

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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October 29, 2014
Start: 10:18 a.m.
Recess: 12:30 p.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E: JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

Rosie Mendez
Ydanis A. Rodriguez
Karen Koslowitz
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.
Mark Levine
Antonio Reynoso
Helen K. Rosenthal
Ritchie J. Torres
Eric A. Ulrich

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

Patrick Whaley, Assistant Commissioner
External Affairs
Department of Buildings NYC

Matt Abbassi, Senior Electrical Engineer
Technical Affairs and Code Development
Department of Buildings NYC

Baaba Halm, Assistant Commissioner
Government Relations
Department of Housing Preservation and
Development - HPD NYC

Anne Marie Santiago, Associate Commissioner
Enforcement and Neighborhood Services
Department of Housing Preservation and
Development - HPD NYC

Margaret Brown, Assistant Commissioner
Policy and Operations
Division of Asset Management
Department of Housing Preservation and
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Ann Marie Santiago
Associate Commissioner for Enforcement,
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Donna Chew, Senior Staff Attorney
MFY Legal Services

Anita Woo, Law Graduate
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Manhattan Legal Services NYC

Frank Richie
Associated Buildings and Owners
of Greater New York

Camilla Shabani, Associate Director
New York Legal Assistance Group

Luis Enriquez, Supervising Attorney
Make The Road New York

Maryann Rothman, Executive Director
Council of New Cooperatives and Condominiums.

2 CHAIRPERSON WILLIAMS: [gavel] Good
3 morning all. My name is Jumaane Williams, Chair of
4 the Council's Committee on Housing and Buildings.
5 I'm joined here today by Rosie Mendez and Andrew
6 Cohen. We are here today to discuss three bills.
7 Our first bill Intro No. 289 sponsored by Council
8 Member Cumbo seeks to increase access to housing
9 applications by requiring HPD to provide housing
10 applications in multiple languages. The law would
11 also require notices publicizing the applications are
12 available in multiple languages to be posted in HPD
13 offices accessible by the public as well as posting
14 them on HPD's website.

15 The next two bills are addressing
16 building owners. First, Intro No. 222 sponsored by
17 Council Member Mendez is a local law that will
18 require all building owners to provide at least 72
19 hours notice to their tenants of the start and
20 estimated end date from non-emergency repairs. The
21 notice will be required prior to performing work,
22 which would cause interruption in building services.

23 And second, we have Intro No. 433
24 sponsored by Council Member Cohen seeks to require
25 owners of multiple dwellings to install and maintain

2 some form of protective cap over electrical outlets.
3 These caps would be installed in the common areas of
4 multiple dwellings that are accessible by children or
5 pets. Owners who fail to comply with this law will
6 be liable for Class B hazardous violation. This law
7 will apply to current multiple dwellings as well as
8 new construction.

9 I understand that council members would
10 like to make a brief statement concerning their
11 respective bills. So at this time I'm going to
12 invite them to do so in the order of who came. I'll
13 ask Council Member Cohen and then Council Member
14 Mendez to make a statement.

15 COUNCIL MEMBER COHEN: Thank you. Good
16 morning, Mr. Chairman. First, I'd like to thank
17 Chairman Williams as well as the committee members
18 Council Member Mendez, Rodriguez, Koslowitz, Cornegy,
19 Espinal, Levine, Reynoso, Rosenthal, Torres and
20 Ulrich for taking up Intro 433 before the committee.
21 And recognizing the importance of this potentially
22 life saving legislation. Intro 433 will require the
23 owner of multiple dwellings to install protective
24 devices over electrical outlets that are accessible
25 to children in the public areas of the dwelling.

2 A little background on this bill. Every
3 day approximately seven children are treated in
4 hospital emergency rooms across the United States for
5 injuries caused by tampering with raw outlets.

6 Playing on their hands and knees a child's curiosity
7 will draw them to outlets that are on their level in
8 which they will insert whatever keys, pins,
9 paperclips, and anything that they can get their
10 hands on. And electric shock upon a child's body
11 results in severe burns, injuries or even death.

12 While most parents ensure that their home is baby
13 proof by taking corrective measures to fortify
14 against an inquisitive child, the common areas of
15 their buildings are often left unprotected. These
16 injuries are completely avoidable with the
17 installation of an easy and inexpensive device,
18 outlet caps and covers.

19 This law Intro is analogous to the window
20 guard legislation passed in 1973 and amended in 2011
21 that protects children from falling injuries and
22 deaths. This Introduction weighs the risk of just
23 one curious child being electrocuted with the
24 severity of a single shocking cause upon their small
25 bodies. Again, it's a relatively low burden of

2 installing these easy and inexpensive devices placed
3 upon an owner. It's a cheap fix costing as little as
4 25 cents per outlet plug. This is common sense
5 legislation. Intro 433 is a simple solution to a
6 potentially life threatening danger, and protects the
7 most vulnerable of our population. Thank you.

8 CHAIRPERSON WILLIAMS: Council Member
9 Mendez.

10 COUNCIL MEMBER MENDEZ: Thank you, Mr.
11 Chair. I'd like to thank Chair Williams for getting
12 Intro 222 on the calendar for today's hearing. I
13 introduced this legislation in March of this year at
14 the request of Manhattan Borough President Gale
15 Brewer. This legislation was initially introduced by
16 the Manhattan Borough President when she was a City
17 Council Member. It is important because it requires
18 tenants to have prior notice of non-emergency repairs
19 that will be made in their buildings. This is vital
20 information that would allow proper planning to be
21 made to accommodate for such repairs. By requiring a
22 minimum of a 72-hour notice in advance of any non-
23 emergency repairs. A tenant is assured that no one
24 will enter their apartment or interrupt services
25 without adequate notification. This legislation

2 further combats against perceived or actual tenant
3 harassment as certain landlords are bad actors, and
4 sometimes use frequent repairs as a way to aggravate
5 a situation that a tenant is living in a building.

6 Thank you very much, Mr. Chair.

7 CHAIRPERSON WILLIAMS: Thank you.

8 Council Member Cumbo would you like to make your
9 opening statement?

10 COUNCIL MEMBER CUMBO: Yes, I would.

11 Thank you. Good morning. I am Council Member Laurie
12 Cumbo, Chair of the Women's Issues Committee and all
13 issues are issues of women's interests. First, I'd
14 like to thank Chair Jumaane Williams and members of
15 the Housing and Buildings Committee for having this
16 important hearing on my proposed legislation Intro
17 289 in relation to the provision of housing
18 applications in multiple languages by the Department
19 of Housing Preservation and Development.

20 With an estimated 200 languages spoken in
21 New York City, we cannot deny New Yorkers the
22 opportunity to apply for affordable housing because
23 of a language barrier. This bill would require HPD
24 to make all applications and corresponding
25 instruction materials available in eight English,

2 Arabic, Chinese, Haitian Creole, Korean, Russian, and
3 Spanish, and allow HPD to use additional languages at
4 its discretion. It would also require HPD to provide
5 a notice listing all the languages in which
6 applications are available with all applications on
7 forms on HPD's website, and in areas of HPD's offices
8 that are open to the public. In a city of more than
9 8 million residents, we must adapt city services to
10 meet the basic needs of our changing population where
11 more than half of all New Yorkers speak a language
12 other than English at home.

13 I want to thank Chair Jumaane Williams
14 and committee again for your time and willingness to
15 hear this bill. I look forward to hearing from and
16 working with everyone here today to make this
17 legislation stronger, and to enact it. And no one
18 should have to go without the opportunity to gain
19 affordable housing because of a language barrier.
20 This is going to open up affordable housing to all
21 New York City residents, and to eliminate the
22 barriers that hold or prevent so many from doing so.
23 Thank you again.

24 CHAIRPERSON WILLIAMS: Thank you. I just
25 want to also point out we've been joined by Council

2 Member Ydanis Rodriguez, and thank you council
3 members for providing additional background on the
4 bills. I'd also like to thank my staff for the work
5 they did to assemble this hearing including Nick
6 Smith, my Deputy Chief of Staff and Legislative
7 Director and some of the central staff whom I've
8 learned I've been butchering their names. And I
9 apologize. Jim Wilcox and Shu Dwade Cadru [sp?].
10 [laughter and applause]. Counsel to the Committee
11 Guillermo Patino and Jose Conde, Policy Analyst to
12 the committee, and a special apology to Sarah
13 Gastelum because not only have I butchered it, I
14 added another letter to it, which I don't understand,
15 the committee's financial analyst.

16 As a reminder for those of you testifying
17 today, please be sure to fill out a card with the
18 sergeant. With that said, I'm going to call up
19 representatives from the Administration as our first
20 panel.

21 [Pause]

22 CHAIRPERSON WILLIAMS: Would everyone
23 please raise their right hand. Do you affirm to tell
24 the truth, the whole truth, and nothing but the truth

2 in your testimony before the committee, and to
3 respond honestly to council member questions.

4 PATRICK WHALEY: I do.

5 CHAIRPERSON WILLIAMS: Thank you. No one
6 said no yet actually.

7 PATRICK WHALEY: Thank you. Good morning
8 Chair Williams and members of the City Council. My
9 name Patrick Whaley [sp?] and I'm Assistant
10 Commissioner of External Affairs at the Department of
11 Buildings. I am joined by my colleague to my left
12 Matt Abbassi [sp?] the Department's Senior Electrical
13 Engineer in the Division of Technical Affairs and
14 Code Development. We are pleased to be here this
15 morning to offer testimony on Introductory No. 433-A,
16 which requires the installation of protective covers
17 on electrical outlets in certain multiple dwellings.
18 Specifically, Intro 433-A amends the City's Housing
19 Maintenance Code to require the owner of a multiple
20 dwelling to install and maintain protective covers
21 over electrical outlets that are accessible to
22 children and pets in public areas. Owners who fail
23 to install or maintain protective covers over outlet,
24 electrical outlets in these public areas will be
25 subject to a Class B Hazardous Violation, which is a

2 civil penalty of no less than \$25 and more than \$110
3 per day.

4 The Departments of Buildings, Housing
5 Preservation and Development, Health and Mental
6 Hygiene and the FDNY would be tasked with
7 enforcement. The Department applauds the Council's
8 desire to protect children and pets from accidental
9 electrical shock, and while the goal of this
10 legislation is certainly laudable, we appreciate the
11 opportunity to share some of insight and suggestions
12 for a forum.

13 To begin with, while outlet covers can be
14 helpful in reducing the occurrence of electrical
15 shock, the utility is limited due to the fact that
16 they can easily be removed and not replaced. The
17 lack of permanency of these outlet covers would also
18 prove such a law difficult to enforce. Recognizing
19 the limits of outlet covers in keeping people safe
20 from electrical shock, the 2008 National Electric
21 Code replaced outlet covers with tamper resistant
22 receptacles, which prohibit the insertion of a
23 foreign object into the prong, thus curbing
24 unintended electrical shock.

2 I have included with my testimony for the
3 Council Exhibit 406.6 from the New York City
4 Electrical Code, which discusses tamper resistant
5 receptacles. And I have also provided a sample of
6 such a receptacle to this committee to examine. If
7 you take a look at that receptacle, you'll see it
8 distinguishes from a typical outlet, and that the
9 letters T and R, Tamper Resistant are stamped on the
10 outlet. In addition, the prong is closed preventing
11 a single item to go into one of the prongs.

12 Currently, the Electrical Code requires these
13 receptacles to be placed within multiple dwelling
14 units not in public areas, and only for new
15 construction or renovation.

16 The Department supports amending the
17 Electrical Code to require tamper resistant
18 receptacles in public areas for new construction and
19 renovation. The amended version of this bill
20 extended the requirement for outlet covers to public
21 areas in all multiple dwellings. Should the
22 Committee decide to amend the legislation further to
23 require tamper resistant receptacles, instead of
24 outlet covers, we respectfully suggest you consider
25 the need to extend this requirement to all multiple

2 dwellings. Unlike safety covers, tamper resistant
3 receptacles generally require the installation by a
4 professional. Furthermore, the Electrical Code and
5 all of the City's construction codes, for that
6 matter, generally do not apply requirements
7 retroactively unless a serious public safety threat
8 is identified.

9 Finally, applying this requirement to all
10 multiple dwellings would require a public outreach
11 campaign to make owners aware of this requirement. I
12 imagine this committee will also receive testimony
13 from owners of multiple dwellings and their
14 representatives on this legislation. Finally, given
15 that the Electrical Code is the resource used by
16 professionals to perform electrical work, we believe
17 including this requirement in the Electrical Code
18 would increase the likelihood of compliance more so
19 than including it in the Housing Maintenance Code, as
20 this version of the legislation does. I thank you
21 for your attention and the opportunity to testify
22 before you today. Mr. Abbasi and I welcome any
23 questions you may have.

24 [Pause]

2 BAABA HALM: Good morning Chair Williams
3 and members of the Housing and Buildings Committee.
4 My name is Baaba Halm. I'm HPD's Assistant
5 Commissioner for Government Relations, and I am
6 joined by our Associate Commissioner for Enforcement
7 and Neighborhood Services, Ann Marie Santiago and
8 Margaret Brown, Assistant Commissioner for Policy and
9 Operations for the Division of Asset Management. We
10 appreciate the opportunity to testify on Intro 222
11 and Intro 289.

12 Intro No. 222 would require the owner of
13 a dwelling to provide occupants with at least 72-
14 hours notice prior to making repairs or performing
15 other work in a development or in a particular
16 dwelling unit, which would cause interruption in
17 services. The notice must be placed in a prominent
18 place within the public part of the building, and
19 placed under the entrance doors of each dwelling
20 unit. The notice must include information on the
21 type of work to be performed and the estimated start
22 and end of the service interruption. The bill would
23 exempt repairs or work performed on an emergency
24 basis and require HPD to by rule determine what would
25 constitute an emergency basis. Repairs made by the

2 Department pursuant to Section 27-2125 of the
3 Administrative Code would also be exempt from the
4 provisions of the bill.

