights, are presently experiencing rapid gentrification. Long-time monolingual Latino tenants have found themselves in need of relocating for the first time in many years—in some cases, decades—and they are coming to grips with the unfortunate reality that they can no longer afford the unprecedented market rents seen in these neighborhoods. For many of these tenants, affordable housing applications provided through HPD are their only hope to continue living in the communities they call home. By requiring HPD to provide these applications at least in Spanish and in five other languages, the City Council is making affordable housing preservation a true possibility for all New Yorkers.

Thank you.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

NYSFAH Comments on Int. 222 and 433
Prepared for the New York City Council Committee on Housing and Buildings
October 29th, 2014

On behalf of the New York State Association for Affordable Housing (NYSFAH), we would like to thank Chair Williams and the members of the Committee on Housing and Buildings for the opportunity to submit comments on Int. 222 and 433.

NYSFAH is the trade association for New York's affordable housing industry statewide. Our 300 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSAFAH's members are responsible for most of the housing built in New York State with federal, state or local subsidies.

NYSFAH commends the Council's efforts to ensure the safety and wellbeing of housing for New York City residents. However, NYSAFAH is concerned about the unintended consequences that Int. 222 and 433 could have on the ability of affordable housing owners to maintain their buildings.

Int. 222: Amending the obligations of owners to provide notice to their tenants for non-emergency repairs.

NYSFAH recognizes the intent of the legislation to enhance communication between owners and residents, and ensure that residents have adequate time to prepare for service disruptions. While owners strive to provide as much notice to their residents as possible, the timeframe required in the legislation is not always feasible. As a result, the current language of the bill may actually impede the ability of owners to make necessary repairs. NYSAFAH recommends the following changes to provide owners with greater flexibility and protection for scenarios outside of their control, while also ensuring residents receive notice of major service disruptions:

- Reduce notice time from 72 to 24 hours;
- Only apply to service disruptions that will last 24 hours or more;
- Allow owners to use reasonable discretion when determining what constitutes an emergency, recognizing the need for work that is conducted on an urgent basis to investigate and prevent potential emergencies;
- Provide a definition of "service" and clarify that it refers only to items that are specifically under the control of the owner to ensure that owners are not held accountable for notification of service disruptions that are outside of their control;

- Clarify that notice is only required to be given to dwelling units affected by service disruption and allow owners to determine the manner in which the notice is given.

Int. 433: Installation of safety covers on electrical outlets in public areas of multiple dwellings.

NYSAFAH recognizes the intent of the legislation, but is concerned about the practicality of its implementation. While owners may make a best faith effort to ensure that the requirements of the bill are met, safety covers could be removed by residents or visitors, leaving owners subject to a class B hazardous violation. Compliance with the legislation would require daily monitoring of outlets, which would be unduly burdensome, particularly on smaller buildings. In addition, NYSAFAH is unaware of an established need for a requirement for outlet covers in public areas. As a result, NYSAFAH opposes Int. 433.

We thank you again for the opportunity to submit comments and for your consideration of NYSAFAH's concerns.

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 222 Res. No. _____

in favor in opposition

Date: 10/29/2014

(PLEASE PRINT)

Name: Gale A. Brewer, Manhattan Borough President

Address: 1 Centre Street, 19th Floor

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 423-A Res. No. _____

in favor in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: Patrick Wehle

Address: _____

I represent: Buildings Dept.

Address: 280 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MATHER ABBASSI

Address: 33 HOMECREST OVAL, YONKERS NY 10703

I represent: DOB

Address: 280 BROADWAY, NY, NY 10007

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 222 & 437 Res. No. _____

in favor in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: FRANK RICCI

Address: _____

I represent: Rent Stabilization ASSOC.

Address: 123 William ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 222 + 289 Res. No. _____

in favor in opposition

Date: 10/29/2014

(PLEASE PRINT)

Name: Anita Wu

Address: 1 West 125th Street, 2nd Floor, New York NY 10027

I represent: Legal Services NYC

Address: 40 Worth Street, Suite 606, New York, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 477A

in favor in opposition

Date: 10-29-14

(PLEASE PRINT)

Name: Mary Ann Rothman 110 RST

Address: Council of NY Cooperatives & Condominiums

I represent: _____

Address: 250 W 57 St # 730

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THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Luis Henriquez

Address: _____

I represent: Make the Road New York

Address: 301 Gove St. BK NY 11237

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289 Res. No. _____

in favor in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: Donna Chiu

Address: 299 Broadway, 4th Fl, NY NY 10007

I represent: MFY Legal Services, Inc.

Address: 299 Broadway, 4th Fl, NY NY 10007

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 222 & 289 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Baaba Halm, Assistant Commissioner

Address: Government Relations, ~~HPD~~

I represent: HPD

Address: 100 Gold Street

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ²²² 239 Res. No. _____
 in favor in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: Ann Marie Santiago

Address: 100 Gold St 10038

I represent: Dept of Housing Preservation and Development

Address: 100 Gold St 10038

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ²⁸⁹ 289 Res. No. _____
 in favor in opposition

Date: 10.29.14

(PLEASE PRINT)

Name: Margaret Brown

Address: 100 Gold St, 726, New York, NY 10031

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. A13 Res. No. _____
 in favor in opposition

Date: 10/28/14

(PLEASE PRINT)

Name: NYLAG Kamilla Sjodin

Address: 7 Hanover Sq. 18th Fl

I represent: NYLAG

Address: _____

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