

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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February 27, 2015
Start: 10:22 a.m.
Recess: 11:37 a.m.

HELD AT: Committee Room - City Hall

B E F O R E:

JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

ANTONIO REYNOSO
ERIC A. ULRICH
HELEN K. ROSENTHAL
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YDANIS A. RODRIGUEZ

[gavel]

CHAIRPERSON WILLIAMS Good morning

everyone and thank you for coming to this exciting and well-loved Friday hearing of Housing and Buildings. I'm Council Member Jumaane Williams, Chair of the Committee of Housing and Buildings. I'm joined today by Council Member James Vacca whose bill we're going to hear. Today we're hearing Intro 462, a bill by Councilman Vacca regarding elevator repairs that Department of Building's elevator division is responsible for overseeing the use and operation of New York City's approximately 60 thousand elevators which require constant attention and maintenance to ensure optimal functioning. In 2014 the city issued over 35 thousand summonses for elevator violations and responded to over 30 thousand calls about elevator safety. In the last week alone the Department of Buildings... 182 complaints about elevators city wide unlike for issues such as leaky roofs, mold, broken windows, or a lack of heat and hot water. Tenants have very few options when elevators in need of emergency repairs and the owner has failed to make those repairs. Council Member Vacca's piece of

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2 legislation seeks to change that and at this time
3 I'd like to invite him to speak more about the
4 bill.

5 COUNCIL MEMBER VACCA: Thank you Chair
6 Williams. And I want to personally thank you and
7 the speaker for helping and allowing this hearing
8 to take place today and I know your calendar is
9 busy and I appreciate your, your support in getting
10 the hearing set up. I'm James Vacca and I'm the
11 prime sponsor of Intro 462 and I want to thank the
12 37 co-sponsors of this bill. I think having that
13 many members reflects that this is an issue that
14 has city wide importance to all five boroughs.
15 Going forth this is an issue that many Council
16 Members feel is a priority. As millions of New
17 Yorkers who live in multi-story apartment buildings
18 can attest elevators are a necessity, not a luxury.
19 In a densely packed city like ours a large
20 percentage of the population of our city relies on
21 elevators every day to go about their daily
22 business. We all know elevators need repairs or
23 replacement once in a while and most landlords and
24 management companies of residential buildings
25 throughout the five boroughs do right by their

1 tenants and get the elevators back in working
2 condition within a reasonable amount of time. But
3 what happens when they don't? A non-working
4 elevator that is out of service for more than even
5 a few hours has a drastic impact on the quality of
6 life of tenants, particularly the elderly,
7 disabled, and those with young children can often
8 become homebound particularly in buildings that
9 only have one elevator. The process of identifying
10 the cause of the outage and acquiring a company to
11 make the necessary repairs can take anywhere from
12 days to months. In some cases landlords have
13 refused to make repairs after weeks or even months
14 and no service exists in the building at all.
15 There've been several instances over the past year
16 of prolonged elevator outages in our city. In the
17 Bronx and Queens for example there are stories,
18 including one in my own district, a 12 story
19 building elevator that was out for four months.
20 Another building in Mont Haven in the south Bronx
21 suffered an outage of comparable time. And there
22 was a similar incident in Howard Beach Queens.
23 Since the beginning of this year over 12 hundred
24 complaints for a defective or non-working elevators
25

1 had been logged in through 3-1-1. And there were
2 more than 8,000 such complaints in 2014 alone. In
3 comparison to complaints filed in January and
4 February of last year there has been a slight
5 increase in the number of service requests filed.
6 Now currently most building as you know in New York
7 City are under the jurisdiction of the New York
8 City Department of Housing Preservation
9 Development, HPD, but the elevators are monitored
10 by the New York City Department of Buildings. HPD
11 has the authority to make emergency repairs and
12 bill the property owner when the owner is
13 unresponsive to notice of a hazardous condition
14 under HPD's emergency repair program. Issues that
15 qualify as emergencies could include rodent
16 infestation, lack of heat/hot water, mold,
17 asbestos, other related issues. However neither HPD
18 nor any other agency has the authority to repair
19 elevators under any circumstances. An out of
20 service elevator should qualify as an emergency
21 depending on how long it has been unserviceable,
22 the steps the landlord has taken to correct the
23 problem, the number of elevators in a building, the
24 number of floors, and the number of tenants who

1 absolutely cannot use the stairs. So what I'm
2 saying is that we don't have an emergency repair
3 program at all for elevators. Nothing triggers the
4 city getting involved in repairing an elevator,
5 even the worst of situations. Residents in our city
6 live in high rise buildings with an expectation
7 that they can come and go freely about their
8 business. And it's unacceptable for anyone,
9 especially those who are frail, elderly, or
10 disabled to be confined to one's apartment simply
11 because the elevator is not working. It's a
12 violation of their basic human rights and it's a
13 real safety concern. So my Intro 462 would
14 establish an emergency repair program for elevators
15 in which DOB would determine such emergencies and
16 refer them to HPD to make the repairs and bill the
17 property owner. This proposal would prevent tenants
18 throughout the five boroughs from enduring long and
19 inconvenient outages. I look forward to hearing the
20 testimony. And I thank you again Chair Williams for
21 your help today.

23 CHAIRPERSON WILLIAMS: Thank you Council
24 Member. Before we hear testimony from the
25 administration I'd like to thank my staff for the

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2 work they did to assemble this hearing including
3 Nick Smith my Deputy Chief of Staff, Jen Wilcox...
4 Council to the Committee, Guiro Patino and Jose
5 Conley Policy Analyst to the Committee and Sarah
6 Gastelem the committee's finance Analyst. I also
7 want to say that we've been joined by Council
8 Member Rosenthal from Manhattan. And with that said
9 I'm going to call a representative from the
10 Administration of the first panel. I'd like to
11 remind everyone that would like to testify today to
12 please fill out a card with the Sergeant in Arms.
13 Calling up Hiren Vyas and Patrick Whaley from the
14 Buildings Department. Can you, did you fill out...
15 okay. Can everyone raise their right hand please?
16 Do you affirm to tell the truth, the whole truth,
17 and nothing but the truth in your testimony before
18 this committee and to respond honestly to council
19 member's questions? Thank you very much. You can
20 begin at your preference. And we, sorry, we've also
21 been joined by Council Member Levine.

22 PATRICK WHALEY: Good morning Chair
23 Williams, Council Members Rosenfall [phonetic],
24 Rosenthal, Levine, and Vacca. My name is Patrick
25 Whaley. I'm an Assistant Commissioner of External

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2 Affairs at the city's Department of Buildings. I'm
3 joined by my colleague Hiren Vyas, Director of our
4 Elevator Unit. Mr. Vyas and I are joined by Ann
5 Marie Santiago, the Department of Housing
6 Preservation Development's Associate Commissioner
7 of Enforcement and Neighborhood Services. We are
8 pleased to be here this morning to offer testimony
9 on introductory number 462 which requires referral
10 by the Buildings Department of certain immediately
11 hazardous elevator violations to the Department of
12 Housing Preservation and Development for inclusion
13 in their emergency repair program. Specifically
14 Intro 462 amends the city's administrative code to
15 authorize the building's commissioner to refer to
16 HPD for inclusion in their emergency repair
17 program. Multiple dwellings that have received
18 immediately hazardous elevator violations when no
19 effort has been made to correct the violation in a
20 period of time established by the department.
21 Exceptions are provided for elevators that only
22 serve as an owner occupied unit and elevators
23 within convents and rectories that are not open to
24 non-occupants on a regular basis. Article five of
25 sub-chapter five, the housing maintenance code