5 Communication between property owners and
6 their tenant is an important issue especially
7 regarding the provision of basic services such as
8 water, electricity, gas, heat, and hot water when
9 such services are planned to be interrupted due to a
10 necessary repair or upgrade. We believe that most
11 responsible owners already notify tenants so that the
12 tenants can prepare for the outage properly. Intro
13 No. 222 would require such notification from all
14 property owners. HPD understands the intent of this
15 bill and wants to work with the Council on clarifying
16 the scope of the bill. It's not clear what service
17 interruptions would be subject to the bill's notice
18 requirement. Heat, hot water, cold water, electrical
19 outages, elevator outages, cable, or other services.
20 What about disruptions caused by utility companies?
21 Property owners are not usually informed before hand
22 about such outages, which could be caused by a
23 utility company and may, therefore, be unable to
24 provide proper notice to tenants in the building
25 about a service interruption.

2 Also, placing these notices under each
3 apartment door may be onerous for large multiple
4 dwellings such as some of our Mitchell-Lama
5 developments. If workers are not getting access to
6 an apartment, and an inspection needs to be
7 rescheduled does a new notice need to be given? What
8 if repairs take longer than scheduled? Would a new
9 notice requirement be triggered, and must a new
10 notice be given for a follow-up visit by contractors?

11 We also recommend adding a provision to
12 allow for a shorter notification period for
13 extenuating circumstances in which a contractor's
14 availability changes in such a way that the work may
15 be delayed if not started within 72 hours. And
16 consider exempting outages of a short duration.
17 Additionally, in order to comply with the required
18 notice and public comment periods under CAPA [sp?] we
19 need at least 180 days to create and implement the
20 rules of defining which emergencies would be exempt.
21 Again, we look forward to working with the Council on
22 Intro No. 222.

23 Intro No. 289 relates to the provisions
24 of housing applications in multiple languages by the
25 Department of Housing Preservation and Development.

2 The bill would require HPD to make all application
3 forms available in all mandatory languages. Under
4 the bill, these languages would be English, Arabic,
5 Chinese, Haitian Creole, Korean, Russian, Spanish,
6 and other optional language. A notice must be
7 provided with all application forms that such forms
8 are available in all mandatory languages and optional
9 languages. HPD must also provide this notice on its
10 website and portions of our offices that are open to
11 the public.

12 We understand that the City is not only
13 diverse, but it's also home to many residents from
14 whom English is not the primary language. There is
15 an acute need for affordable housing throughout the
16 City, and HPD responds to this need for offering
17 information on many of the City's affordable housing
18 programs. Because we understand the importance of
19 housing, and recognize that removing language
20 barriers is critical to those seeking housing, we
21 currently provide a number of agency wide language
22 assistance programs. The programs comply with legal
23 mandates under Title 6 of the Civil Rights Act of
24 1964. The U.S. Department of Housing and Urban
25 Development's Notice of Guidance to federal

2 assistance recipients regarding Title 6, Prohibition
3 Against National Origin Discrimination affecting
4 limited proficient persons, and the Mayor's Executive
5 Order 120, which requires the agency to provide
6 limited English proficient customers with meaningful
7 access to housing services.

8 Our language line service provides over-
9 the-phone interpretation and written translation for
10 175 languages. If immediate translation or live
11 interpretation is needed for a customer, HPD in
12 conjunction with the Mayor's Office of Immigrant
13 Affairs offers a program comprised of 95 HPD
14 employees that volunteer their language services to
15 provide written translation for all interpretation in
16 28 languages.

17 Some of our programs, for example,
18 Section 8 vouchers and special needs housing are
19 reserved for eligible applicants who fall within
20 specific HPD preference categories or special
21 admission programs. Applications are not accepted
22 from the general public, but are rather submitted
23 through designated intermediaries from different
24 divisions with the agency, management staff and
25 various housing providers, and staff from other

2 governmental agencies. Applicants for these programs
3 along with the referral entity together utilize the
4 language line services to provide any needed
5 translation services. Since the application for
6 these programs are not available to the general
7 public because of the preference requirements,
8 publishing notice on our website that these
9 applications are available in multiple languages may
10 confuse the general public. Also, most folks who are
11 interested in our housing options look to the agency
12 to provide information on housing lotteries. As you
13 know, HPD does not rent apartments. We work with
14 real estate professionals and community sponsors to
15 market apartments. These subsidized apartments are
16 then rented through an open lottery system. Until
17 last year, this system was cumbersome, which required
18 perspective applicants to request a paper application
19 from each individual development to which they were
20 interested in apply. Then mailed the completed form
21 to the project sponsor. We recognize that this was
22 tedious and sometimes confusing. Therefore, we
23 simplified and updated the process. Now, an
24 applicant can assess information online about
25 multiple lotteries and apply for these openings

1 through our New York City Housing Connect website.
2 Applicants create a profile in Housing Connect. Then
3 with the click of a button can apply to new projects
4 as they become available. The automated system has
5 dramatically improved New Yorkers' experience for
6 applying for affordable housing by enable apartment
7 seekers to fill out a single application to submit to
8 multiple housing lotteries. Housing Connect
9 currently boast over 350,000 registered users. The
10 average number of applicants for each Housing Lottery
11 has roughly quintupled. Which ensures that the
12 lottery meets its preference categories, including
13 those community board members, people with
14 disabilities, veterans and municipal employees.

16 That said, we recognize that not all
17 applicants have access to a computer, or are
18 comfortable applying through an electronic process.
19 To accommodate those constituents, paper applications
20 can continue to be available for those who prefer
21 them. Over the past several months we have been
22 working to ensure that both New York Housing Connect
23 and the paper application process are accessible to
24 everyone including people with visual impairment and
25 for those who's English is not a first language.

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

9 Additionally, HPD's website and New York
10 Housing Connect give users the option of translating
11 any of our pages into one of 35 languages including
12 Arabic, Spanish, and Russian. The translation is
13 available through Google Translate, and it's already
14 available on the website. As our next phase of our
15 Accessibility Initiative, we will soon be working
16 with Google Translate to hone the quality of those
17 translations and ensure that the phrasing is easily
18 understood in each language.

19 HPD recognizes the need for translation
20 and interpretation services for our programs in
21 Affordable Housing Lottery applications. We are
22 already providing these services, and given the
23 already existing legal framework for provision of
24 these services, we do not believe that this
25 legislation is necessary or helpful. Thank you for

2 the opportunity to testify on these bills, and we
3 would be happy to answer any questions from the
4 committee.

5 CHAIRPERSON WILLIAMS: Thank you very
6 much for the testimony from the Assistant
7 Commissioner Whaley. Thank you for letting us know
8 before hand that you have a family issue that you
9 have to deal with, and you're going to have to leave.
10 So I'm going to ask some questions specific to that
11 bill you testified on, and ask my colleagues if they
12 have specific questions to that bill alone. So that
13 you can leave, and I ask for understanding from the
14 rest of the panelists. Our first question would be
15 very easy, a simple soft ball. This is your second
16 administration. Which one do you prefer working for?
17 [laughter]

18 PATRICK WHALEY: A soft ball, huh. I
19 think I'll plead the Fifth on that one. That's okay,
20 Councilman.

21 CHAIRPERSON WILLIAMS: I was asked
22 specifically to ask you that question.

23 PATRICK WHALEY: I bet you were.

24 CHAIRPERSON WILLIAMS: So, from my
25 understanding the bill as written you had some

2 tweaks, and if those two are made it would be
3 something that you would support basically. Not the
4 caps, but putting on these tamper resistant like the
5 ones you have here. Putting that in the Electrical
6 Code would be something that you would be supportive
7 of, is that correct?

8 PATRICK WHALEY: That's correct. Using
9 the tamper resistant receptacles we think provide
10 more utility than the caps that could be removed and
11 not replaced. We also think putting them into the
12 Electrical Code would ensure greater compliance than
13 keeping it in the Housing Maintenance Code as the
14 current draft provides. The other thing I would add
15 is this version of the bill applies to whatever it is
16 you're going to do be it caps or receptacles to all
17 multiple dwellings. And if the Council considers
18 going the route of using these tamper resistant
19 receptacles, just sort of a word of caution. Giving
20 out these receptacles would require the installation
21 by a professional, and that the Department generally
22 does not apply any requirements to their codes
23 retroactively. And that this would require a public
24 outreach campaign. Coupled with the fact that we're
25 not as we're sitting here entirely sure how often

2 these incidents of electrocution of children and pets
3 occur here within the city. We just think the
4 Council might want to consider further whether or not
5 they want to limit it to reconstruction renovations
6 or broaden it to all multiple dwellings.

7 CHAIRPERSON WILLIAMS: So I did get to
8 play with it a little bit. I appreciate that, and it
9 was a little I thought too easy to push in the-- I
10 forgot the male part. It's called the plug? It's
11 the plug. It's the outlet and this is the plug?

12 PATRICK WHALEY: [off mic]

13 CHAIRPERSON WILLIAMS: Plug and the
14 receptacle? Okay. So it's easy for then I thought
15 to plug into the thing, but I realized most of the
16 fun happens with the paper clips and the fork. So,
17 it was actually almost impossible to shove it on one
18 side. So it does seem to work very well, and if my
19 colleagues want to play with it in public or in
20 private, you can. They're right here. You can just
21 pass it around and you have it for a look. Do you
22 know or do you have any idea what the cost would be?

23 PATRICK WHALEY: I actually purchased
24 that receptacle at Home Depot yesterday for about

2 \$1.19. So the cost is if not the same certainly
3 comparable to a typical traditional outlet.

4 CHAIRPERSON WILLIAMS: You said you don't
5 have any data on how many electrocutions actually
6 happened?

7 PATRICK WHALEY: Yeah, we just heard
8 Council Member Cohen mention I believe it was seven
9 occurrences a day nationally. Perhaps we can check
10 with the Fire Department, but sitting here, I don't
11 have any information on data specific to New York
12 City, but we're certainly happy to take a look.

13 CHAIRPERSON WILLIAMS: All right. I'm
14 sure Council Member Cohen will have some questions,
15 and if anyone else has questions just on Intro 289,
16 please let us know. I'm sorry, just on 433.

17 [Pause]

18 COUNCIL MEMBER COHEN: Oh, hello. Oh, it
19 just requires a strong thumb. So do you have any
20 thoughts on what we could do to protect most New
21 Yorkers in the buildings who live in the existing
22 buildings?

23 PATRICK WHALEY: By requirement of law,
24 you know, I think-- I don't know the extent to which
25 the owners of multiple dwellings what they currently

2 do to ensure children are safe in their public areas.
3 Whether they currently are using tamper resistant
4 receptacles or are, in fact, using caps. I'll
5 imagine you'll hear from property owners and their
6 representatives as to what now they're currently
7 doing. That said, of course, we think if the Council
8 is going to get on this road because of the issues
9 concerning the caps, we feel like it makes the most
10 sense to require tamper resistant receptacles.
11 Whether or not those receptacles are required in
12 existing local dwellings or in new construction
13 renovation, I'll leave that up to the Council to
14 consider. But we just were here to raise some
15 concerns with them should you decide to go down that
16 road.

17 COUNCIL MEMBER COHEN: Thank you.

18 CHAIRPERSON WILLIAMS: Okay. No other of
19 my colleagues have signed up for Intro 433-A. So I
20 just want to say thank you again, and if you need to
21 leave, we definitely-- Oh.

22 COUNCIL MEMBER MENDEZ: I have a
23 question.

24 CHAIRPERSON WILLIAMS: Yes. So one of my
25 colleagues, Council Member Mendez.

2 COUNCIL MEMBER MENDEZ: Thank you Mr.
3 Chair. I'm just wondering if you have any data on
4 how many penalties are actually given for not having
5 these covers on receptacles?

6 [Pause]

7 PATRICK WHALEY: So the electrical as it
8 currently provides these receptacles are required to
9 be included when there is new construction, or
10 there's renovation. Those dwelling units will be
11 inspected, and if those units do not have these
12 receptacles, the project won't be signed off, and
13 they can't move forward. So that being said, it's
14 got to be taken care of before they can move forward.

15 COUNCIL MEMBER MENDEZ: Okay. Thank you.

16 PATRICK WHALEY: Thank you very much
17 Council Member Williams. I appreciate your
18 consideration, and thank you to members of the
19 Council.

20 CHAIRPERSON WILLIAMS: Thank you. We've
21 also been joined by Council Member Levine.

22 [Pause]

23 CHAIRPERSON WILLIAMS: For Intro No. 222,
24 you said that most responsible owners already notify
25 tenants so they can prepare before any outages

2 properly. So obviously, we want to get to the owners
3 that don't inform their owners responsibly. I think
4 I understand it may be onerous to get something to
5 every single tenant in a large building. Are there
6 other things that you think may be helpful? Maybe
7 posting it in areas like laundry and other areas on
8 each floor? Something like that that would make some
9 sense? Obviously if something occurred, and they
10 didn't have time to get the word out-- If it
11 happened today that makes sense, but if it's
12 something that's planned, I can see us wanting to get
13 the information out, and also not making it overly
14 onerous. So I don't think doing nothing helps, but I
15 wanted to get your feedback on that.

16 BAABA HALM: We agree that we should
17 consider requiring owners to give tenants some notice
18 of when outage that they're aware of is going to
19 occur. And in lieu of placing a notice in each,
20 under each door, in addition to posting in a public
21 part of the building maybe require a posting on each
22 landing of a floor of a building in a conspicuous
23 place on the floor. And for each building that may
24 be different. So for some buildings that don't have
25 elevators maybe the entranceway to that particular

2 floor. For buildings that do have elevators maybe in
3 the laundry area. Anywhere that is public, and it
4 doesn't require a placing of the notice under each
5 door we think would be sufficient. But we think that
6 that-- What we have to address is which outages and
7 how much prior notice we think is important for an
8 owner to provide a tenant, and that's where I think
9 we need to have more conversation around.

10 CHAIRPERSON WILLIAMS: Thank you. We've
11 been joined by Council Member Rosenthal. But to ask
12 your questions and ideas that hopefully you'll be
13 speaking to sponsor--

14 BAABA HALM: [interposing] Sure.

15 CHAIRPERSON WILLIAMS: --but I know we
16 won't be able to-- I don't think we'll be able to
17 legislate every eventuality. So I don't know if
18 we'll be able to go through every specific possible
19 outage. We may have to group some or maybe leave
20 some out for lack of a better word. But I think we
21 absolutely have to do something, and we have to find
22 a way to figure it out. When it comes to the
23 languages so on the phone interpretation you have
24 translation for 175 languages, and you have 95 HP
25 employees that have volunteered their language

2 service to provide written, translation, or
3 interpretation in 28 languages. So, I just want to
4 be clear. By coming to HPD, how would I know that I
5 have the option of using those translation services.