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2 authorizes HPD to correct conditions in residential
3 properties whenever HPD determines that because of
4 any violation of this chapter or other applicable
5 law any dwelling or part of its premises is
6 dangerous to human life and safety or detrimental
7 to health. It is under this provision that HPD's
8 emergency repair, repair and environmental hazards
9 program exist. The same article provides the
10 authority for HPD to recover all expenses and to
11 place a lien upon the building and lot should
12 payment not be made. Inoperable elevators
13 particularly in multiple dwellings where only one
14 elevator exists are more than just an inconvenience
15 to residents. For those residents who rely on an
16 elevator due to their advanced age or physical
17 impairment not having access to one can effectively
18 trap them in their home or potentially cause injury
19 resulting from being forced to navigate stairways.
20 Furthermore inoperable elevators can delay
21 emergency response. In a dense urban environment
22 such as ours elevators have become essential for
23 New Yorkers to go about their daily lives. New York
24 City is home to approximately 65 thousand passenger
25 elevators in nearly 30 thousand buildings. The

1 department is responsible for ensuring that the
2 city's elevators operate safely. Specifically we
3 perform annual inspections of every single elevator
4 in the city and additionally require owners to hire
5 third parties to perform annual inspections as
6 well. In 2014 approximately 180 thousand
7 inspections were performed on the city's elevators.
8 The department also licenses elevator inspectors
9 and directors. Examples of immediately hazardous
10 elevator violations include elevators that run with
11 doors that do not close properly and non-
12 functioning elevator safety devices. In 2014 the
13 department issued 503 immediately hazardous
14 elevator violations which represented an
15 approximately 17 percent reduction from the 607 we
16 issued in 2013 and a 42 percent reduction from the
17 871 we issued in 2012. Immediately hazardous
18 elevator violations must be corrected immediately.
19 The penalties for immediately hazardous elevator
20 violations start at 1,000 dollars and can be as
21 high as 25 thousand dollars if the violation is not
22 corrected. Upon receipt of an elevator complaint
23 the department sends an inspector to the location
24 to examine the elevator. For complaints related to
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1 hazardous conditions inspections are performed
2 within 36 hours. Mind you that's our target we do
3 perform these inspections currently within 24
4 hours. Inspections are prioritized for buildings
5 with a single elevator or if the department is made
6 aware that an elderly or disabled tenant occupies
7 the building. If an immediately hazardous violation
8 is issued a cease use order will be placed on the
9 elevator. Upon the request of the owner or the
10 elevator company the department will respect the
11 device to confirm the hazardous conditions have
12 been corrected. If the owner elevator company fails
13 to contact the department a reinspection will be
14 performed in 10 days for a single elevator building
15 and in 30 days for a multiple elevator building to
16 determine if the repair has been made or to
17 ascertain what steps have been taken to make the
18 repair. Once the repair work is completed the
19 department will inspect the elevator to lift the
20 cease use order. A department inspector must
21 respect all hazardous violations before an elevator
22 can be restored to service for public use. In 2006
23 the department established the major offenders
24 project to identify properties and focus
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1 enforcement efforts where there was only one
2 elevator in the building or portion of the building
3 serviced by only one elevator and that was
4 consistently out of service. A number of criteria
5 must be satisfied to be considered a major offender
6 including receiving ten or more complaints and
7 violations following confirmation of violating
8 conditions by the department. The department lists
9 major offenders on its website and pursues
10 enforcement action against them in criminal court.
11 There are currently eight buildings on the major
12 offender list. Additionally the department gives
13 special attention by monitoring progress towards
14 compliance for the properties at risk of becoming
15 major offenders of which there are currently 33.
16 While any multiple dwelling without a working
17 elevator requires prompt inspection by the
18 department and correction by the building owner as
19 soon as practicable the unfortunate reality of
20 elevator repair is that depending on the scope of
21 the problem it can often take quite some time to
22 bring an elevator back online. Many of the city's
23 elevators are decades old with the original
24 manufacturer no longer in business. As a result it
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1 can take many weeks for specialized replacement
2 parts to be delivered or in some cases built.
3 Approximately 65 percent of immediately hazardous
4 violations are corrected within one week. For the
5 remaining 35 percent correction can take anywhere
6 from a week to three months depending on the scope
7 of the work. As drafted intro 462 would require the
8 department to refer to HPD for inclusion in their
9 emergency repair program, multiple dwellings where
10 no effort has been made to correct immediately
11 hazardous violations in a period of time
12 established by the department. Given that 3elevator
13 malfunctions vary in their complexity it is
14 difficult to arrive at a single period of time by
15 which insufficient compliance would be
16 demonstrated. That said the department recognizes
17 that there are a small number of buildings
18 encompassing the most egregious violators that may
19 benefit from an additional enforcement tool such as
20 the emergency repair program. Given the
21 department's largely successful enforcement efforts
22 to compel a correction of immediately hazardous
23 elevator violations albeit in a period of time that
24 while sometimes lengthy is necessary. The
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2 department would suggest special care be taken in
3 determining which immediately hazardous violations
4 should be referred to HPD for inclusion in their
5 emergency repair program. Any referral process
6 should be targeted to only the small number of
7 buildings that are not seeing results from the
8 department's enforcement efforts and where
9 subjection to HPD's emergency repair program or
10 other enforcement efforts would improve compliance.
11 Thank you for your attention and the opportunity to
12 testify before you today. Mr. Vyas, Ms. Santiago,
13 and I welcome any questions that you may have.

14 CHAIRPERSON WILLIAMS: Thank you Mr.
15 Whaley. Thank you Ms. Santiago for filling out the,
16 the form. Did you have any testimony or is that one
17 for... So thank you for your testimony. It seemed
18 like there wasn't particular opposition, just some,
19 want us to make sure some clarity in how we define..
20 I guess what will be the most egregious and what
21 would trigger the bill. Is that a good synopsis?

22 PATRICK WHALEY: That is, that is
23 correct. We do believe that in certain instance an
24 emergency repair program for elevators may be
25 appropriate. The challenge we would have and we're

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2 happy to work with the council on this is basically
3 find the line by which certain elevator buildings
4 would be put into the emergency repair program.

5 CHAIRPERSON WILLIAMS: Okay. And we've
6 also been joined by Council Member Koslowitz,
7 Mendez, and Johnson. You, you said you have a major
8 offenders list. I want to understand what special
9 attention... meant for those on the major offenders
10 list. How do you force them to correct their
11 problem?

12 PATRICK WHALEY: So for the most
13 egregious elevators that are part of our major
14 offenders list, in addition to the first instance
15 in issuing an ECB violation we also have another
16 tool where we will issue a DOB violation and that's
17 a criminal court summons, can result in a criminal
18 court summons if it's not paid. And so that
19 opportunity provides the department with an
20 additional piece of leverage to involve the
21 criminal court process to work with a judge, to
22 hopefully work with a building owner to see
23 compliance to repair the elevator. So for the ones
24 that are not on the major offenders list in which,
25 I mean, I don't, I still don't think that that's

1
2 enough to, to get it done, want to try to get it
3 done quicker but let's pretend that major offenders
4 list aside for those that don't reach that level do
5 you feel that this bill is appropriate in helping
6 that one, those elevators get done quicker?

7 PATRICK WHALEY: So in addition to our
8 major offenders list of which we currently have
9 eight buildings on that list. These are the, the
10 worst of the worst so to speak. There's an
11 additional subset of buildings that are sort of
12 approaching that point but aren't quite there yet
13 that the department provides special attention for
14 through monitoring their, their, their progress
15 towards compliance. Currently we have 33 buildings
16 on that list as well. And perhaps it might be
17 appropriate as well to consider that list of
18 buildings for the emergency repair program.

19 CHAIRPERSON WILLIAMS: But none of those
20 special attentions, none of that special attention
21 includes going in and doing the repairs, is that
22 correct?