6 BAABA HALM: Generally it depends on what
7 you're coming to HPD for. Generally people are
8 coming for particular programs and particular
9 services. So in the program offices that you go to
10 the extent that you need language assistance, that's
11 where they will reach out to the language line or to
12 get an employee on staff to provide those translation
13 services.

14 CHAIRPERSON WILLIAMS: Is there anything
15 like a DMV to have a kind of card they can point that
16 you can point to the language that you need
17 assistance in? Do you have anything like that?

18 BAABA HALM: Yes, we do have the iCard
19 that someone can point or identify the language that
20 they need assistance in, and HPD employees utilize
21 the iCard.

22 CHAIRPERSON WILLIAMS: At what point do
23 you see that? I don't think I've ever seen it
24 downstairs like Gold Street when I walk there. I
25 don't think I've ever seen it there. But at what

2 point-- It might be there, but at what point do you
3 actually see the card, and know that you can point to
4 it?

5 BAABA HALM: Well, Gold Street is just
6 the lobby, and they just sign you in, and then they
7 send you to the appropriate floor for your particular
8 service. And it's on those floors and those program
9 areas where they have the-- they provide the
10 interpretation and translation services.

11 CHAIRPERSON WILLIAMS: All right. I've
12 been to the floors there, but I don't-- I believe
13 that it's there, but I'm trying to figure out where.
14 Is it when I come out of the elevator and go to the
15 door would I see it, or will it be when someone might
16 assume that I need the assistance and then they get
17 the card? What I'm trying to figure is where are
18 they displayed I guess is what I mean.

19 BAABA HALM: Well, we have on each of our
20 offices including Gold Street a posting. It may not
21 be right in the lobby, but it talks about
22 interpretation and translation services. And then on
23 each floor in each program area there is a posting
24 and then the staff that service the customer also
25 could ask them if they need translation services.

2 Some of our application forms like Section 8 right on
3 the top of it says, Do you need translation or
4 interpretation services? And it allows you to
5 identify the language that you may need assistance
6 in. So it is program specific, and floor specific.

7 CHAIRPERSON WILLIAMS: Thank you and then
8 on the website, the same sort of question. I've
9 actually never used the website to apply. I used it
10 for other things. At what point would someone, or
11 where would someone know that they could get these
12 services translated?

13 BAABA HALM: I'm not sure I understand
14 your question.

15 CHAIRPERSON WILLIAMS: I'm talking about
16 on the website, which I'm going to do shortly. I'm
17 trying to figure out at what point on the website
18 does it say, or where does it say-- How easily
19 accessible is it to me to know that I can get
20 translation service?

21 BAABA HALM: Well, the website, the app
22 that was there is Google Translate. It translates
23 every page of our website into whatever language. So
24 whatever program or information that you're
25 interested in, the website will translate that page

2 into the language of your choice. And you can
3 understand what's offered on that page. Now, in
4 terms of applying for a Housing Lottery, as we said,
5 we have just finished translating our application for
6 the Housing Lottery into multiple languages. Many of
7 the languages that the bill specifies are going to be
8 making both applications available in the next few
9 weeks. It's not available yet. It will be in the
10 next few weeks.

11 CHAIRPERSON WILLIAMS: So the housing
12 applications are not available in multiple languages
13 on the website yet?

14 BAABA HALM: No.

15 CHAIRPERSON WILLIAMS: So I'm on Housing
16 and Development. I went to NYC.gov. I'm just trying
17 to figure out where-- where would I know that Google
18 can translate it?

19 BAABA HALM: Right at the top there's a
20 different click down button that says "translate this
21 page."

22 CHAIRPERSON WILLIAMS: I see.

23 BAABA HALM: Right, and if you click
24 down, it offers all of these options and different
25 language options. And if you click on any language--

2 Pick and odd one Croatian, and it will translate the
3 page right away.

4 CHAIRPERSON WILLIAMS: Telugu [sp?].

5 Where is Telugu from, the language Telugu.

6 BAABA HALM: I don't know. There's a lot
7 of languages there.

8 CHAIRPERSON WILLIAMS: Okay. Well, I
9 have it in Telugu right now except for the NYC level.
10 I can't translate that. [sic] [laughter] Okay. I
11 mean that might actually be made a little bit bigger,
12 but as of now I think that's pretty cool. I'm going
13 to ask the sponsors of the bill if they have
14 questions first. Council Member Cumbo, then Mendez,
15 and then we'll open it up to everyone else. And so
16 Rosenthal is first on that list after the sponsors.

17 COUNCIL MEMBER CUMBO: Good morning.

18 Thank you so much for your testimony. I wanted to go
19 outward and then come inward in that way. In my
20 district there are going to be-- I'm representing
21 the 35th District of 35th District of Fort Green,
22 Clinton Hill, Prospect Heights, Crown Heights, and
23 Bedford-Stuyvesant. And it is the epicenter of a lot
24 of the affordable housing that's going to be coming
25 online right now. And so, my City Council Office

2 along with some of the developers in the area have
3 offered and created workshops with several
4 organizations throughout the district. So that way
5 we could train individuals or teach them, or give
6 them the tools that would be needed in order fill out
7 the applications.

8 But that is something that we took on our
9 own, but recognizing that these applications are very
10 complex in some ways. So things in terms of if you
11 use Whiteout on the application it gets thrown out.
12 If you use an manila envelope, it gets thrown out.
13 If you use an 8x10 envelope. All these different
14 sorts of things. There are so many nuances that can
15 have your application terminated or never even
16 viewed. What steps does HPD do internally so that
17 individuals have all the tools and resources that
18 they need in order to competitively be a part of the
19 process for the applications?

20 BAABA HALM: I think you've identified
21 one of the areas that we're working on, which is
22 reviewing the marketing that happens for these
23 housing lotteries, and the rules that are in place
24 that can deem someone ineligible if they use
25 Whiteout, or have the wrong size envelope. And I'll

2 let Margie talk to you about some of the work that
3 we're doing on that. I mean it's different than
4 having applications in different languages, but I
5 think that it's important for you to know that we
6 are--

7 COUNCIL MEMBER CUMBO: [interposing] So
8 I was going to go into that as well to see if you
9 even did that in English, does something like that
10 happen in any other language? Because if not, you're
11 applying for these different applications, and
12 because you don't understand the process because it's
13 very technical, your application gets dismissed
14 immediately

15 BAABA HALM: Well, I just wanted to say
16 that one of the things we found in translating our
17 applications into multiple languages is that we
18 needed to review the applications to figure out if
19 there's a way to simplify it. Because when you
20 translate it into multiple languages, the
21 translations aren't necessarily easy to make. So
22 translating alone is not sufficient if the
23 applications on its own would not be clear for
24 someone who is reading it in their native language.
25 And so we've been working on that intensively as

2 well. And so we understand that, and we want to
3 remove those barriers that people are being
4 ineligible for incomplete applications because they
5 didn't understand that, you know, they needed to
6 provide their last four addresses, or information
7 about their life. So we recognize that that's an
8 issue, and we've been working on it, which is why our
9 translation has been just completed this week. And
10 then we're going through the quality assurance
11 process, which will look at the quality of the
12 translations of the applications. And understanding
13 the ease of use before we actually make them
14 available.

15 COUNCIL MEMBER CUMBO: So is the Google
16 translation that you utilize for-- And I want to get
17 into more detail on this. The Google translation is
18 the one that anyone can use, or that any layperson
19 can use on any application or any letter or document
20 or anything because that is a service that's just
21 broadly available. People understand the
22 complexities of the Google translation system. If
23 not detailed, if not reviewed in a detailed way,
24 could not translate exactly to the technicality or
25 the specifics that you're asking in the applications.

2 BAABA HALM: Well, just to be clear, we
3 are going to actually translate our applications into
4 the specified, the mandatory languages that are
5 identified, and have it available. And so, someone
6 doesn't have to hit Google Translate to translate--

7 COUNCIL MEMBER CUMBO: [interposing]
8 Right.

9 BAABA HALM: --our housing applications.
10 Google Translate is available on our site. So if you
11 wanted to know anything about HPD and any of its
12 programs, you can use that now.

13 COUNCIL MEMBER CUMBO: You can use that
14 now?

15 BAABA HALM: Yes. That's separate and
16 apart from--

17 COUNCIL MEMBER CUMBO: [interposing] From
18 the applications?

19 BAABA HALM: --the housing applications.

20 COUNCIL MEMBER CUMBO: I see. Now, do
21 you have any understanding of the stats for what
22 applications that are coming in? Because I want to
23 get more into the details of that. Do you understand
24 what percentage of them are coming back in Creole, or
25 what percentage are coming back in Mandarin? What

2 percentage are coming back in English? What percent
3 are coming back in Spanish? Do you have an
4 understanding of that at this time?

5 BAABA HALM: I'll let Margie, Margaret
6 Brown answer that because she's been looking and
7 working closely with that.

8 COUNCIL MEMBER CUMBO: Thank you, Ms.
9 Brown.

10 [Pause]

11 MARGARET BROWN: Okay. Margaret Brown,
12 Assistant Commissioner of Policy and Operations of
13 HPD and the Marketing Program is newly under my
14 purview. So with regard to how many applications
15 come in other languages, currently it's none because
16 the applications have not been translated. So, they
17 are all coming in in English because the application
18 is in English. However, we in talking with community
19 boards and talking with developers, and certain
20 community groups that assist applicants in completing
21 the applications, one of the things that we realize
22 is that we have a lot of non-English speakers who are
23 playing. And that's why we have gone ahead with
24 translating the applications. So that somebody

2 doesn't necessarily need to seek services to complete
3 that application with a social service organization.

4 COUNCIL MEMBER CUMBO: I'm a little
5 confused just because it seems like you're doing
6 everything in every language already, but nothing is
7 in every language yet. So I'm a little bit confused
8 in that. Here you say in your testimony that
9 applications are not accepted from the general
10 public, but are rather submitted to designated
11 intermediaries from different divisions within the
12 agency, management staff from various housing
13 providers, and staff from other governmental
14 agencies. Applicants for these programs along with
15 the referral entity together utilize language line
16 services to provide any needed translation services.
17 So because you don't accept applications from the
18 general public. But it seems like you are accepting
19 some through the purposes of the paper applications
20 and through others that you've mentioned here. But
21 are rather submitted to designated intermediaries.
22 So once they go to the designated intermediaries, are
23 you all hands off with it? And however those
24 designated intermediaries handle the process of the
25 applications is how they handle it? And that's not

2 under your jurisdiction, and do you understand what
3 their language requirements are?

4 BAABA HALM: Well, I address that,
5 Council Member. The bill itself says that HPD's
6 application should be made available in a number of
7 languages. And when we reviewed it, we think that
8 there are different-- We have different programs
9 that just the broad same applications does not make
10 the most sense. And so what we've said, and what
11 we've tried to identify for you is that we have
12 reserved programs that are not available to the
13 general public such as our Section 8 Voucher Program
14 or our Special Needs Housing Program. Those are not
15 programs that someone can go on our website, or even
16 through a community organization and apply for all on
17 their own.

18 But they come through our relationship
19 with other city agencies, or designated third
20 parties. And so those applications are done in
21 conjunction with the third party or the agency and
22 not on someone's own. The only instance in which
23 someone is actually going to our website and
24 downloading or seeking information about an
25 application that they can make themselves directly is

2 our housing lotteries. And that's where we identify
3 that we need to make those applications for our
4 housing lotteries available in other languages. And
5 it's not presently available in those languages.

6 COUNCIL MEMBER CUMBO? Well, to that
7 point it seems that in your concluding statement
8 that-- Or maybe that was just your own statement.
9 You said that we do not believe that this legislation
10 is necessary or helpful, but at the same time it
11 looks as if you're moving in the direction of what
12 this legislation is proposing. But it just is
13 something that you may have been thinking of before
14 maybe were thinking of it at the exact same time. Or
15 maybe because we were thinking of it, you started
16 thinking of it as well. So it's one of those things
17 where I don't see why you don't think this would not
18 be helpful. Do you not like the fact that you would
19 be required to do it, and you would rather just have
20 the option to do it at your own pace, and the way you
21 feel fit? And perhaps another administration could
22 come in and say we don't think this is a good idea at
23 all. So can you talk to me about that?

24 BAABA HALM: Well, this--

2 COUNCIL MEMBER CUMBO? [interposing] It
3 seems like we are on the same page.

4 BAABA HALM: We are on the same page in
5 that we recognize that there is a need, and we think
6 that we are addressing that need and working towards
7 that. And this effort has been underway for quite a
8 while. I mean, we just made our Housing Lottery
9 applications available within the last year. We had
10 our one-year anniversary I believe in September. And
11 so we have been thinking in perhaps steps on how we
12 want to streamline the process and application. And
13 this is one of those efforts that we have been
14 working on, which is why our translations were done
15 yesterday. There is no way that we could have done
16 that work so quickly without it already being
17 underway just so you--

18 COUNCIL MEMBER CUMBO? [interposing] It
19 seems pretty fantastic to me.

20 BAABA HALM: Well, that just demonstrates
21 how we've been moving towards this direction for a
22 long time. The other point that why we don't think
23 the legislation is necessary is because we are
24 already under legal mandates to make essential
25 services, such as housing services, available to the

2 general public. And one of the things that we're
3 doing is making our applications available to even
4 those that have visual impairments. Your legislation
5 doesn't address that. So in some ways we feel like
6 we have--

7 COUNCIL MEMBER CUMBO? [interposing] Got
8 another idea. [laughs]

9 BAABA HALM: Well, again, we are already
10 doing that. So the question is to the extent that we
11 are already working on this, and we've identified
12 what we believe that folks really need to access our
13 housing services, we think we've got it covered.