23 PATRICK WHALEY: That's correct.
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2 CHAIRPERSON WILLIAMS: Okay thank you.
3 I'm going to ask the bill sponsor if he has any
4 questions.

5 COUNCIL MEMBER VACCA: I, I think if
6 your testimony... my concern would be that we not
7 limit this legislation to only the chronic handful
8 of buildings and I'll tell you why. I do think that
9 if an owner does say after a week or two that the
10 elevator is out that he then has plans filed with
11 the buildings department to repair it or install a
12 new one that he has to present evidence of those
13 plans. I, I just want there to be a, a recognition
14 that we do have this new program if we can do it
15 but it not be limited to a handful of buildings. I
16 think owners have to understand that there's going
17 to be accountability, that if they say I need time,
18 I'm waiting for a part then there should be
19 evidence that he has requested the part. If he says
20 he went to the buildings department, the BIZ system
21 which is transparent, which your agency has, the
22 BIZ system should reflect there's an application.
23 So all that I'm seeking to do is to establish a, a,
24 a, an awareness that we do have the emergency
25 repair program. Do I want that program used at the

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2 blink of an eye? No. Do I understand that elevators
3 take a little more effort than mold and other
4 issues? Yes. But I, I agree with the chair and his
5 statement that I don't want to limit it to just
6 those chronic buildings. I think there has to be an
7 accountability that we have to work on.

8 PATRICK WHALEY: We, we agree. As part
9 of our enforcement efforts when we go out to
10 respect sites part of the process is the building
11 owner has to demonstrate their best efforts to
12 repairing that building. Examples could be filing
13 permits to get the work done, perhaps showing
14 invoices, demonstrating that they are in the
15 process of getting the parts they need to perform
16 that work. So as, as part of our heightened
17 enforcement efforts, whatever they might be, what
18 we have currently and what we might have in the
19 future part of that process is working with
20 building owners to make sure that they are
21 demonstrating sufficient effort to get the repair
22 done as quickly as possible.

23 COUNCIL MEMBER VACCA: We, we have one
24 building that the staff has identified as having 91
25 unresolved elevator violations, 91. Right now the

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2 only recourse the city has is to go give him 92 and
3 93 violations, to keep serving him with violations.
4 What else can we do in a case like this right now
5 besides another violation? He already has 91 so is
6 serving him more violations basically going to get
7 the elevator back up and running?

8 PATRICK WHALEY: It's a very good point
9 you raise. And I think to a certain extent you can
10 say that again for the most egregious violators our
11 hands are tied and all we can do is issue one more
12 violation on top of another violation. You know
13 ultimately they would be part of a heightened
14 enforcement effort where we get the criminal court
15 system involved. But that's why we agree that in
16 certain circumstances something like an emergency
17 repair program might be appropriate.

18 COUNCIL MEMBER VACCA: Thank you Mr.
19 Chair.

20 CHAIRPERSON WILLIAMS: Thank you. And
21 for, just for clarity I don't believe this should
22 just be used for the most egregious so I wanted to
23 make sure that I clarified that. I did want to get
24 clarification maybe from Ms. Santiago. The existing
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2 emergency repairs, what triggers those and when can
3 you come in and make the repairs?

4 ANN MARIE SANTIAGO: So the current
5 emergency repair program is basically based on
6 violations issued by HPD itself. So elevators are
7 not under the jurisdiction of HPD and so we would
8 never issue a violation that would result in an
9 emergency repair at the current time.

10 CHAIRPERSON WILLIAMS: I just want an
11 example to say for, for mold or for a lock on the
12 door outside, some, something else that triggers
13 you, or, or heat or...

14 ANN MARIE SANTIAGO: Right.

15 CHAIRPERSON WILLIAMS: ...water.

16 ANN MARIE SANTIAGO: So heat and hot
17 water are most common emergency repairs. Lead based
18 paint we're required to do emergency repair. Mold
19 over a certain threshold, you know cascading water
20 leaks, falling plaster, those types of immediately
21 hazardous violations.

22 CHAIRPERSON WILLIAMS: And how long
23 after the complaint stays unabated do you come in
24 and make the repairs?

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2 ANN MARIE SANTIAGO: The law defines
3 clearly when we can go in so different class
4 violations have different compliance periods. So
5 lead in window guards, the owner has 21 days...
6 [cross-talk] For lead based paint violations and
7 for window guard violations the landlord has 31,
8 basically 31 days to make a repair before ERP is
9 triggered for things like mold and leaks, basically
10 the, the time period for compliance winds up being
11 about 11 days for ERP to be triggered. During that
12 period we issue the notice of violation, we reach
13 out to the landlord to try and gain compliance and
14 we reach out to the tenant to find out if the
15 condition has been corrected.

16 CHAIRPERSON WILLIAMS: And heat?

17 ANN MARIE SANTIAGO: The heat is
18 required to be corrected immediately so the owner
19 doesn't have that period, so generally we go in
20 with ERP as quickly as we can in terms of restoring
21 that service.

22 CHAIRPERSON WILLIAMS: Thank you. So if
23 the elevator is down... It immediately cause a major
24 strain on the tenants. So I wouldn't want to wait
25 for it to go to most major one. It sounded like

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2 from the testimony that there was a feeling that
3 some of it, some of the repairs may by nature take
4 some time I guess if they don't have parts or
5 things of that nature. But is there a time frame
6 you think would make sense to come in and correct
7 if the owner has not corrected.

8 PATRICK WHALEY: Our understanding is
9 that generally it takes depending on the type of
10 repair that's necessary, anywhere from a week to
11 perhaps three months to, to fix the violation if
12 say a new part needs to be ordered or a new part to
13 be built it's sort of more on the high end, close
14 to three months. In our, in our experience if it's
15 taking longer than three months to repair an
16 elevator violation... has this elevator violation
17 clearly something's awry.

18 ANN MARIE SANTIAGO: Can, can I just
19 add, I'm sorry, in terms of our repairs on heat
20 which uses a comparison it's a very similar
21 situation where in some cases a boiler can be
22 repaired very quickly and in some cases when they
23 need to replace the boiler parts need to be
24 obtained, new boilers need to be installed, fire
25 permits need to be filed. That can also be a very

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2 lengthy process whether the owner is attempting to
3 do it or the agency is attempting to do it.

4 CHAIRPERSON WILLIAMS: Alright. Three
5 months just sounds like a long time to go without
6 an elevator.

7 PATRICK WHALEY: It is a long time. No
8 doubt about it.

9 CHAIRPERSON WILLIAMS: Is it, for... so
10 you're saying there's cases that if you, even if
11 you come in to make the emergency repairs it would
12 still take three months?

13 PATRICK WHALEY: That's correct.

14 CHAIRPERSON WILLIAMS: Okay. So either
15 way that this, well there wouldn't be opposition to
16 this bill because the bill coming in and if we find
17 out what the trigger is, it, it forces you to make
18 the repair which is good but the timing is, you're
19 saying would not speed up in some cases.

20 PATRIK WHALEY: There are clearly
21 building owners out there who are dragging their
22 feet. And for those building owners who are
23 dragging their feet an ERP program perhaps would be
24 appropriate to take care of the work before they
25 were to take care of it.

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2 CHAIRPERSON WILLIAMS: But you, someone
3 would be able to tell after two or three days even...
4 some would be able to tell after the complainants
5 come in whether that job should take a day or take
6 three months, is that correct?