14 COUNCIL MEMBER CUMBO? Fair enough. I
15 want to just conclude by saying that I thank you very
16 much for your testimony. I feel that while I don't
17 thoroughly understand everything that was addressed
18 in your testimony, I would say that one thing is
19 clear. The fact that there are no applications that
20 are coming in in multiple languages shows that this
21 is something that has not been happening, and
22 hopefully you're on the track to do it. There were
23 some specifications in terms of the language
24 requirements that we put forth from this piece of
25 legislation that I didn't see necessarily here. So I

2 would recommend that the fact that it's not happening
3 is the need and the cause to require for it to
4 happen.

5 I would also say that the ability for
6 people to understand how to interact with this, how
7 to fill out these applications are very complex. And
8 I would think it would also be prudent upon HPD to
9 address that matter by coming up with workshops,
10 programs, quorums that are in multiple languages.
11 Even in English because we're undertaking that
12 responsibility ourselves to make sure that that
13 language and those requirements are very accessible
14 to all residents. And so, I look forward to working
15 with you because we're all on the same page. But it
16 is important to be able to have oversight as well as
17 enforcement to make sure that these things are
18 happening. So thank you.

19 BAABA HALM: Thank you.

20 MARGARET BROWN: Thank you.

21 CHAIRPERSON WILLIAMS: Before Council
22 Member Mendez, I have a question. If you've done
23 any-- It didn't sound like you did, but what are any
24 quality assurance you need to be doing now with
25 Google Translate. I think you spoke about working

2 with Google to try to fine tune it. How you describe
3 how that's going, and when that will be completed?

4 MARGARET BROWN: Sure. So right now the
5 paper applications are what our Quality Assurance
6 would be able to make sure that the translation makes
7 sense in each language. And yes, Google welcomes
8 people coming forward to specifically make sure that
9 their own site is translated properly. And so we
10 are--

11 CHAIRPERSON WILLIAMS: [interposing]
12 Sorry, say that again.

13 MARGARET BROWN: Google welcomes people
14 with websites or organizations with websites coming
15 forward and working with them to make sure that the
16 translation is correct on their sites. And so, we
17 are going to have those same translators that did out
18 paper application. We're going to work with them to
19 make sure that the website that pertains to housing
20 lotteries are translated properly within Google or to
21 correct those where they're not. And then give that
22 feedback to Google, and Google will ensure them that
23 when you translate in Croatian that that specific
24 language comes up.

2 CHAIRPERSON WILLIAMS: And for the school
3 kids at home, Telugu is actually Sri Lankan. Telaga
4 is for the Queens. [sic]

5 COUNCIL MEMBER CUMBO: [laughs] You got
6 it for the right reasons.

7 CHAIRPERSON WILLIAMS: Yeah.

8 COUNCIL MEMBER CUMBO: The status quo.

9 CHAIRPERSON WILLIAMS: So, but just so
10 I'm clear, that fine tuning is happening at the
11 Housing Lottery portion of the website, not the
12 entire website.

13 MARGARET BROWN: Yes, what we're
14 specifically working on is making sure the Housing
15 Lottery is accessible to the people who don't speak
16 English.

17 CHAIRPERSON WILLIAMS: Do you know when
18 that will be complete?

19 MARGARET BROWN: I'm sorry. I don't know
20 that yet, but we're starting on it in the next couple
21 of weeks as soon as the paper translation is
22 completed.

23 CHAIRPERSON WILLIAMS: Any quality
24 assurance with the rest of the website, or that's not
25 a primary concern?

2 MARGARET BROWN: I'm sorry. I don't know
3 that.

4 BAABA HALM: We can follow up on that,
5 and our primary focus was on the applications because
6 so many folks utilize that. So they get in the
7 lottery, and they get housing. But we can follow up
8 and get you a response on that question.

9 CHAIRPERSON WILLIAMS: Okay, thank you.
10 Council Member Mendez.

11 COUNCIL MEMBER MENDEZ: Thank you, Mr.
12 Chair. Assistant Commissioner, I want to say that
13 I'm very proud to call you Assistant Commissioner,
14 and for those of you who don't know, she used to be
15 the attorney to my committee. So I'm very proud to
16 see you here in this capacity. And to see you do
17 much good work and just get our bills passed.

18 BAABA HALM: Okay, I hear you. Thank
19 you. [laughter]

20 COUNCIL MEMBER MENDEZ: So having said
21 that, you raised a couple of issues regarding my bill
22 222. And I'd like to start with the issue about
23 multiple dwellings and the number of units. If this
24 legislation designated whatever amount a building
25 under a certain amount of units needed notification

2 under the door, would that be something you would be
3 against?

4 BAABA HALM: I just want to say we
5 support the intent of the bill. So we're not against
6 the bill. We identify areas that we think we should
7 have a conversation around, and so we welcome your
8 suggestions, and give us some time to think about it.

9 COUNCIL MEMBER MENDEZ: Having stuffed a
10 lot of doors, I can imagine if it's one building that
11 I mentioned there it's 200 something units as opposed
12 to a 25-unit building. I think that it's a
13 difference. And in terms of utility companies, I
14 think that's something that's really outside the
15 control of the landlord. But I think what we're
16 really trying to get to is those things that are
17 within the control of an owner, and they start doing
18 multiple work, big work in the building in the public
19 areas. And then it really has an affect on the
20 quality of life of the tenants where services are
21 disrupted for sometimes hours in the days or for days
22 and/or construction. Like if they're getting at some
23 pipes, and then they're covering the walls there is
24 so much dust in the building. And individuals who
25 may have asthma or breathing ailments would make

2 other accommodations to be somewhere else if they had
3 72-hours notice to make those other accommodations.
4 So, I would certainly like to work to clarify where
5 we can, and I don't know if you had an example where
6 you're recommending shorter notification for
7 extenuating circumstances. Contractors-- I know
8 contractor's availabilities may change, but I'm not
9 quite sure if you're planning to do big work, which
10 is what this is going after. In a building or in an
11 apartment, it seems to me that the owner would have a
12 heads-up to then give a heads-up to a tenant.

13 BAABA HALM: I understand I think we can
14 work on clarifying is so the impact-- So that is
15 clearly what we're focusing on is big projects that
16 will have opportunity to disrupt services for a long
17 duration. But the bill is not clear. Right now it's
18 just-- It says any services, essential services. So
19 we thought that that should be defined, and I think
20 that that would make it easier for property owners to
21 understand the impact of what those requirements
22 would be. Do you want to talk about an example of
23 when a contractor would have extenuating
24 circumstances?

2 ANN MARIE SANTIAGO: Hi, this is Ann
3 Marie Santiago. I'm Associate Commissioner for
4 Enforcement, Neighborhood Services. I think that
5 sometimes owners do need to shut down. For example,
6 heating plants for a relatively short period of time
7 to make a repair, and if the contractor thing comes
8 sooner than originally plan, we want to get that done
9 before the boiler goes down. So I think we do want
10 to provide the leeway to do that. If you're talking
11 about work, you're really talking about more
12 extensive work that's going to take-- go over days
13 and start like that. That would hopefully be planned
14 well in advance.

15 COUNCIL MEMBER MENDEZ: Well, I'd like to
16 have more conversations with you, and I'd like to
17 bring in the Manhattan Borough President Gale Brewer
18 since it was originally her bill. And she may have
19 other instances that she's thinking of when she
20 suggested this legislation. I also have a question
21 regarding my colleague's bill Intro 289. On page 4
22 of your testimony, you reference the Section 8
23 Vouchers and Special Need Housing Programs and that
24 only you have to meet a certain criteria to apply for
25 this. That on your website is translatable so that

2 people who may not know that they can't qualify could
3 sort of read it on your website through your Google
4 translation features?

5 BAABA HALM: No, our website generally
6 doesn't note that now because those programs are not
7 available to the general public. And so, it's again
8 if you're coming through let's say a DHS program for
9 our set-asides and vouchers. Or our Section 8
10 Vouchers that are used for some of the buildings that
11 are going under rehabilitation and through out HPD
12 program. And then folks may have to move. And so,
13 that information is not available on the website
14 because it's very limited in terms of who the
15 audience is.

16 COUNCIL MEMBER MENDEZ: Okay. I just
17 have a lot of people sometimes who ask me because
18 they talk to each other, and they say, Well, can I
19 apply for this housing? And then you tell them well
20 you need to meet A, B, C, and D. And they're like,
21 Oh, if it was translated, then they would know that.
22 So just putting that out there. Thank you very much.
23 Thank you, Mr. Chair.

24 CHAIRPERSON WILLIAMS: Thank you. I did
25 want to mention that Council Member Torres joined us

2 for a few minutes, and I want to thank Council Member
3 Rosenthal for being collegial to Council Member
4 Levine who has to leave, and needs to ask some
5 questions first.

6 COUNCIL MEMBER LEVINE: I'm told I owe
7 Council Member Rosenthal five dollars. I wish I had
8 it in my pocket. I'd give it to you. I want to make
9 a comment to maybe a question on Google Translate,
10 which is an extraordinary tool and it's much better
11 than nothing. But it's also deeply flawed, and for
12 technical reasons the accuracy of the translation
13 varies dramatically by language. For languages for
14 which there are a lot of content on the Internet such
15 as Spanish, and for which there are a lot of humans
16 using the tool, they're making corrections tend to be
17 pretty accurate. Even there for technical topics
18 like housing applications there are going to be
19 errors, which in the context of even one word being
20 off can render the entire project a failure. But
21 there are so many specifications that are critical
22 that inaccuracy is a big problem.

23 But the farther you move from the
24 languages that are most widely spoken and to which
25 there is more content on the Internet for example,

2 either to Google or to Gallery [sic] probably, you're
3 going to find that the utility of Google Translate
4 really breaks down. So that raises the question of
5 just the timing and the resources you're putting to
6 human translation, which I understand is expensive.
7 But which really is the only adequate solution. So
8 you tell us a little bit about the resources and
9 timing of that process?

10 BAABA HALM: Just to be clear, Google
11 Translate going onto our website and clicking the
12 translate option is not what we're going to be using
13 for Housing Lottery applications. The applications
14 are already going to be translated and available to
15 just give to someone interested in apply for a
16 particular Housing Lottery. So they're not going to
17 have to go into Google Translate, and select their
18 option.

19 COUNCIL MEMBER LEVINE: Got it. And what
20 we mentioned earlier about quality assurance
21 procedure is now that we have the applications
22 available to us in different languages, we are going
23 through the process of reviewing the adequacy and the
24 simplicity of the translation that we have now before
25 we make the applications. Which will already be in

2 these different languages available to the general
3 public. So we're not going to be relying on Google
4 Translate to translate our Housing Lottery
5 applications, and to deal with it. So we were
6 talking generally about Google Translate being an
7 option for information generally about HPD.

8 COUNCIL MEMBER LEVINE: Is there a plan
9 to translate that?

10 BAABA HALM: Yes, and that's what Council
11 Member Williams was asking earlier about the plan in
12 terms of assessing the accuracy of those translations
13 for our general pages that we will get back to the
14 committee on.

15 COUNCIL MEMBER LEVINE: Okay. So the
16 instructions for the applications are also currently
17 translated already?

18 BAABA HALM: Yes.

19 COUNCIL MEMBER LEVINE: And so when do
20 you think the broader language of the website will be
21 done?

22 BAABA HALM: I'll have to follow up with
23 you on that.

24 COUNCIL MEMBER LEVINE: Thank you.

2 CHAIRPERSON WILLIAMS: Thank you.
3 Council Member Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: Thank you,
5 Chair, and thank you to the sponsors of these bills.
6 And Council Member Levine will be more than happy to
7 take that and check those? [laughter] So I just
8 have a number of questions. It strikes me just as an
9 old view that everyone is on the same page here. So
10 that's just so exciting, right. I mean we're all
11 coming in and sharing our experiences of years of
12 frustration. And all of us are trying to figure out
13 ways to make it work best for our constituents. So
14 in the spirit of that, I just wanted to let you know
15 about two stories that happened recently in my
16 office. One is of somebody who applied in the
17 Housing Lottery for an apartment. And she applied in
18 Spanish, and she only speaks Spanish, and applied.
19 This was four years ago, and six months later got a
20 letter in English telling her that she had to re-
21 apply every year for her spot. So recently in the
22 last month she came into my office to let me know
23 that, of course, she never did that. And, of course,
24 a unit became available. It was six or seven months
25 ago, but her name was passed over because she never

2 re-applied, and she's been waiting. So she has now
3 applied again. Our office has helped her with that,
4 and the housing it happens to be a wonderful provider
5 in our community. You know, it has promised to now
6 start sending the letters in the language that the
7 person who has applied in that language. And then
8 our community it's primarily Spanish and Mandarin.
9 So they are translating their letter requiring people
10 to re-apply into those languages. So is that
11 something you guys are urging your providers to do.

12 MARGARET BROWN: So, yes, we're right now
13 looking at the entire service journey of somebody
14 applying for housing. Whether it's English or
15 whether it's a non-English speaking person. And
16 saying, you know, what do we need to do to make it
17 easier and more accessible? And so, with regard to
18 the language issue, we are looking at-- You know,
19 the application is a big hurdle, and we're glad to be
20 making that available in other languages. But then
21 our follow-up services also need to be translated.
22 So some of that would be communication back to the
23 applicant to say like when is your interview
24 scheduled?

2 COUNCIL MEMBER ROSENTHAL: Exactly the
3 point.

4 MARGARET BROWN: Yeah.

5 COUNCIL MEMBER ROSENTHAL: It's good to
6 hear.

7 MARGARET BROWN: Yeah, so we're looking
8 at that entire process.

9 COUNCIL MEMBER ROSENTHAL: So, okay, and
10 then the second story is of a constituent who came in
11 and let us know that on a housing repair issue where
12 they submitted the request for the repair. And
13 again, in English, although this person-- A social
14 service provider had actually helped them fill out
15 this form. And then they got a robocall at home in
16 English asking if the repair had been completed. And
17 on this one, you guys actually do have that. If you
18 wait long enough, it will say if you need to hear
19 this in Spanish, press this button. If you need to
20 hear this in Mandarin, press this button. In those
21 languages, but he got flustered. In the service
22 journey, as you heard today, he got flustered and in
23 the English one, when he thought the words were, "If
24 you need to speaking Spanish, press 1." So
25 originally, when he heard the robocall and was

2 pressing buttons, he accidentally pressed the button
3 that said that his repair had been successfully
4 completed, which, of course, it had not been. And
5 then, he got a letter in the mail, and the next thing
6 he knew was that he got a letter in the mail in
7 English saying that the service was successfully
8 completed, and it wasn't going to be pursued any
9 more.

10 So again, on that one, we applied for him
11 again. We actually went through 311 and made the
12 application. We had someone in our office make the
13 application in Spanish with the hope that that's the
14 indicator, the trigger to your office to reply in
15 Spanish. And so, again, as you think about your
16 service journey, I'm hoping that he again gets a
17 robocall in Spanish. This is what he reported to us.
18 They now told me we don't do robocalls.

19 BAABA HALM: No, we do. So I'm assuming
20 that he initially called 311 to file a complaint--

21 COUNCIL MEMBER ROSENTHAL: [interposing]
22 Well, somebody had obviously had spoken to him. [sic]

23 BAABA HALM: Right, they should be able
24 to take his complaint in Spanish. There is an option
25 for them to let us know what language the customer is

2 speaking. So when they take the complaint, their
3 process is supposed to be their process is supposed
4 to be they choose from a dropdown which language.

5 COUNCIL MEMBER ROSENTHAL: [interposing]
6 Right.

7 BAABA HALM: And then when we make the
8 call, the call should have been made in Spanish,
9 right. Now, I don't know if they initially did that
10 information. Right now, our robocalls are only in
11 English and Spanish. If the person-- If we're told
12 that the person speaks a different language, it's not
13 a robocall, it's actually a person who will make the
14 call.

15 COUNCIL MEMBER ROSENTHAL: Oh, well.

16 BAABA HALM: Because we have to get
17 language line on the phone to translate. We just
18 don't have the translations in other languages. It's
19 a lot to translate on our complaints, but that is our
20 current process.

21 COUNCIL MEMBER ROSENTHAL: Right.

22 BAABA HALM: Most of our notices related
23 to complaints and emergency repairs are in both
24 English and Spanish. They're not in other languages

2 at this point, but that's also something that we are
3 exploring.

4 COUNCIL MEMBER ROSENTHAL: Okay, great.

5 Well that's really good to hear. Do you guys have
6 internal reports about all this stuff so you're
7 starting to track the quantity in the various
8 languages at different points in the service journey
9 line? Sorry. Now that you said that, I'm just going
10 to-- It's such a good expression.

11 BAABA HALM: For complaints. Yes, we
12 could provide statistics on how many complaints come
13 in various languages. These other service journeys
14 I'm not sure what they would be.

15 COUNCIL MEMBER ROSENTHAL: Great. I mean
16 maybe we could start to, and I mean I guess I'm also
17 talking to our staff here, start to think about a
18 language you would consider working with us. To start
19 to think about all of the different points, and where
20 we could be starting to identify the number of
21 applications, complaints.

22 BAABA HALM: We do track that.

23 COUNCIL MEMBER ROSENTHAL: Oh, okay.

24 BAABA HALM: And under the Mayor's
25 Executive Order 120, all of the city agencies are

2 required to identify, and have in place a language
3 access plan, and we do, and so that language access
4 plan goes across our different divisions and service
5 points. And looks at who we're working with and the
6 languages that we mostly see before us, and how we
7 can address the language issues for those particular
8 customers.

9 COUNCIL MEMBER ROSENTHAL: Right. So I
10 guess I'm asking you in your language access plan for
11 all those different points if you are starting to
12 track the data?

13 BAABA HALM: We do which is how we were
14 able to identify what the needs are within Code
15 Enforcement for example or the housing lotteries for
16 example. And to make the translations available in
17 languages that we see the most need in.

18 COUNCIL MEMBER ROSENTHAL: And so with
19 Manhattan Borough President Brewer here I would be
20 remiss if I didn't ask is that data shared as part of
21 an open data plan?

22 BAABA HALM: It's not. The collection is
23 not uniform, and so I'm not really sure. It is
24 generally shared with the Mayor's Office of Immigrant

2 Affairs who has helped us craft our Language Access
3 Plan, and helps with our HPD language volunteers.

4 COUNCIL MEMBER ROSENTHAL: Okay. Could I
5 ask you to look into whether or not you'd be willing
6 to make that data open and accessible. [sic]

7 BAABA HALM: Sure.

8 COUNCIL MEMBER ROSENTHAL: Last question
9 is once you starting getting the applications in
10 different languages, how will you be processing those
11 applications internally? Do staff prepare it with
12 all the different languages. And the last question.
13 That's the last one.

14 BAABA HALM: Generally, the applications
15 do not come back to HPD. The Housing Lottery
16 applications go back to the projects who are going to
17 have those apartments available. And they enter the
18 information into Housing Connect, which HPD
19 supervises the entry of that information.

20 COUNCIL MEMBER ROSENTHAL: Ooh, so that's
21 a new tricky spot.

22 BAABA HALM: Well, we want to make sure
23 that, you know, every application that the developer
24 receives is being entered. So the only way that we
25 can ensure that is if we're there.

2 COUNCIL MEMBER ROSENTHAL: Do we know
3 that the housing operators will be following up with
4 the applicants if they don't know how to read the
5 language? If the application is in some obscure
6 language, how would you--

7 BAABA HALM: [interposing] Well, someone
8 is going to select which language they want the
9 application in. So it's not going to be pre-set for
10 them. They tell us what language they want the
11 application in when we get the application.

12 COUNCIL MEMBER ROSENTHAL: You understand
13 the nature of my question, right?

14 BAABA HALM: Right.

15 COUNCIL MEMBER ROSENTHAL: I mean, no I'
16 talking about maybe. But if they get an-- if you
17 have a landlord getting an application in Creole, and
18 they don't speak Creole, is there going to be someone
19 at the landlord's site who is going to know how to
20 call that person if they can't read--

21 MARGARET BROWN: [interposing] Sure.

22 COUNCIL MEMBER ROSENTHAL: --any of the
23 data points?

24 MARGARET BROWN: So with regard to the
25 application itself, and it becomes another language

2 particularly where it's not even English characters.

3 The point that Barbara has always been saying is that

4 as the applications are entered into Housing Connect,

5 we are-- we haven't worked out all the details yet,

6 but we plan to have translators on site there who are

7 able to translate the application--

8 COUNCIL MEMBER ROSENTHAL: [interposing]

9 Okay.

10 MARGARET BROWN: --there. And then to

11 indicate what language is necessary for the

12 communications.

13 COUNCIL MEMBER ROSENTHAL: It's going to

14 be a challenge.

15 MARGARET BROWN: Yes, it's challenging

16 but operationally I think it will go a lot better.

17 COUNCIL MEMBER ROSENTHAL: Yes, it sounds

18 like you're on it. All right. Thank you very much.

19 CHAIRPERSON WILLIAMS: Thank you, and I

20 don't see any other colleagues having questions. I

21 did-- it was interesting to hear that someone filled

22 out an application in one language, and you got a

23 response in English. So is there a particular policy

24 that deals with at or not really because it's kind of

25 whacked actually. [laughs]

2 BAABA HALM: I think the Council Member
3 was referring to someone who filed a complaint
4 inspection through 311, and got a robocall in
5 English.

6 CHAIRPERSON RICHARDS: No, there was
7 someone who applied for an apartment. Yeah, she
8 applied for I think an apartment--

9 BAABA HALM: [interposing] Yes.

10 CHAIRPERSON WILLIAMS: --in Spanish, and
11 got the response several years later in English.

12 BAABA HALM: Right.

13 CHAIRPERSON WILLIAMS: So it seems to me
14 that maybe a simple policy--

15 MARGARET BROWN: [interposing] Correct.

16 CHAIRPERSON WILLIAMS: --to respond in a
17 language application.

18 MARGARET BROWN: So like I said earlier,
19 right now we're not actually taking in applications
20 in any other-- In any language other than English,
21 because they're not available in any language other
22 than English. But as we're making the translations
23 available, we're thinking about how to address all of
24 these other points, because it's not just the
25 application, of course.

2 CHAIRPERSON WILLIAMS: Let me just-- I
3 want to just make sure I clarify with my colleague.
4 What did she-- what did she apply in-- What language
5 did she apply in, and what was the instrument used.

6 COUNCIL MEMBER ROSENTHAL: Sure. I mean
7 it was in English, and someone helped her fill in the
8 application--

9 CHAIRPERSON WILLIAMS: [interposing] Oh,
10 I see.

11 COUNCIL MEMBER ROSENTHAL: --in English.

12 CHAIRPERSON WILLIAMS: So I stand
13 corrected.

14 COUNCIL MEMBER ROSENTHAL: No, no but
15 what there should be, and as we move toward the
16 multiple languages is a box that says what's your--

17 CHAIRPERSON WILLIAMS: [interposing]
18 That's a good point--

19 COUNCIL MEMBER ROSENTHAL: --chosen
20 language.

21 CHAIRPERSON WILLIAMS: --but I thought
22 she applied in Spanish, and got a letter back in
23 English. Of course, she should have got it before
24 six years, but I thought that was a whole added
25 insult to injury part. So I stand corrected on that

2 one minor issues. Just that one. [laughs] Thank
3 you all very much for-- Oh, Council Member Mendez.
4 I'm sorry. Has another question.

5 COUNCIL MEMBER MENDEZ: Thank you. I'd
6 like to ask because Barb I think you were here at
7 that time. Executive Order 120 was as a result of
8 proposed legislation that I had that would make
9 everything available in like 18 languages at HPD
10 particularly for code enforcement. So Executive
11 Order 120 was the compromise. Instead of doing it at
12 HPD, we did it in all agencies in six languages.
13 That was 2008. So my understanding is that
14 everything, by every agency should be made available
15 in those six languages. And that there should be
16 some way of communicating it if that's not their
17 primary language with someone. So why would in this
18 case the person get these responses in English and
19 not know or not be able to follow up with someone to
20 have it in Spanish to find out that they're supposed
21 to re-apply every year.

22 BAABA HALM: So the Housing Lottery
23 process is a little bit different than services
24 directly provided by HPD. The Housing Lottery
25 process is actually administered by the developer,

2 and HPD oversees that. And so, because it's such an
3 important service of HPD -- it's really where our
4 housing meets people -- we realized that we needed to
5 make that available in other languages, too. But
6 it's not subject to the same requirements because
7 it's not actually HPD communication.

8 COUNCIL MEMBER MENDEZ: Well, then my
9 question to this committee is if someone is doing
10 business with the City, right, so these developers
11 are getting some kind of tax abatement or something.
12 And so, shouldn't they have to comply with the
13 Mayoral Order as well if they're getting some benefit
14 from the City.

15 BAABA HALM: I see your point. The
16 Executive Order also allowed the agencies to-- It
17 required the agencies to use the HUD guidance on
18 determining the services that should be available in
19 multiple languages. And there was a four-prong test
20 that each agency was to utilize in determining which
21 services they were going to make available. And
22 because the Housing Lottery, as Margaret already
23 indicated is not controlled-- Is not done by HPD and
24 it's done through the property owners, we worked with
25 them to get these translations done. And basically

2 had to provide assistance. Otherwise, we're having
3 individual property owners make these applications
4 available. We would have issues about the quality of
5 the translations and the like. And so we thought it
6 was important that we facilitate that, and we are
7 doing that.

8 COUNCIL MEMBER MENDEZ: Okay. so the last
9 question kind of related and not really to this
10 legislation then is in every other aspect then HPD is
11 complying with Mayoral Order 120?

12 BAABA HALM: Yes, we have the postings in
13 our offices, in a public place. We have the language
14 line interpretation and translation services. We
15 have HPD employees that also provide translation and
16 interpretation services. Yes.

17 COUNCIL MEMBER MENDEZ: Okay. I would
18 also like to mention the Manhattan Borough President
19 walked in, and she'll be testifying on our
20 legislation, really hers No. 222, and I would like
21 for you to stay and hear her testimony.

22 BAABA HALM: Okay.

23 CHAIRPERSON WILLIAMS: Thank you. We are
24 also joined by Council Member Ulrich for a short
25 time. I want to thank you for all the testimony, and

2 I add my name to congratulate Assistant Commissioner
3 Baaba Halm. I didn't ask you which you preferred
4 because I know City Council is probably the best time
5 of you life. [laughter] So I didn't have to ask
6 that question. So congratulations again, and I would
7 like to have you testifying here.

8 BAABA HALM: Thank you.

9 CHAIRPERSON WILLIAMS: Thank you all for
10 your testimony. Next I will call up someone who
11 needs no introduction, Borough President of Manhattan
12 former Council Member Gale Brewer who actually has
13 some legislation that was hers and introduced by
14 Council Member Mendez at her request. Am I doing the
15 thing? Yes. So I'm going to do the affirmation
16 statement.

17 GALE BREWER: I'm ready.

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

22 GALE BREWER: I do. Thank you. Thank
23 you very much.

24 CHAIRPERSON WILLIAMS: Thank you. You
25 can start your testimony.

2 GALE BREWER: Thank you. Good morning.

3 I am Gale Brewer. I am the Borough President of
4 Manhattan, and I want to thank Chair Williams and the
5 Council Members on Housing and Buildings particularly
6 Council Member Rose Mendez. Thanks to her, I'm co-
7 sponsoring Intro 222, and like many bills that this
8 committee is considering this fall. The aim of this
9 bill is to preserve tenants' quality of life with
10 minimizing the impact of maintenance related
11 disruptions. I think as you know, this Intro
12 requires owners to provide at least 72 hours of
13 advance notice for all non-emergency repairs that
14 will result in service interruptions. And any
15 penalty will be determined according to the type of
16 violation that HPD would designate for non-
17 compliance. I know you heard this from HPD and I
18 understand that they have some qualifications, but
19 generally understood what we were trying to achieve.

20 Currently, the city does not require any
21 advance notification for planned non-emergency
22 repairs that do not necessitate entry into a tenant's
23 apartment. It's a bit of a problem because we're
24 relying entire on a landlord's goodwill to protect
25 tenants. Even among owners and management, companies

2 that do provide notice for lack of a common
3 definition quote "sufficient notification" unquote
4 that resulted in variations among notification time
5 ranges from days to mere hours. I think Intro No.
6 222 can address some of these issues.

7 1. Through advance notice to minimize
8 negative impact of building service interruption due
9 to planned repair works.