7 PATRICK WHALEY: Correct. So we, we'll
8 go out and, and respect the site, take a look at
9 the condition, have a conversation with the owner,
10 the elevator operator repair person and we will, we
11 will based on that conversation will determine what
12 the problem is and how long should it take. And
13 that sort of dialogue will inform whether or not we
14 engage in heightened enforcement efforts. So if
15 it's something that should take a couple weeks and
16 it's been a month clearly that's a problem, we're
17 going to step them up and treat them perhaps as a
18 major offender. But if it's the kind of problem
19 that requires a major overhaul and replacement of
20 their elevator systems and they're waiting for a
21 part to be built to be delivered from somewhere
22 outside of the city and it's going to take you know
23 three months to get that process done well we would
24 treat them differently. So, but if there's a, in
25 that line of thinking if someone calls, if someone

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2 calls a complaint, calls in a complaint and the
3 assessment is it should take 24 hours and it's now
4 48 hours you can come in with this program and just
5 make the repairs that are needed.

6 PATRICK WHALEY: I think we, we'd have
7 to have that conversation again to decide what the
8 trigger's going to be and what make the most sense.
9 I think in our experience you know again the
10 overwhelming majority of these immediately
11 hazardous violations are certainly corrected within
12 a week often times for less than that. But if there
13 are violations that can be corrected in short order
14 and they're not being corrected in short order they
15 should be subject to our heightened enforcement
16 efforts and that can be, go through the criminal
17 court process, or perhaps maybe even an ERP
18 program.

19 CHAIRPERSON WILLIAMS: Okay since all my
20 colleagues have questions and I have additional
21 questions I am scared, it's very scary that people
22 can go three months without elevator and there's
23 nothing that can be done so I'm a little concerned
24 about that. I want to have some follow-up
25 conversation about that to see how often that

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2 occurs. I have some additional question but I want
3 to go to my colleagues first, Council Members
4 Mendez and Rosenthal.

5 COUNCIL MEMBER MENDEZ: Thank you Chair
6 and thank you Council Member Vacca for coming up
7 with this idea and helping to craft it and to the
8 staff for putting this through. It's really a great
9 bill. So I'm, I'm honored to be a co-sponsor along
10 with a hundred other colleagues. But I just wanted
11 to ask since you guys know this stuff and I, and my
12 office is on the receiving end of phone calls you
13 know with, with resident who can't get out of their
14 homes in your experience what suggestions do you
15 have as alternatives. When there's a building where
16 you're even on it and it's three months to get the
17 part have you seen any buildings done any creative
18 or good things to help the residents that are
19 otherwise, otherwise basically can't get downstairs
20 unless as other residents are carrying them or you
21 know. What suggestions have you seen that have been
22 constructive?

23 PATRICK WHALEY: So we all have
24 situations where building owners will build sort of
25 a wheelchair lift for elderly and disabled people

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2 to get up the stairs when there is a lengthy
3 elevator repair. I think we might be aware of
4 occasions where...

5 HIREN VYAS: There are two type of... to
6 use during this situation. And one is you put the
7 platform lift, like a wheelchair lift, or a stair
8 shell lift for elderly people and it goes on every
9 stairs you know. If it's a six story building you
10 need a track to go that. But that... normally not
11 everybody followed because it's expensive. And some
12 staircases are limited in the size. So that is
13 obstructing the means of egress sometimes. [cross-
14 talk]

15 CHAIRPERSON WILLIAMS: Can you put the
16 mic closer to your mouth?

17 HIREN VYAS: Oh I'm sorry. So, so what
18 happened like when we provide those kind of stair
19 chair lift permanently that also provide the means
20 of egress issue because, because the space that
21 obstructing for the means of egress staircase. But
22 platform the portable wheelchair lift that some
23 buildings do use then complain goes to MOPD or the
24 human right commissions and they do perform those
25 type of wheelchair lift...

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2 COUNCIL MEMBER MENDEZ: I mean I guess I
3 would ask the staff or just as a follow-up; can we
4 look into requiring that alternatives be placed in
5 the stairwells you know to the extent when, I would
6 be curious to know, to see the data to know how
7 often a stair, one of the lifts can be put in and
8 how often it does happen that they put in the lifts
9 because it would be interesting to see how often
10 they don't put in the lifts and just don't because
11 of money or because it's impractical and what the
12 other solutions are when it's impractical. I mean
13 it would be interesting to push this bill a little
14 bit farther and require a solution for the
15 situations when it's three months with no repair.
16 So can I just sort of put that out there as
17 something you would consider or staff would
18 consider or... What would be your response to that
19 kind of thing where you require the building to pay
20 for an alternative for the tenants? How hard would
21 that be to enforce?

22 PATRICK WHALEY: I think it's something
23 we could, we're certainly happy to take a look at
24 as Mr. Vyas mentioned doing such a thing
25 particularly in older buildings which are the

1 buildings that have these types of elevator
2 problems their stair wells are sort of narrow to
3 begin with so there certainly might be some egress
4 issues if we were to go down that road and, in
5 terms of the expanse clear we have no idea but it's
6 something we could certainly look into.
7

8 CHAIRPERSON WILLIAMS: Thanks. And just
9 for... so there's no, if a elevator takes two three
10 months there's currently no... provision to assist
11 elderly and disabled to get up and down.

12 PATRICK WHALEY: That's correct. There's
13 that.

14 CHAIRPERSON WILLIAMS: That's not good.
15 Council Member Mendez.

16 COUNCIL MEMBER MENDEZ: Thank you Mr.
17 Chair. I walked in during the middle of your
18 testimony and I haven't had a chance to read all,
19 you know go back and read it. So can, can you just
20 explain to me the process by why you, how you issue
21 violations and in this case how you get multiple
22 violations. So like in HPD I know they have A, B,
23 and C violations and you have a certain amount of
24 time to correct. So I, I don't know the process or
25 if there's a different process for elevators for

1
2 DOB as opposed to some other stuff. Could you
3 explain that please?

4 PATRICK WHALEY: So upon the issue...
5 [cross-talk]

6 COUNCIL MEMBER MENDEZ: And if it's in
7 here can you reference where it is in here or...

8 PATRICK WHALEY: The process is
9 referenced on page three. It's the, is that right?

10 COUNCIL MEMBER MENDEZ: Here, upon the
11 receipt... [cross-talk] complaint, okay.

12 PATRICK WHALEY: The middle paragraph.

13 COUNCIL MEMBER MENDEZ: Yeah, okay,
14 could you just summarize for us though since I
15 think some of my colleagues... [cross-talk]

16 PATRICK WHALEY: ...summary I think is
17 just to read it because...

18 COUNCIL MEMBER MENDEZ: Just to read it.

19 PATRICK WHALEY: ...this is just a
20 summary. I can read it, I'm happy to read it for
21 you... [cross-talk]

22 COUNCIL MEMBER MENDEZ: No, that's the
23 summary... [cross-talk] if you can't make it any
24 faster than that then, and we'll, then we'll leave
25 it. So you go in and you just issue a violation?

1
2 It's not A B C, it's just a violation and an, and
3 an order to correct, is that correct?

4 PATRICK WHALEY: So we receive... there
5 are complaints so A complaint corresponds to an
6 immediately hazardous violation so the doors are
7 not closing when they're supposed to be closing.
8 The, the devices in the elevator...

9 COUNCIL MEMBER MENDEZ: So that's
10 different from HPD where the C violation is the
11 most hazardous and has to be done within 24 hours?

12 PATRICK WHALEY: I suppose that's right,
13 yes. So we have A complaints that correspond with
14 an immediately hazardous violations. So it's the,
15 the, the worst things like the elevator doors not
16 closing, devices in the elevator that prevent it
17 from going too low or too high on a floor, aren't
18 working properly, that's an A complaint, results in
19 an immediately hazardous violation. For those types
20 of complaints we get out there within 24 hours. If
21 upon inspection we see that condition we will issue
22 the immediately hazardous violation. The property
23 owner or the elevator repair company will call us
24 to let us know that they fixed the condition. The
25 department needs to go out there and re, re-inspect

1
2 before we can lift the cease use order on the
3 elevator. If we don't hear from them for an, for a
4 building that has one elevator we will go back out
5 there within 10 days to respect. And for a building
6 that has multiple elevators we'll go back out there
7 within 30 days to re-inspect.