10 2. I would inform and protect tenants
11 through establishing a baseline requirement.

12 3. It would provide a means for
13 determining non-compliance and tenant harassment.

14 Now, I just want to give you some
15 examples. Let me just give one example. A person in
16 a wheelchair leaves for work in the morning. She
17 doesn't know the building's elevator is going to be
18 out of service for repairs starting at 6:00 p.m.
19 because the owner of the building has only put up a
20 notice of non-emergency at noon that same day.
21 Instead of having sufficient time to adjust the work
22 hours so he or she can be home before the elevator
23 goes offline, the tenants returns to find that he has
24 no way of reaching his apartment or her apartment.
25 There is nothing he or she can do, but wait around

2 until the work is finished, and reactivate the
3 elevator.

4 There are situations like this and in
5 other similar ones involving heat, hot water,
6 electricity, or other utilities or building amenities
7 going out of service due to non-emergency repairs.
8 Having at least 72 hours of advance notice will allow
9 tenants to prepare for planned service losses, and
10 minimize a negative impact that might result. I know
11 that many owners and management companies already
12 provide notice at least 72 hours before a scheduled
13 non-emergency repair. This is the standard the bill
14 seeks to establish as a baseline for sufficient
15 advance notice throughout our city.

16 As the winter approaches, it's even more
17 important buildings expected to be without heat or
18 hot water due to non-emergency repair provide
19 adequate notice to tenants. I think we all know that
20 we just entered the heat season on October 1 and it
21 goes until May 31 of next year. And under the
22 Multiple Dwelling Law, which we all know, and the
23 Administrative Code, during heat season each
24 apartment must be heated at or above the specified
25 minimum in-door temperature based on time day of

2 outdoor temperatures. Sadly, as I know and many of
3 you know, heat and hot water aren't always provided
4 when they should be, and this can be a result of many
5 things. It could be negligence. It could be bad
6 management. It could just be something that hasn't
7 been address, but as of October 21, 2014, only three
8 weeks into the heat seasons, New York City has
9 already received more than 9,000 complaints via 311
10 for lack of or inadequate heat.

11 Sometimes heat and hot water must be
12 stopped for several hours for maintenance, or if a
13 building repair issue arises, and these legitimate
14 reasons for service interruption embodies Intro 222's
15 intent to protect and inform tenants. Advance notice
16 not only allows tenants to plan ahead and prepare for
17 heat or hot water outages, but it gives them
18 information if a planned repair is legitimate.
19 Separating genuine repair needs from unscrupulous
20 owner's bogus claims of same day service
21 interruptions that are in reality unrelated to
22 building repairs.

23 I also want to minimize any kind of
24 harassment. And I am fully aware that there are
25 instances when a tenant is concerned not by the

2 landlord's unintentional oversight in posting
3 sufficient non-emergency repair notices, but a delay
4 or withholding of proper notification is a tactic of
5 tenant harassment, which unfortunately does happen.
6 CAAAV is a wonderful rights organization in
7 Chinatown, and the Lower East Side and the staff
8 there has been assisting a constituent on an anti-
9 harassment case. The tenant lives in a tenement
10 building on Forsythe Street where a work crew member
11 had climbed through the tenant's apartment window to
12 access the building for repairs without any
13 notification for entry into either the building or
14 the apartment. Needless to say, the tenant felt
15 unsafe especially with children at home. In other
16 Chinatown buildings "notification" quote, unquote
17 wouldn't happen until the morning of when workers are
18 knocking on the doors of tenants. Some of the
19 tenants work night shifts in restaurants. And
20 obviously, this kind of disruption is a very challenge
21 to their daily schedule.

22 I understand that these and other tenant
23 harassment tactics will not go away with Intro 222,
24 nor will it prevent owners from allowing subpar
25 repair work to be done so that the need for the

2 continued repeated repairs would create de facto
3 ongoing service interruptions. These situations will
4 severely impact tenant's quality of life, and we all
5 continue to work together with tenant advocates and
6 legal service providers and organizers to provide
7 much needed support. This is precisely why it is
8 vital in my opinion to pass Intro 222, and I'm sure
9 with some caveats, in order to establish a baseline
10 for tenant notification, and tool for recourse for
11 tenants of non-compliant owners.

12 When incorporate into the Housing and
13 Building Committee's larger goal to advance
14 additional measures to stop harassment, and elevate
15 quality of life under the Quality Housing Act, I
16 believe this legislation leads to the overall
17 improvement of a tenant's enjoyment of his or her
18 home. So I really appreciate your asking me to
19 participate today. I appreciate the support of the
20 committee, the Chair and certainly Council Member
21 Rosie Mendez, and I thank you for the opportunity.

22 CHAIRPERSON WILLIAMS: Thank you Madam
23 Borough President for your leadership on this and for
24 coming in personally to testify on the bill today. I

2 don't know if any of my colleagues have any
3 questions. Oh, Council Member Mendez.

4 COUNCIL MEMBER MENDEZ: Thank you, Madam
5 Borough President. It's a pleasure to have you here
6 in person. You were not here earlier with HPD
7 testified and they had a couple of issues with the
8 bill. And I asked them to remain with us. They feel
9 some of the language is vague, and I think we're in
10 agreement where we can tighten this up. We would
11 like to do that, but I want to raise some of the
12 issues they raised. One about notification going
13 underneath every door. They talked about big
14 multiple dwelling units like Mitchell-Lama. And I
15 thought maybe we could have a trigger of a certain
16 amount. Buildings under a certain amount get
17 notifications on the door. They are generally
18 supportive. They just want some of the language just
19 to be more-- Not as broad. They mentioned utility
20 companies.

21 GALE BREWER: And emergencies I heard.

22 COUNCIL MEMBER MENDEZ: Right and I said
23 that's out of the scope or control of the landlord,
24 and that's not what we're trying to get at. We're
25 trying to get at big work that's being done in the

2 building, in the apartment. And that disrupts
3 services for a certain amount of hours, sometimes
4 days, and that the owner would have notification.
5 You gave a great example like the elevator. I gave
6 an example of pipe work then with plaster where a
7 tenant might have asthma or some other breathing
8 ailment with enough notice to make other
9 accommodations not to be there. So, any of these
10 issues?

11 GALE BREWER: Well, I think it is all
12 workable, and well, I mentioned there are caveats
13 because I think that it could be tightened up, and we
14 would love to work with them. But I think that it
15 would have some very positive ancillary aspects of
16 the bill. Which would make it more concise as to
17 when the information has to be available, which is
18 not always clear now to the tenant or maybe even to
19 the owner.

20 COUNCIL MEMBER MENDEZ: And one thing we
21 didn't think about, and I don't know any-- Maybe
22 it's somewhere in the Code about penalties if they
23 don't notify, and it's not an emergency--

24 GALE BREWER: [interposing] I think that-

25 -

2 COUNCIL MEMBER MENDEZ: --and you know
3 it's not an emergency.

4 GALE BREWER: My experience is it follows
5 traditional penalty legislation.

6 COUNCIL MEMBER MENDEZ: Yes.

7 GALE BREWER: Okay.

8 COUNCIL MEMBER MENDEZ: Thank you very
9 much.

10 GALE BREWER: Thank you, Mr. Chair.

11 COUNCIL MEMBER MENDEZ: Thank you Madam
12 Borough President and the Mr. Chair.

13 CHAIRPERSON WILLIAMS: [coughs] Thank
14 you very much. Next, we'll have Donna Chew from MFY
15 Legal Services, Inc. talking about Intro. No. 289;
16 Anita Woo from Manhattan Legal Services, NYC talking
17 about 222 and 289. Please come up now. The next
18 panel will be Ryan Baxter from REBNY, and Frank
19 Ritchie from RSA.

20 CHAIRPERSON WILLIAMS: Would you please
21 raise your right hand. Do you affirm to tell the
22 truth, the whole truth, and nothing but the truth in
23 your testimony before the committee, and to respond
24 honestly to Council Member questions?

25 DONNA CHEW: Yes.

2 ANITA WOO: Yes.

3 CHAIRPERSON WILLIAMS: Thank you. You
4 can start when you like.

5 [Pause]

6 DONNA CHEW: [off mic] Good morning
7 members of the Committee on Housing and Buildings.

8 [Pause]

9 DONNA CHEW: My name is Donna Chew. I'm
10 a Senior Staff Attorney at MFY Legal Services. I am
11 here to give testimony in support of Bill 289. MFY
12 serves hundreds of New York City homeowners and
13 renters every year who are Limited English
14 Proficient. Many of the LEP residents are
15 linguistically isolated, meaning they do not have
16 family or friends who can readily translate English
17 language materials for them. This makes it
18 especially difficult for them to understand and
19 timely respond to applications, instructions, and
20 critical notices that are not in their own languages.
21 As a result, they do not have the same access to
22 affordable housing opportunities that proficient
23 English speakers do. And they are more likely to
24 lose housing or housing assistance that they do have.
25 For example, MFY is frequently contacted by LEP

2 tenants who have received a hearing notice, a Section
3 8 Rental Assistance Notice or an Affordable Housing
4 opportunity letter from HPD. They know they can
5 contact MFY and speak with an advocate in their
6 language. For these linguistically isolated LEP
7 tenants their contact with MFY is usually the first
8 time they have been able to have the document
9 translated. This causes a significant delay between
10 when they receive the notice, and when they are able
11 to act on the content of the notice.

12 In some instances, by the time the
13 clients understand the content of the notice the time
14 for them to respond or to take action has already
15 expired. Thus, the LEP tenants often receive less
16 time to act on important notices that otherwise
17 similar English speaking tenants. MFY also refers
18 clients to HPD on a regular basis. We advise our
19 clients to contact HPD to make a complaint about a
20 housing maintenance code violation, to request an
21 apartment inspection, to check on the status on an
22 apartment maintenance complaint. Or, to apply for or
23 get information about housing lotteries for city
24 sponsored apartments and affordable homes.

2 Mitchell-Lama apartments are the Section
3 8 Housing Choice Voucher Program. Tenants who live
4 in HPD administered housing or receive Section 8 must
5 use HPD applications to certify their incomes,
6 request reasonable accommodations for disabilities,
7 file grievances, and sometimes request basic services
8 such as repairs or extermination. These applications
9 are critical to the tenants keeping their homes.
10 Failure to timely complete income recertification
11 forms in Mitchell-Lama Section 8 or other subsidized
12 housing can lead to termination or tenancy and
13 homeless. A tenant who cannot file grievances or
14 request maintenance because of a language barrier may
15 lose her housing because her rent is wrongly
16 calculated or her apartment is not habitable.
17 However, most, if not all, HPD housing applications
18 sent to the tenants are only in English. Bill 289
19 will now require HPD to include a notice written in
20 the mandatory languages that the forms are available
21 in other languages. This is a step in the right
22 direction.

23 We also spoke about HPD's website today.
24 Some LED tenants have experience difficulty
25 navigating the website to find the forms they need

2 because the website is presented only in English.
3 This is a tab at the top of the page with the English
4 words "Translate This Page." However, this option is
5 listed only in English, and the link leads to a pop-
6 up window with instructions and language options
7 again listed only in English. Further, the automatic
8 little translation provided by Google is stilted,
9 awkward, and sometimes nonsensical. For example, the
10 Chinese language Google translation of information
11 about current housing lotteries inappropriately
12 translates the English word "lottery" using the
13 Chinese words meaning "raffle." This is one of
14 example of how LEP tenants can be misled by the
15 inaccurate translations. Of the web pages most
16 likely used by tenants, only one had information
17 available in multiple languages at the press of a
18 button. Which is, "How to report and apartment
19 maintenance problem." The other sections the MFY
20 clients frequently visit as such as "Current List of
21 Ownership Opportunities" and "Housing Lotteries" only
22 use Google Translate. Building registration and
23 violation database where tenants can look up the
24 Maintenance Code violations and complaints and find
25 their landlord's addresses is not translated at all.

2 MFY applauds HPD for its work to promote
3 housing equality, opportunity, and safety. Bill 289
4 calling for the provision of housing applications in
5 multiple languages is the right step towards ensuring
6 that HPD services and information are equally
7 accessible to all New Yorkers. We strongly encourage
8 HPD to improve its online language accessibility,
9 but... [bell] Thank you.

10 CHAIRPERSON RICHARDS: You can finish.

11 DONNA CHEW: Okay, by providing
12 translation documents and links labeled in multiple
13 languages. While one recommendation we had is a
14 discrete section of the New York City Department of
15 Finance's website actually provides an excellent
16 model. So we've seen that it can be done. So thank
17 you. Thank you very much.

18 CHAIRPERSON RICHARDS: Thank you and I
19 forgot to mention that we would have a timer. So if
20 you could keep it around three minutes, that would be
21 great. I think most people will be able to do that.

22 ANITA WOO: Yes. Good morning. My name
23 is Anita Woo, and I'm a law graduate in the Housing
24 Unit at Manhattan Legal Services. Legal Services NYC
25 welcomes the opportunity to give testimony today

2 before the Committee on Housing and Buildings on
3 behalf of Intros 222 and 289.

4 Legal Services NYC is one of the largest
5 providers of legal services for low-income people in
6 New York City. Our offices regularly receive
7 complaints from our clients that their landlords fail
8 to provide any prior notice before sending repairs to
9 their apartments during the day often when a tenant
10 is at work. Despite the fact that no notice for
11 repairs was provided, landlords often use this feeler
12 to provide access as harassment tactic, and as a
13 basis for eviction. We've had several cases where
14 landlords have targeted elderly and disabled clients
15 saying that they are not giving access, and then they
16 try to start a holdover proceeding. Landlords
17 typically do this after an HP action brought a tenant
18 to try to enforce their rights for a habitable
19 apartment to try to avoid fines for not correction
20 the violations.

21 To set up the holdover, some landlords
22 will show up without notice or show up very late to
23 schedule the day. So the tenant has to send them
24 away. They also include a failure to provide access
25 on days when clients are ill or hospitalized. The

2 proposed Intro 222 will prevent tenant harassment by
3 mandating a minimum 72-hour written notice to tenants
4 for non-emergency repair. Our office has represented
5 many of these elderly and disabled tenants in these
6 trials, which can take over a year to litigate due to
7 a lack of written evidence concerning whether a
8 notice was given. Notice requirements as the kind
9 set forth in the bill will minimize unnecessary
10 litigation and conserve the limited resources of free
11 legal services providers for other eviction cases.
12 When proper notice is given to tenants they can make
13 arrangements in their schedule so that these much
14 needed repairs can be completed.