8 COUNCIL MEMBER MENDEZ: Okay. So what
9 happens if it's do, you say A is the worst so do
10 you have a B or a C or whatever and, and how does
11 that work and how long before an inspection or..

12 PATRICK WHALEY: The A violations
13 obviously A complaints are the most egregious, I
14 explained those. The B, obviously are less severe.
15 That's something along the lines of if like the
16 elevator isn't lubricated properly or there's you
17 know something that doesn't result in immediately
18 hazardous violation we obviously don't get out to
19 those as quickly as we do get out for the A
20 complaints. And we average about 60 days to getting
21 out for a B complaint. The final level, less severe
22 is a C complaint, and that's more like a
23 housekeeping item, like you didn't post your permit
24 or whatever it is, your inspection certificate, it
25 wasn't posted. That results in a C violation. I

1
2 don't know exactly how long it takes for us to get
3 out there but presumably it's 60 days or perhaps a
4 little longer.

5 COUNCIL MEMBER MENDEZ: Okay. And for
6 buildings that used to have elevators that may have
7 a cabin but it's clearly not in use, I know you go
8 back from time to time you inspect to make sure
9 it's not being used. How often do you do that?

10 PATRICK WHALEY: Can you repeat the
11 question? Sorry.

12 COUNCIL MEMBER MENDEZ: So for buildings
13 that used to have... so let me just, my building for
14 example has an elevator cabin. We didn't have money
15 to fix it so on every floor it's, you know there,
16 it's just sheet rocked and someone comes every so
17 often, goes to our roof, checks where the elevator
18 cabin is just to make sure it's not in use. I'm
19 assuming that's something you do on a regular basis
20 as you've come to my building I don't know every
21 couple of years or something. Is that something
22 that you do on the regular basis for other, for all
23 buildings?

24 HIREN VYAS: Every elevator is being
25 inspected in the city, one by the Department of

1
2 Buildings inspectors and one by the building owner
3 hiring the licensed inspectors. So those are the
4 guys when they go out and do the inspections they
5 will identify all those conditions. Other issue
6 that we go out or so when we have a complaint base
7 inspect. So when we issue the complaint then also
8 we go out and make sure the nature of complaints
9 and the time frame for the complaint response.

10 COUNCIL MEMBER MENDEZ: Okay. So
11 someone's just doing due diligence? It's not like
12 in, in the case of my HDFC and they're coming to
13 inspect every four or five years and just when
14 they're there to inspect something else?

15 HIREN VYAS: I will...

16 COUNCIL MEMBER MENDEZ: You know?

17 HIREN VYAS: If, if you'll, if you look
18 at your inspection certificate... because every time
19 elevator inspected somebody has to sign the
20 certificate for the public to use that would have
21 been inspected periodically and it is safe right.
22 So that's, after that if you see the inspection
23 certificate is not filled out or not signed you,
24 you can call 3-1-1 and we're going to send our
25 inspector out to look at it. Plus if they don't do

1
2 the mandatory inspections required by the code
3 there will be a heavy penalty for not doing a
4 category one, three, and five inspections.

5 COUNCIL MEMBER MENDEZ: So another
6 question. In your testimony you're saying you did
7 180 thousand inspections in 2014. How many
8 elevators in the city of New York?

9 HIREN VYAS: About 65 thousand passenger
10 elevators and 3,000 freight elevators so.. [cross-
11 talk]

12 COUNCIL MEMBER MENDEZ: 650 thousand
13 passenger, residential or..

14 HIREN VYAS: I mean.. [cross-talk]

15 COUNCIL MEMBER MENDEZ: Or like hotels,
16 anything like that?

17 HIREN VYAS: Commercial and residential
18 combined 65 thousand.

19 COUNCIL MEMBER MENDEZ: There was three,
20 300, would that include hotels, the 300 thousand
21 elevators?

22 PATRICK WHALEY: [off mic] 65 thousand
23 passenger elevators would include.. [cross-talk]

24

25

1 COUNCIL MEMBER MENDEZ: 65 thousand, I
2
3 thought you had said 650 thousand, I'm sorry. 65
4 thousand passenger elevators.

5 HIREN VYAS: Right.

6 COUNCIL MEMBER MENDEZ: Which hotels are
7 included in which one? In the passenger or in the
8 commercial?

9 PATRICK WHALEY: [off mic] 65 thousand
10 passenger elevator, sorry. [on mic] 65 thousand
11 passenger elevators include commercial and
12 residential.

13 COUNCIL MEMBER MENDEZ: Oh, I'm sorry.

14 PATRICK WHALEY: Yeah so it's total
15 throughout the city 65 thousand.

16 COUNCIL MEMBER MENDEZ: Does that
17 include the public housing authority NYCHA.

18 PATRICK WHALEY: It does not. Is that
19 correct?

20 COUNCIL MEMBER MENDEZ: Okay.

21 PATRICK WHALEY: Yeah it does not.

22 COUNCIL MEMBER MENDEZ: Now don't you do
23 the inspections for NYCHA?

24 HIREN VYAS: Yes we do the inspection on
25 a complaint base and also on a acceptance base when

1
2 they do the major repair on elevators. We don't do,
3 perform the periodic inspection for NYCHA.

4 COUNCIL MEMBER MENDEZ: So NYCHA has
5 over 3,000 elevators?

6 HIREN VYAS: Right... [cross-talk]

7 COUNCIL MEMBER MENDEZ: So... what, is
8 this, I don't know who...

9 [background comments]

10 COUNCIL MEMBER MENDEZ: But if, well
11 that's been my problem all along. But in terms of
12 when there's violations but in, in terms of this so
13 you go and you inspect but you don't issue
14 violations when it comes to NYCHA.

15 HIREN VYAS: We do issue the violation
16 when we see the violating condition for NYCHA yes.

17 COUNCIL MEMBER MENDEZ: Okay but then we
18 can't say that they would have to fix it?

19 COUNCIL MEMBER VACCA: I think this goes
20 to our inherent problem in... [cross-talk] in
21 legislating NYCHA. But also on the other hand the
22 city is already responsible for NYCHA although it's
23 an authority. So I didn't put it in my legislation
24 because this is to... to have an emergency repair
25 program for buildings the city does not own.

1
2 Needless to say if the city has the building
3 whether it's an authority or not there should be an
4 emergency repair program. So NYCHA's elevators
5 break down NYCHA has to fix those elevators and
6 there an arm of the city. Sorry... [cross-talk]

7 COUNCIL MEMBER MENDEZ: Yeah well we're
8 getting to the problem where we're telling the
9 landlord to fix something and then there's no check
10 and balance on that landlord. In this case with
11 NYCHA that's always a problem. I just... [cross-talk]

12 HIREN VYAS: Can I add something with
13 the NYCHA? NYCHA has a mechanic and helper working
14 and maintaining their elevators and they are the
15 one repairing it. So my, NYCHA has more than 400
16 people working just for repairing elevators. So
17 there is no need to... [cross-talk]

18 COUNCIL MEMBER MENDEZ: Oh, oh there's a
19 need.

20 HIREN VYAS: No but I'm saying... [cross-
21 talk] if... [cross-talk]

22 COUNCIL MEMBER MENDEZ: From someone
23 who's gotten stuck in their elevators when I've
24 been going out to tenant meetings there's... [cross-
25 talk]

1 HIREN VYAS: I got it.

2 COUNCIL MEMBER MENDEZ: ...there's a big
3 need there. You know we've had people die in their
4 elevators so, because they couldn't get out and so
5 forth and were having a heart attack and anyway all
6 kinds of different things that happen there. I just
7 want to know in terms of, I see there's a exception
8 to policy here when the elevator is owner occupied
9 and is only, only the owner has access, exceptions
10 are provided for elevators that only service an
11 owner occupied unit. Is there anything that we have
12 laid out here or that you've recommended in terms
13 of emergencies like Sandy? So in my district a
14 whole bunch of elevators were out. DOB was going
15 out. You weren't issuing violations but I did have
16 an instance on one block where one building
17 actually got issued violations even though it was a
18 Sandy impacted problem and the building across the
19 street on the north side of the street didn't get
20 the violation. And so when I had to work with DOB
21 and other people to remove the violation from that
22 building but have we put anything in here or do you
23 recommend putting any legislation here that would
24 not put the burden on DOB to go in and start fixing
25

1
2 all these elevators when we're actually waiting to
3 hear back from a few more insurance companies and
4 so forth?

5 PATRICK WHALEY: That's not reflected in
6 this legislation quite frankly. We hadn't thought
7 about that. But as part of conversations going
8 forward should they happen we're more than happy to
9 sort of consider that. It's an interesting idea.

10 COUNCIL MEMBER MENDEZ: Okay so you, you
11 think it would be necessary? I mean I sort of think
12 we should have something in here just...

13 PATRICK WHALEY: Yeah I think we should
14 obviously examine more thoroughly to the extent
15 that using Sandy as an example, that that has
16 happened so it's something that we should certainly
17 look at.

18 COUNCIL MEMBER MENDEZ: Okay thank you
19 very much. Thank you Mr. Chair.

20 COUNCIL MEMBER VACCA: Just...

21 CHAIRPERSON WILLIAMS: Council Member
22 Vacca.

23 COUNCIL MEMBER VACCA: Thank you Mr.
24 Chair. I just want to ask for the record how often
25

1
2 do you inspect the average elevator? How, how often
3 do you inspect an, an, an elevator?

4 HIREN VYAS: Are you meaning complaint
5 inspection or regular periodic inspection?

6 COUNCIL MEMBER VACCA: Separate from
7 complaints you may get in 3-1-1. Is there a
8 schedule inspection for elevators. Is it twice a
9 year, four times a year, how many times do you
10 inspect it within a year?

11 HIREN VYAS: Elevators in the city
12 inspected twice a year, one by the department of
13 building inspectors and one by the building owner
14 hiring the licensed inspection agency and also
15 third party witnessing agency. So one inspection
16 for the periodic inspection. And other inspection
17 that building owner supposed to be doing is
18 category one inspection that include the testing of
19 the... and it has been performed by the licensed
20 agencies.

21 COUNCIL MEMBER VACCA: So when the owner
22 of the building has a licensed person inspect the
23 elevator the licensed person will give him a
24 report. And you inspect it once a year as the city
25

1
2 of New York. And this is separate from any
3 complaints you get?

4 HIREN VYAS: Right.

5 COUNCIL MEMBER VACCA: If there are
6 complaints you...

7 HIREN VYAS: Right.

8 COUNCIL MEMBER VACCA: When the owner
9 inspects a building and gets a report from his
10 licensed person do you get a copy of that report?

11 HIREN VYAS: Yes.

12 COUNCIL MEMBER MEMBER VACCA: So you
13 have it on your file, in your file?

14 COUNCIL MEMBER VACCA: Yes it's, it's on
15 our website on the biz, the category one
16 inspections so you can see the performing agency
17 and the status where the found the defects or it
18 was satisfactory.

19 COUNCIL MEMBER VACCA: Okay. When you do
20 the yearly inspection I wanted to know what it
21 included because part of our conversation today is
22 that often when a landlord has to replace an
23 elevator there are major parts needed and those
24 major parts are mostly due to age I would think or
25 usage. And my question is that when you inspect do

1
2 you look for the condition of parts so that it's
3 preventative. Why are we often put in a position
4 where landlords can say to tenants I need major
5 parts, I have to get them from who knows where and
6 it takes three months for me to get them so there's
7 no elevator. Why aren't your inspection reports
8 showing in advance that this is what has to be done
9 to prevent that outage from occurring?

10 HIREN VYAS: Yeah we do identify those
11 parts you know of violations and we advise building
12 owner these are the conditions... they don't fix
13 those violations then it's become more chain
14 reaction with other part also breaking down
15 simultaneously and then it's become a major
16 problem. And every elevator equipment has a
17 lifespan. And after certain age of the elevator the
18 part need to be replaced more often. And we do
19 identify... violation. Also we have included some
20 maintenance control program for the building owner
21 to follow. And manufacturers provide the
22 maintenance control program... same like when we buy
23 the new car and you have a manual how often we got
24 to do the inspections and how often you got to
25 change the oil, same program for elevators that how

1
2 often we want to do the examinations for that
3 elevators, how often inspection... perform and stuff
4 like that. And all the stuff has to be entering to
5 the maintenance log. And the inspector goes out
6 there and check that maintenance log is matching
7 with the maintenance control program in order to
8 get the compliance. So it is required by the law
9 starting under the 2008 building code and also...
10 this minimum safety standard for all existing
11 elevator in the city of New York. And that also
12 enhance our safety and... of the elevators.

13 COUNCIL MEMBER VACCA: What is the
14 average age of an elevator? [cross-talk] I'm sorry
15 what, I shouldn't say what is the average age, what
16 is the average life of an elevator?

17 HIREN VYAS: That depends, elevators is
18 25 to 30 years for the elevator life but that
19 depends on the uses of the elevator. If you use
20 more often the life... years.

21 COUNCIL MEMBER VACCA: My, my last point
22 is that I raise that question because we have
23 buildings in our city that have two elevators. Some
24 have more but we have residential buildings, many
25 of them have two. So when one elevator is out for

1
2 an inordinate amount of time the other elevator
3 becomes the only means of getting up and down. And
4 then we have reports where in those cases those
5 elevators break down because of over usage during
6 that period. So I just wanted to get an idea of, of
7 age. So I thank you. I think that this legislation
8 can be significant because we've never had a repair
9 program before. I just don't want to limit it to
10 the very worst of actors though. I want to give
11 your agency discretion to use it even if someone is
12 not on the bad actor list. Now do we have to be
13 careful when using that discretion? Of course, I
14 don't want that discretion used irresponsibly. I
15 want people to be given a chance. But I also don't
16 want people to fool the system. And I, I don't want
17 tenants left in, in a lurch. So there is a line
18 here and I, I just don't want this legislation,
19 this legislation's great because it would establish
20 a program we never had before. But by the same
21 token I don't want to make it too restrictive but I
22 don't want to make it onerous. I'm not here to hurt
23 property owners. I'm, I'm here to recognize that
24 they have a job to do but also to recognize that
25 some have to have a little bit of an impetuous to

1 do it. And that's where I'm at. Thank you Mr.
2
3 Chair.

4 CHAIRPERSON WILLIAMS: Thank you. I did
5 have one question. So we talked about the law that
6 HPD currently has the power to correct, or alter
7 correction of the maintenance code, the housing
8 maintenance code. Has HPD ever previously used the
9 power to correct or alter corrections of non-
10 housing maintenance code violations.

11 ANN MARIE SANTIAGO: We do have the
12 authority for lead violations specifically. We've
13 used it for lead based paint. We have used it for
14 window guards in the past related to department of
15 health. And they used to issue the violations. And
16 we do use the power for the demolition program that
17 we run.

18 CHAIRPERSON WILLIAMS: So and this
19 question is probably for another hearing. I'm going
20 to ask anyway. And there's one of the hearings
21 where we started getting to it. But I know there's
22 some MOUs between NYCHA I think and HPD and maybe
23 DOB. I believe there's some MOUs. Those MOUs,
24 anything those MOUs allow you to make emergency
25 repairs to NYCHA.