15 Currently one in four New Yorkers is
16 Limited English Proficient. Since there is such a
17 strong correlation between LEP and poverty, many of
18 our clients at Legal Services NYC are LEP. Our
19 clients interact with city agencies on a daily basis
20 in an attempt to access services that they need to
21 feed, clothe, and house their families in order to
22 survive. However, many services are simply not
23 accessible to LEP clients who find themselves
24 regularly turned away from agency offices because of
25 language barriers. Our clients regularly face

2 discrimination by agencies when they are told that
3 they will not be served unless they come back with
4 someone who speaks English. For many of our clients,
5 this is impossible. For others, it means taking a
6 child out of school to interpret for them, or asking
7 a neighbor to accompany them, which can be
8 embarrassing and burdensome.

9 Executive Order 120 signed by Mayor
10 Bloomberg in 2008 was a positive step forward in
11 acknowledging barriers commonly faced by LEP New
12 Yorkers when interacting with the City governments.
13 Legal Services NYC recommends requiring posting of
14 the notices mandated by Intro 222 in multiple
15 languages since LEP tenants often cannot understand
16 these English notices. We often hear from community-
17 based organizations in Chinatown about tenants who
18 cannot comply with notices because they are unable to
19 [bell] read English notices. The proposed Intro 289
20 will mandate that housing applications be provided in
21 multiple languages by HPD.

22 At Manhattan Legal Services we often hear
23 from our monolingual Chinese-speaking clients that
24 they are discouraged from client free legal services
25 through city agencies because of language barriers.

2 Mandating that applications be translated is an
3 important first step. We encourage HPD to implement
4 measures to ensure that translated applications are
5 actually available at all points of service through
6 an internal monitoring system. In our experience,
7 many agencies fail to provide the services that they
8 are required to due a lack of agency oversight and a
9 failure to monitor. We also encourage HPD to post
10 multi-lingual signs notifying LEP tenants of their
11 rights to interpretation and informing them of an
12 accessible complaint procedure. We thank the City
13 Council for addressing these important issues and
14 look forward to working with the committee and
15 providing effective protections to low-income
16 tenants.

17 CHAIRPERSON RICHARDS: Thank you for your
18 testimony. Just in general, I definitely understand
19 the need for a translation of several languages in my
20 district, number one which is Creole. But I still
21 don't know how to do it practical. So, first, I know
22 that you mentioned that the translate button is in
23 English. But how would you logistically put all of
24 the different ways to say "translate" on a website.
25 And so I went to the SCRIE website that you

2 referenced, and I mean it's better. But it's still
3 only looks like three languages that you see. None
4 of them are clear.

5 ANITA WOO: Yeah, you're correct. Yeah,
6 you're correct.

7 CHAIRPERSON RICHARDS: So it will work
8 for the languages that are here, but how do you go
9 ahead and get the multitude of languages logistically
10 in one place?

11 ANITA WOO: I agree with you. It's not
12 the best but it's better than what HPD has, and I
13 think if the translations and the other mandatory
14 languages I'm sure they can include those PDF text.
15 Because what I see the difference between the SCRIE
16 website and the HPD website is that it's all on the
17 same page. People can see the language in their own
18 dialect, and they can click on it. And then it opens
19 automatically in like a PDF document, most of it is.
20 So it's easier for folks to navigate.

21 CHAIRPERSON RICHARDS: So it's better for
22 the three languages that are here but not for--

23 ANITA WOO: [interposing] But I'm sure
24 they can include it. I can't see why not.

2 CHAIRPERSON RICHARDS: Yeah, but I mean
3 at some point most of it will be translating the
4 translate button or something like most of those. So
5 we may need one site to translate everything saying
6 go here, this is your language as opposed to
7 providing information on the first page.

8 ANITA WOO: We were actually when we
9 spoke with SCRIE about this, we actually didn't like
10 that because people get lost. Like if they sent
11 something elsewhere. So we want it if it was
12 possible for them to have it on the same page. I
13 think it's sort of like that at the SCRIE website
14 now. I mean you click on it, and I think most of or
15 some of it is PDF. I mean I'm not tech savvy so I
16 don't know. But I'm thinking if they can get three
17 languages, I'm thinking they could probably include
18 like three more like the three other languages. I
19 don't see why we would be limited. I think we--

20 CHAIRPERSON RICHARDS: [interposing] I
21 mean it's a lot of languages, but okay. And then
22 also did you recommend a better means of translating
23 if the Google Translate is so probably not it?

24 ANITA WOO: Yes, we do. What we do in
25 our offices is that so we have staff that speak the

2 other languages. And so we literally do them
3 ourselves, and we don't send them elsewhere. So HPD
4 mentioned that they had a language bank. So I'm
5 thinking for quality assurance they can have-- I
6 don't see why they wouldn't use their staff to maybe
7 review the applications or the translation to make
8 sure that the English Translation is the same as the
9 other dialects or other languages.

10 CHAIRPERSON RICHARDS: So HPD and other
11 agencies should just go through page by page? And
12 that makes sense but then if you try to do that in
13 120 languages I guess logistically to try to it gets
14 muddled in my mind. But, Council Member Mendez wants
15 to ask a question.

16 COUNCIL MEMBER MENDEZ: Thank you, Mr.
17 Chair. Under Executive Order 120, Creole is one of
18 the mandated languages. So what that means in terms
19 of the SCRIE application is they're in compliance.
20 The City is not in compliance with the Executive
21 Order. So maybe that's something we need to look
22 into. I want to specifically ask a question in the
23 testimony of Manhattan Legal Services where on the
24 second page, the first paragraph it says: "Our
25 clients regularly face discrimination in agencies

2 when they were told that they will not be served
3 unless they come back with someone who speaks
4 English." And I don't know since this is Housing and
5 Buildings how often that's happening at housing
6 agencies. But Chinese is one of the mandated
7 languages. So they should have someone to translate
8 or then go right into access on the language bank
9 through a phone. So this should not be happening at
10 all, and I just wanted to know in terms of housing
11 organizations or what other agencies is this
12 happening at.

13 DONNA CHEW: It seems to be happening a
14 lot a NYCHA.

15 COUNCIL MEMBER MENDEZ: Make sure that it
16 gets captures.

17 DONNA CHEW: It seems to be happening a
18 lot at NYCHA where our clients who go to a lobby and
19 there's no iCard or anything where they know to--
20 Where they can access a translator or interpreter.

21 COUNCIL MEMBER MENDEZ: So that's
22 fascinating. So NYCHA usually translates into four
23 languages not six. But Mr. Chair, maybe this is
24 something you can follow up regarding some housing
25 agencies or just follow up with our other colleagues

2 in terms of all the citywide agencies should be
3 complying at least with the six languages. And then
4 anything other that-- Any dialects in any other
5 language a language bank is supposed to be made
6 accessible to everyone. Thank you.

7 CHAIRPERSON RICHARDS: Thank you. I
8 still have to try to follow up with some of the
9 agencies, particularly reach out to Council Member
10 Torres. She was talking about NYCHA and establish
11 and actually point out that DOE their website
12 actually has a trans-- They were translating all the
13 seven languages. So I guess that's a good start.
14 But I'm sure at some point we'll be increasing the
15 mandated amount of languages, which then will get
16 even more interesting. But thank you very much for
17 your testimony. Now that we have the time clock on,
18 I will ask everybody to please try to stick to it. I
19 know that REBNY will not be testifying. They've
20 submitted testimony for the records. So has
21 Associated Buildings. Sorry, Associated Buildings
22 and Owners of Greater New York. Frank Richie [sic]
23 you'll be flying solo, and I'm sure agreeing with
24 every single bill that we put forth today.

25 [Pause]

2 FRANK RICHIE: Thank you, Mr. Chairman.

3 CHAIRPERSON RICHARDS: Would you raise
4 your right hand, please. Do you affirm to tell the
5 truth, the whole truth, and nothing but the truth in
6 your testimony before the committee, and to respond
7 honestly to Council Member questions?

8 FRANK RICHIE: Yes, I do.

9 CHAIRPERSON RICHARDS: Thank you. You
10 can begin.

11 FRANK RICHIE: Thank you. I will
12 definitely be brief today. I'm testifying on two
13 bills, Intro 222 and Intro 433. I'll start with
14 Intro 222, which is the bill that requires the 72-
15 hour notice prior to making non-essential repairs.
16 It's our policy and good practice for any management
17 company to give as much notice as possible. If you
18 have 72 hours that's great. If you have more than 72
19 hours you should give it. Unfortunately, that's not
20 always the case. So let me start with the first--
21 The first part of the bill it doesn't define service.
22 So there are things nowadays like telephone,
23 internet, which people consider essential in their
24 homes. Which owners have virtually no control over
25 and that's interrupted. So it's not clear if an

2 owner would be responsible for that. So we think
3 that the bill does need to be clarified as to which
4 services we're talking about. Even water service,
5 and I personally experienced this with my building.
6 DEP was re-plumbing the entire Upper West Side
7 several years ago. Many times over the course of a
8 few weeks, they had to shut water down to a whole
9 block. I never got more than 72 hours. It was a 24-
10 hour notice. I'm sorry. Often times it's a 12-hour
11 notice that water will be shut down in that
12 particular building because there are individual hot
13 water heaters. That's a big problem. So they have
14 to go and turn off the electricity on those if there
15 is no water pressure in there. So I was at the mercy
16 of DEP. They don't even give you 72 hours notice. I
17 think that should be considered in this.

18 And finally, our biggest problem with the
19 bill is the fact that for smaller owners when you
20 contact a contractor to do non-essential work, new
21 plumbing, and a line in the building doing electrical
22 work, contractors tend to go where the money is. And
23 that's the bigger owners. They want to deal with
24 people who own 20 buildings or 30 buildings and have
25 700 units because that might be their bread and

2 butter. So if they're running overtime-- If they
3 say, Hey, look, we're going to be there Tuesday to do
4 your building but on Monday, they hadn't finished the
5 other job well then you're going to wait. And then
6 when they finally do come maybe Wednesday or
7 Thursday, you're going to be so happy they showed up,
8 you're going to let the do the work then. So just as
9 a practical matter 72-hours notice is not workable
10 for small owners, but we do agree with the intent of
11 it. To give as much notice as possible is a good
12 thing.

13 Intro 433 our problem here is the way the
14 bill is currently written, Just the plastic caps. I
15 know this was discussed before. Would be adequate.
16 We feel those would be missing within days or moths
17 of installing them, that people would just remove
18 them. But we also feel that there's no justification
19 for the bill at this point. There's no demonstrated
20 need where children have been electrocuted or had a
21 mishap in a public area or a pet for that matter. I
22 know that was brought up by DOB also in the prior
23 testimony. [bell] But definitely agree with the
24 fact that on renovation or new construction the type
25 of childproof outlet that you were looking at before

2 is necessary and should be installed rather than
3 plastic caps.

4 CHAIRPERSON RICHARDS: Thank you for the
5 testimony. Just on Intro 433, if there's no
6 demonstrated need, why do we need to put it in new
7 construction?

8 FRANK RICHIE: As a precaution, a
9 precautionary matter. It doesn't matter. I mean in
10 new construction it's a precaution you can take, and
11 I heard Patrick Whaley say he bought them for \$1.19
12 each. So you already have your electrician there
13 because you're doing the work. You know the
14 incremental cost difference is minimal. So it
15 doesn't matter. If you have to go back and retrofit,
16 and hire an electrician to install them, that could
17 be several hundred dollars. So that's the problem.

18 CHAIRPERSON RICHARDS: That was my next
19 question. What is the estimated cost of an average
20 size building to do this?

21 FRANK RICHIE: Well, when you call an
22 electrician, you know, just the service call alone
23 you're spending \$150 to \$200 nowadays, and then
24 they're going to add on whatever time they take to
25 install them. So whether it's one outlet or four

2 outlets, it maybe the same thing, but it's definitely
3 a few hundred dollars to get an electrician there.
4 And it dovetails into the other issue I was just
5 talking about if you can get them there.

6 CHAIRPERSON RICHARDS: So there seems to
7 be some disagreement, which I'm hoping the committee
8 can get and answer on. The Councilman seems to think
9 that this happens at least several times a year where
10 a person has been--

11 FRANK RICHIE: [interposing] I think he
12 said the statistics were seven times-- Whatever it
13 was, it didn't distinguish between public areas and
14 within the dwelling.

15 CHAIRPERSON RICHARDS: I understand. I'd
16 like to have clarification. If that's established,
17 we can get how many times this actually happens in a
18 public area. With Intro 222, some of the things you
19 mentioned were discussed in the committee and with
20 the sponsor herself. If some of those things are
21 worked out, obviously, I think we know, (1) this is
22 not for the owners that are doing what they're
23 supposed to be doing; and (2) obviously services that
24 owners don't have control of, you know, it's not part
25 of what we're trying to do. If we can get the

2 service defined a little bit better, would that be
3 something that you would like--

4 FRANK RICHIE: [interposing] Well, I
5 mean, we'd like to be part of that conversation, and
6 clearly in instances where an owner is intentionally
7 not giving notice to harass a tenant, I mean we don't
8 condone that at all. But that may be a separate
9 issue. I heard one example given where a contractor
10 crawled in through a window. That tenant should just
11 call the police right away. And this bill will do
12 nothing about that sort of situation so--

13 CHAIRPERSON RICHARDS: I think the more
14 codified things we have sometimes it does help with
15 most of the issues.

16 FRANK RICHIE: Right, but I think I also
17 heard a Deputy Commissioner from HPD Ann Marie
18 Santiago say this is heating season. So if you have
19 a heating problem that needs to be corrected, it may
20 not be a lack of heat right now. But maybe your
21 thermostat is on the fritz and you need to just
22 correct it so it's done. It's a non-essential, but
23 you want it done as soon as possible. You don't want
24 to wait three days when you can do it today.