1
2 ANN MARIE SANTIAGO: Not to my
3 knowledge.

4 HIREN VYAS: Not to DOB MOU either yes.

5 CHAIRPERSON WILLIAMS: Sorry?

6 HIREN VYAS: Not, not in DOB MOU to
7 repair anything with NYCHA.

8 CHAIRPERSON WILLIAMS: Can you briefly
9 say what those MOUs allow you to do with NYCHA?

10 ANN MARIE SANTIAGO: I'm not familiar
11 with any MOUs with NYCHA in terms of doing
12 emergency repairs so...

13 CHAIRPERSON WILLIAMS: Are you familiar
14 with any MOUs?

15 ANN MARIE SANTIAGO: No, not with NYCHA.

16 HIREN VYAS: Yeah we do have MOU with
17 NYCHA for inspection and filing.. NYCHA perform
18 their own inspection but they.. have a licensed
19 inspector licensed by the DOB. And all, all of the
20 requirement is same like any of the private
21 buildings.

22 CHAIRPERSON WILLIAMS: Okay. I'm just
23 going to ask my staff to follow-up. I think we did
24 get a copy of the MOUs that existed but I'd like to
25 get them again and speak with my colleague Ritchie

1
2 Torres and figure out what's going in, what's
3 happening with those MOUs. So thank you very much.
4 Does any of my colleagues have any more questions?
5 We've been joined by Council Member Reynoso and
6 briefly by Council Member Espinal. So I want to
7 thank you for your testimony. Much appreciate it if
8 someone from the administration can remain. I think
9 we only have one more panel, and actually one more
10 person. So I'll call up Frank Ritchie from the Rent
11 Stabilization Association who always agrees with us
12 on our bills.

13 PATRICK WHALEY: Thank you very much.
14 Thank you.

15 CHAIRPERSON WILLIAMS: While we're
16 waiting I want to wish a very special happy
17 birthday to Rosie Mendez and as tomorrow is her
18 birthday and as, has been my tradition... [singing]
19 Happy birthday to ya [phonetic]. Happy birthday to
20 ya. Happy birthday, happy birthday to ya, happy
21 birthday to ya. Happy birthday... Come on. Happy
22 birthday, happy birthday, happy birthday to you.
23 [speaking] Alright.

24 COUNCIL MEMBER MENDEZ: This, this has
25 now become a... tradition because last year it was on

1
2 my birthday and we just happened to have a hearing
3 today before my birthday. So thank you Mr. Chair
4 and I'm, I'm glad you all came today for my
5 birthday party. We're going to go in the elevator
6 and dance in a few minutes.

7 CHAIRPERSON WILLIAMS: Mr. Ritchie, we
8 have one more person who is signing up to testify
9 and we're going to ask her to join you.

10 FRANK RITCHIE: Okay.

11 CHAIRPERSON WILLIAMS: Alright so just
12 give us a second while she does that. We, and we
13 have joining to testify Ms. Lauren Price for NYLAG.
14 If you can both please raise your right hand. Do
15 you affirm to tell the truth, the whole truth, and
16 nothing but the truth in your testimony before this
17 committee and to respond honestly to council member
18 questions? Since you were here first ask Mr.
19 Ritchie to begin your testimony.

20 FRANK RITCHIE: Thank you Chairman
21 Williams, Councilman Vacca, and members of the
22 committee. My name's Frank Ritchie. I'm the
23 Director of Government Affairs from the Rent
24 Stabilization Association which is a trade
25 association that represents building owners in the

1 city. We have approximately 25 thousand members and
2 they, those 25 thousand members, manager owner,
3 about one million units of housing in the city. In
4 the current form we oppose Intro 462 but I'm not
5 going to read my testimony, I'm just going to
6 summarize it. But I think based on the testimony
7 that I heard from the Department of Buildings from
8 the bill sponsor and from HPD I think we're pretty
9 much on the same page. We support the concept of
10 the bill. We don't you know endorse owners who
11 don't make repairs. But the reality is that many of
12 the buildings in the city, buildings, first of all
13 if you have an elevator you're required to have a
14 maintenance contract for that, that small handful
15 of owners who either don't or have a false contract
16 or aren't doing what they should be doing. We don't
17 have a problem with this bill and suing ERP to, to
18 go and repair an elevator. I think the real problem
19 with this whole concept though is that often you
20 heard.. and it's really down to buildings with one
21 elevator. Those elevators happen to be usually,
22 usually in older buildings. The original
23 manufacturer of that elevator may no longer be in
24 business often times. And it's not just a question
25

1
2 of locating when, when the discussion about taking
3 two or three months to find a part. It's not
4 because that part is sitting on a shelf somewhere
5 and they just don't get it. Most of the times what
6 they have to do is they have to locate an elevator
7 of a similar manufacturer, that manufacturer from
8 an older building that's no longer in use and they
9 cannibalize that part. So it's a question of
10 finding an elevator company in another city often
11 times who will go remove the part from the other
12 elevator, test it and then send it to them. And
13 that's why you have this big delay. And that,
14 that's what causes the problems here. So I think
15 that if we carved out an exception whereas the
16 sponsor of the bill Councilman Vacca has suggested
17 that an owner can document that he's doing his due
18 diligence as contractor with the company, has
19 ordered the part, if he can show all that
20 documentation to the Department of Buildings I
21 don't think we have a problem with this bill at
22 all. That's my testimony.

23 CHAIRPERSON WILLIAMS: Thank you very
24 much. I may have to reconsider my support of the
25 bill now that you're supportive.

FRANK RITCHIE: It's not the first time.

LAUREN PRICE: Good morning Chair

Williams, Council members, staff. Thank you for the

opportunity to speak about the emergency repair of

elevators and to testify in support of Intro 462.

My name is Lauren Price. I'm a fellow in the

Special Litigation Unit at New York Legal

Assistance Group, NYLAG, NYLAG is a non-profit law

office dedicated to providing free legal services

and civil law matters for low income families in

New York. As a free legal services provider NYLAG

sees the impact to repair issues on New York City

tenants on a daily basis. Specifically NYLAG has

been concerned for many years about the impact of

broken elevators on low income New Yorkers with

disabilities. In 2009 NYLAG brought a class action

lawsuit against the New York City Housing

Authority, NYCHA, on behalf of mobility impaired

public housing residents. These residents complain

to NYLAG that perpetually broken elevators had

confined them their apartments for days at a time

forcing them to hobble down multiple flights of

stairs in a leg brace and left them stuck for hours

in wheelchairs in public housing lobbies. The

1
2 lawsuit challenged NYCHA's widespread and systemic
3 failures to maintain its more than 3,300 elevators
4 in operable working condition asserting that
5 NYCHA's practices violated the Americans With
6 Disabilities Act as well as state disability law by
7 denying people with disabilities the full use of
8 their homes. As a result NYLAG worked with NYCHA
9 over the course of three years to reach an
10 agreement on milestones for repairing and
11 maintaining elevators. And NYLAG has been
12 monitoring NYCHA's compliance with this agreement.
13 While NYCHA has made some progress in repairing its
14 elevators as a result of the lawsuit NYLAG has many
15 mobility impaired clients who reside in private
16 housing and suffer the severe consequences of
17 landlords who refuse to maintain elevators in
18 working order. To mention just two examples we have
19 one client in the Bronx who is a single parent of a
20 son with a mobility impairment. When their elevator
21 is broken which is often and for lengthy periods of
22 time she has to carry both her son and his
23 wheelchair up and down the stairs. This requires
24 her to make two trips up and down the stairs each
25 time her son needs to leave the apartment just to

1
2 go to school. Another one of our clients who is an
3 80 year old senior and uses a walker has resorted
4 to calling 9-1-1 to carry her up and down the
5 stairs when she needs to leave her home. In the
6 first case NYLAG helped the client file an HP
7 action in housing court but the court dismissed
8 the case on the grounds that it had to be brought
9 by a group of tenants and not just one of them.
10 We'd also like to note that maintaining elevators
11 in working order does not only help individuals in
12 their personal daily lives but is also important in
13 terms of emergency or disaster preparedness. NYLAG
14 assisted many clients who were affected by the lack
15 of elevator service right after Superstorm Sandy
16 where neighbors and volunteers had to go door to
17 door and make sure that no seniors or mobility
18 impaired individuals were left in their apartments
19 without food, electricity, or water for days. As
20 such we commend the council and this committee for
21 working on this matter and urge the passing of
22 Intro 462 which would allow for HPD to take over
23 the elevator repairs when landlords refuse to do
24 so. We welcome the opportunity to discuss any of
25

1
2 these matters with the committee further. Thank
3 you.

4 CHAIRPERSON WILLIAMS: Thank you for
5 your testimony. Ms. Price are you familiar with any
6 of the MOUs that exist between HPD and DOB and
7 NYCHA?

8 LAUREN PRICE: Somewhat familiar. I
9 wasn't actually on that case but I know that we
10 have documentation of it. And we're in contact with
11 NYCHA about those MOUs.

12 CHAIRPERSON WILLIAMS: Do you have any
13 information about what's in them and what allows
14 them to do and not do.

15 LAUREN PRICE: No as, as was discussed
16 earlier I know that NYCHA has its own private or
17 workers who do the work so it isn't DOB or, or HPD
18 but I'm not sure how that happens. But happy to
19 provide more information to you.

20 CHAIRPERSON WILLIAMS: Alright. I do
21 want to, just the staff as well. I do want to speak
22 to NYCHA as well so we can revisit this MOU and
23 find out where we can put pressure to actually get
24 repairs done at NYCHA if at all possible. As I was
25 told just now elevator repair person is one of the

1 highest paid, if not the highest paid person in the
2 city at NYCHA. What is it, over 300 thousand
3 dollars for the year. So that's pretty interesting.
4 Mr. Ritchie... so as you heard... it, can have up to
5 legitimate reasons up to three months why an
6 elevator's not repaired. Do you have any
7 suggestions of what we can do to assist the elderly
8 and disabilities during that time period?
9

10 FRANK RITCHIE: I know that my members
11 often times often times have hired a company to, to
12 actually carry people up and down, sometimes when
13 they're doing it, if they have a single elevator
14 building and they're doing a major elevator upgrade
15 for the period, and that could take two or three
16 months easily also. They have hired a company that
17 will come, that's there all the time to, to, to
18 carry people in and out who need it. I, absent that
19 I don't have any suggestions.

20 CHAIRPERSON WILLIAMS: You probably
21 would not support mandating something like that?

22 FRANK RITCHIE: Probably not.

23 CHAIRPERSON WILLIAMS: Alright. So...
24 great if you have something that you can suggest or
25 recommend but I do think it is a problem if we have

1 tenants, we may have to look into doing something.
2 Is it, doesn't, doesn't sound good. We've been
3 joined by Council Member Rodriguez. I thought we
4 were joined by somebody else, was there somebody
5 else? Okay, alright thanks. Council Member Reynoso
6 you have questions.
7

8 COUNCIL MEMBER REYNOSO: Thank you
9 Chair. To the... I just want to, I think this is very
10 fair request to make regarding the bill. I just do
11 want to say though I think there's a 120 day care
12 period that is being requested. I would, I would
13 suggest that the amendment be made if there is an,
14 an effort to try to cure or at least see a contract
15 signed by an elevator repair company prior to the
16 120 days that it's something we consider. For
17 example if within the first 30 day, within the
18 first day or two of the elevator being down there
19 is an actual effort made then, then so but usually
20 those type of things don't happen until a little
21 longer. And we're talking about the worst case
22 scenario here. We're not necessarily talking about
23 the, the general population of our buildings on
24 which I think might be in, in good repair. But in,
25 in some cases the elevator goes down, folks don't

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2 see a week or two before they even see that, that
3 the elevator move. So I just want to make sure that
4 if we're considering an amendment or if it is to be
5 considered that we only do it if there is an
6 attempt to quickly rectify the situation and then
7 delay by a lack of parts or other...

8 FRANK RITCHIE: No we don't have a
9 problem with that. And I, I don't know if it was
10 clear during the testimony but you know by
11 regulation every owner in the building with an
12 elevator, has a building with an elevator is
13 required to have a maintenance contract with an
14 elevator company. So assuming there is a problem,
15 the elevator goes down, I don't see how, if that
16 elevator company should be doing, making their best
17 efforts right away to assess the problem, sometimes
18 it's not something you can assess within you know a
19 few hours or a day to figure out what the real
20 problem is because these devices are complicated.
21 But we wouldn't have a problem with them
22 documenting every step of the way, you know what it
23 is, that's why it's taking so long.

24 COUNCIL MEMBER REYNOSO: The other part
25 is is there a company or, I guess it's Consumer

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2 Affairs that would, would make it so. Because a lot
3 of these elevators got repaired and go down in the
4 next week, then they got repaired again, go down in
5 the next week, then they get repaired again. It's
6 almost as if the repairs are not happening or maybe
7 these elevator repair group, folks are just trying
8 to make more money. But it doesn't seem like the
9 problems ever get fixed long term.

10 FRANK RITCHIE: I, I think more often
11 than not it's a problem of age as, as I said to you
12 these are single elevator buildings. Those cabs are
13 probably anywhere from 30 to 50 years old and you
14 know you fix one thing and, and you know you get it
15 to work and it could be an electrical problem but
16 maybe the voltage on the regulator wasn't the
17 correct voltage so that triggers something else. I
18 mean this can get very complicated very quickly.

19 COUNCIL MEMBER REYNOSO: So I just want
20 to suggest outside of historic or landmark
21 significance there should be no 50 year old
22 elevators in the city of New York. We should force
23 a full replacement of elevators if they're 50 years
24 old and they're causing trouble on a consistent
25 basis. I just think... [cross-talk]

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2 FRANK RITCHIE: Well you have an
3 opportunity on Monday when you do your hearing on
4 rent regulation you can actually make the law less
5 stringent so that owners have more money to
6 actually do the elevator upgrades.

7 COUNCIL MEMBER REYNOSO: Kudos to you on
8 that one. Thank you very much Chair. Good bill and,
9 and can you please sign me onto the bill. I'm, I'm
10 not on it and I'd just like to make, on the record
11 sign on. Good, good bill Jim.

12 CHAIRPERSON WILLIAMS: And if you look
13 at the owner's books and see how much money they're
14 making we can, we can gauge whether or not...

15 FRANK RITCHIE: Albany would have to do
16 that. You can't do that.

17 CHAIRPERSON WILLIAMS: I know. Although
18 if you do... we can respond with your request. Thank
19 you for your testimony on, I don't know if any of
20 my colleagues had any questions. And I want to know
21 if Council Member Vacca had anything else to say.
22 Alright thank you very much for your testimony.
23 Much appreciated. I generally wait for the hearings
24 before I add my name. But I very much like this
25 bill and I want to thank Council Member Vacca for

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2 bringing it forward and I'd like to put my name to
3 it and I'll speak to the chair and see how quickly
4 how we can try to deal with all the issues and vote
5 it out. I will. Council Member Koslowitz said that
6 she'd like to add her name. And we have, oh she's
7 there already. We have, for the record? We have
8 testimony from RebNY for the record as well. And
9 with that this hearing is closed.

10 [gavel]

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C E R T I F I C A T E

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



Date March 08, 2015