25 CHAIRPERSON RICHARDS: Yes.

2 FRANK RICHIE: You don't want to
3 discourage people from doing necessary work.

4 CHAIRPERSON RICHARDS: Sure. Council
5 Member Mendez.

6 COUNCIL MEMBER MENDEZ: Thank you, and
7 thank you for-- We spoke briefly that we were going
8 to get together to try to figure out where we can
9 make this tighter language so that hopefully you guys
10 can get on board. But you mentioned small buildings.
11 I was just wondering what you define as a small
12 building.

13 FRANK RICHIE: I would say anything under
14 20 units. It depends on what-- It really comes down
15 to the buying power that an owner has. I mean
16 contractors as I said they're where they think
17 they're going to get repeated business. If you're a
18 small owner and you call an electrician once every
19 three or four years, that might be it. They don't
20 really care. You're nothing to them.

21 COUNCIL MEMBER MENDEZ: Okay, thank you.

22 CHAIRPERSON RICHARDS: Thank you, Mr.
23 Rich.

24 FRANK RICHIE: Thank you.

2 CHAIRPERSON RICHARDS: The last but not
3 least panel. Camilla Shabani I probably chopped
4 that up, too. I apologize. I should no better,
5 right. My name is chopped up a lot. Henry. I don't
6 think that's Henry. Louis from Make the Road New
7 York. How do you pronounce your last name?

8 HENRY GUESS: Henry Guess.

9 CHAIRPERSON RICHARDS: Henry Guess, all
10 right, and Mary Ann Rothman, Council of New York
11 Cooperatives and Condominiums.

12 [Pause]

13 CHAIRPERSON RICHARDS: Can you all raise
14 your right hands, please? Do you affirm to tell the
15 truth, the whole truth, and nothing but the truth in
16 your testimony before this committee, and to respond
17 honestly to Council Member questions?

18 MARY ANN ROTHMAN: I do.

19 HENRY GUESS: I do.

20 CHAIRPERSON RICHARDS: Thank you and you
21 can start in the order of your preference.

22 CAMILLA SHABANI: Chair Williams,
23 Councilwoman Mendez, staff. Good afternoon and thank
24 you very much for the opportunity to testify about
25 the Intros today. My name is Camilla Shabani. I'm

2 Associate Director of the New York Legal Assistance
3 Group where we provide legal services citywide to
4 low-income New Yorkers. I'm here to testify today in
5 support of all three bills, and applaud the Council
6 for taking measures that ensure notice to tenants
7 taking into account the diversity of the city and
8 address safety concerns respectively. As you know,
9 Intro 222 would require to provide tenants with at
10 least 72 hours notice prior to commencing non-
11 emergency repair work that would cause interruption
12 in services. Placing the notice in a prominent place
13 as well as under the door in each apartment should
14 suffice to ensure that tenants receive the
15 information. We would also encourage buildings that
16 have a website or have the ability to reach tenants
17 by email to also post on the website and sent out
18 emails in addition to and not instead of the paper
19 requirement. The work announcement should be in paper
20 writing because some tenants particularly the elderly
21 do not have access to email or cannot communicate via
22 phone.

23 If the notice needs to be limited, I
24 would suggest that it be limited by the kind of
25 tenant. So for example you know you have seniors in

2 your building or maybe asking tenants to sign up for
3 the written notice or something to that effect. So
4 it's not necessarily limited by the size of the
5 building. Of course, recognizing that smaller
6 landlords may or bigger landlords may have sort of
7 different obstacles or obligations to their tenants.

8 We also encourage notice of some kinds of
9 work that may be given even more notice especially
10 for what will cause a long interruption. For
11 example, requiring a 72 hours notice before shutting
12 off a building's water when it's not an emergency
13 does make sense. Whereas giving 72-hours notice
14 prior to elevator repair work that will take six
15 weeks or longer it might not make sense. Each time
16 there's a service interruption, tenants have to make
17 arrangements that could include anything from getting
18 groceries ahead of time to finding alternate
19 childcare. The more onerous the interruption, the
20 more difficult the adjustment for tenants. Notice
21 gives the elderly and disabled clients the
22 opportunity to plan around their work or to propose
23 alternative dates. For example for medical reasons.

24 Often times, they need to make arranges
25 with family or friends or social workers to assist

2 with moving furniture and/or even temporary
3 relocation for repairs to be done. Additionally, the
4 law should require specifics about repairs being done
5 to the apartment or the building rather. Otherwise,
6 tenants face harassment in the form of never ending
7 repairs. Specific about the repairs should in the
8 work being done, if there are violations they're
9 addressing and that kind of thing. And frankly, I
10 think that would protect landlords as well if you
11 make it clear and in writing and there's no
12 ambiguity.

13 Somebody mentioned heat issues
14 previously, and I just want to emphasize I think
15 there's a huge distinction in this bill is that this
16 is for non-emergency work. Clearly, a heat issue is
17 certainly now and in the wintertime is considered an
18 emergency repair that has to be addressed within 24
19 hours and that should stay that way. To include a
20 manner of friendliness [sic] we recommend that the
21 notice [bell] be printed on 4-1/2 or smaller.

22 May I just say something about that, and
23 about ask about Intro 289. I mean language access is
24 crucial in New York City. I mean there are just so
25 many people here who are at such a disadvantage

2 because they don't have easy access to English or
3 speak English. And I just want to point out that if
4 it's complicated to translates applications into
5 other languages, imagine how difficult it is to fill
6 out the application that is not in your native
7 language. And as far as agencies go, HPD is good
8 agency. I think they do a lot of great work, but I
9 would definitely not rely on Google. And at the risk
10 of sounding a little bit obnoxious, I speak four
11 languages and Google has never been appropriate to
12 translate something completely. You absolutely need
13 somebody who is well versed in the language to look
14 over any translations. Thank you very much.

15 CHAIRPERSON RICHARDS: Thank you, and you
16 pointed out full disclosure, you are former Counsel
17 to the New York City Council Committee on Housing and
18 Buildings and at the time Subcommittee on Public
19 Housing.

20 CAMILLA SHABANI: Yes, sir. Actually,
21 Baaba followed me. I'm sorry, Assistant Commissioner
22 Baaba Halm followed me, and I worked for Council
23 Member Mendez personally.

24 CHAIRPERSON RICHARDS: And a very fast
25 reader.

2 CAMILLA SHABANI: I try.

3 [Pause]

4 LUIS ENRIQUEZ: Good afternoon, Chair
5 Williams and members of the Committee. My name is
6 Luis Enriquez. I'm a Supervising Attorney, with Make
7 the Road New York, and I'm here to talk in support of
8 the passage of Intro 289 regarding expanded language,
9 access for housing applications. Make the Road New
10 York is one of the largest immigrant organizing and
11 services organizations in the city. Operating
12 community centers in Jackson Heights, in Bushwick,
13 Brooklyn, in Staten Island and most recently out in
14 Brentwood, Long Island.

15 I would like to highlight first that Make
16 the Road has almost a decade long history of
17 initiatives and organizing, and drafting and
18 publishing reports specifically on the issue of
19 language access. We started on that route, and we
20 did a report in May 2006 as members of a coalition
21 called Committees for Housing Equality, a coalition
22 that included organizations like Asian-Americans for
23 Equality, AFC Settlement, NYIC, New York Immigration
24 Coalition. The basic finding of that report that was
25 based on 700 tenants canvassed, all immigrant and

2 language, Limited Language Proficiency tenants. It
3 was that these communities were living in unhealthy
4 and unsafe living conditions. Yet overwhelmingly did
5 not know that there was an agency called HPD that had
6 decided precisely to address their housing
7 conditions.

8 Some of the numbers that were reported
9 for instance were six out of ten respondents reported
10 critical housing code violations in their apartments
11 in the past year. And like numbers, six out of ten
12 tenants did not know what HPD was. That report also
13 showed that about 80% of the respondents called HPD
14 to report Housing Code violations. So two out of ten
15 that to responded for a variety for reasons, but
16 primarily one was that many of these tenants did not
17 know that HPD existed. Or did not feel comfortable
18 with communicating with HPD or did not have an
19 interpreter available to them to be able to navigate
20 that system.

21 Make the Road New York organizations were
22 then instrumental advocates in the passage of Local
23 Law 73 and 74-120 in the year 2008. And we followed
24 up that advocacy with another report in 2010 to
25 evaluate the status of implementation of those laws.

2 And the findings there were for instance that an HOA
3 had failed to language assistance to 44% of
4 respondents to those surveys. NYPD and HPD had also
5 failed to provide language assistance to about six
6 out of ten of the respondents.

7 With respect to the bill at hand right
8 now, I cannot sit here and understate the importance
9 of housing applications being made available in these
10 six languages particularly in communities that are
11 right now rapidly identified communities such as
12 Bushwick. [bell] Time and again I see it with
13 members, with people that I serve that have to move
14 on. Maybe their apartments are regulated. Maybe
15 there is not something that can be done to save that
16 apartment. For instance in Housing Court the person
17 has to move on.

18 So I am personally seeing right now a
19 situation where long-time residents of a community
20 such as Bushwick 10-year residents, 15-year
21 residents, 20-year residents have to now undertake
22 the process of looking where to go. They go out to
23 look for market rate housing around the neighborhood
24 and, of course, they find that they can no longer
25 live in Bushwick. So the housing lottery by HPD is

2 something that they really feel a lot of interest in
3 having access to, but are finding very difficult
4 navigating that process. So it is something that I
5 feel is instrumental the passage of this law, and
6 Make the Road New York supports it.

7 [Pause]

8 MARY ANN ROTHMAN: My testimony says good
9 morning but it's good afternoon. My name is Maryann
10 Rothman. I'm the Executive Director of the Council
11 of New Cooperatives and Condominiums. I'm going to
12 take special privilege in being last to say I rarely
13 sat at a meeting that seemed as productive as this.
14 There has been tremendous information on both sides
15 of the tables. A wonderful willingness to listen, to
16 be flexible, and really terrific information offered
17 by my colleagues and everyone else who has testified.
18 I'm here to speak on behalf as Coops and Condos
19 because that's what I do, and the language bills
20 don't specifically apply to my members. So I'm here
21 to point out that Intros 433-A and 222 are basic best
22 practices that I have to hope all of my member coops
23 and condos tend to observe. Nobody is perfect. I
24 have just two suggestions in keeping with the
25 realities of operating buildings today. And they are

2 consistent with a lot of the things that others have
3 talked about. The problem of the 72-hour notice and
4 then having the contractor not show up, or having
5 something go wrong. I would agree with Mr. Richie
6 that it makes more sense to grab the contractor when
7 he does come than to delay and restart a 72-hour
8 notice.

9 And then on the communications I think my
10 fellow panelists here had a wonderful suggestion on
11 ways to combine internet and phone, and talking to
12 each other, and paper communication. We're not
13 killing unnecessary trees, but we do have systems for
14 reaching as many people as possible because that is
15 the goal of this provision. And that concludes my
16 remarks, the gist of which are also in my testimony.

17 CHAIRPERSON RICHARDS: Thank you very
18 much, all of you for your testimony. I don't know if
19 the Council Member had a question.

20 COUNCIL MEMBER MENDEZ: Yes, Ms. Rothman,
21 I'd like to follow up with you just to see-- You
22 know, we've heard and the Borough President and I do
23 want where we can to make this language tighter. And
24 I want to figure out it would affect Coops and Condos
25 and particularly some coops where you may still have

2 rent stabilized tenants in there. And just see where
3 this would be a burden. We're not trying to make it
4 a burden.

5 MARY ANN ROTHMAN: [interposing] I don't
6 believe it is. [soc]

7 COUNCIL MEMBER MENDEZ: What we're trying
8 to do is just clarify, and particularly in some
9 instances where it's clear notice can be give. And
10 in some cases where some bad actors used this to
11 their advantage, to maybe take advantage of the
12 legislation. [sic]

13 MARY ANN ROTHMAN: I absolutely
14 understand the intent of the legislation. Again, I
15 love my colleague's suggestion about if the elevator
16 is going to be down for six weeks, you want to be
17 talking to people about that for months beforehand.
18 But if Con Ed does something in the street, you don't
19 want suddenly everyone calling with all the--

20 COUNCIL MEMBER MENDEZ: [interposing]
21 Right, and--

22 MARY ANN ROTHMAN: --information on HPD.
23 You mentioned twice big work as the target of this.
24 We need to define what big work is because the water
25 is off for six hours in the middle of the day isn't

2 big work but it disrupts the whole line of
3 apartments. So it's a moving target. 72 hours is
4 probably a very reasonable guideline as long as we
5 bear in mind that there are going to be variations.

6 COUNCIL MEMBER MENDEZ: And I think I
7 referenced big work because I've been having a couple
8 of issues in my districts where they're doing a lot
9 of work, according to Frank small buildings.

10 MARY ANN ROTHMAN: Well, smaller--

11 COUNCIL MEMBER MENDEZ: Building under 20
12 units, you know, and some under 50 units and it's
13 caused a variety of problems, but defining even this
14 small work as we're looking at it and being cognizant
15 that if you have a, for lack of a better word, small
16 building with small work, you want to grab your
17 contractor when you can. But some of these issues
18 just may be things that a conversation can be had.
19 At some people we're going to be doing some work, and
20 people are just sort of cognizant of it. So when it
21 happens it doesn't come as a surprise.

22 MARY ANN ROTHMAN: Well the Coop and
23 Condo model is conducive to that because there are
24 meetings at least once a year with shareholders, and
25 there is often far more than that. There are often

2 newsletters in the building bulletin board, et
3 cetera. And you have to hope that where there is a
4 tenant's association structure or something that
5 there is communication, too.

6 COUNCIL MEMBER MENDEZ: Thank you. Mr.
7 Chair, in terms of the testimony of Make the Road New
8 York I worked very closely with them on my bill,
9 which I deferred and we had the Mayor Sign Executive
10 Order 120. And this is a bigger issue than just
11 housing. As he mentioned HRA, and I've heard from a
12 lot of people that when their benefits are being cut
13 like food coupons, they are told to come back with a
14 translator, which is not the law under Executive
15 Order 120. And what happens is children end up going
16 hungry while the parent is getting a translator to go
17 back and get the benefits restored. So I really want
18 us to look at this as a bigger issue, and I thank you
19 for referencing that in your testimony.

20 CHAIRPERSON RICHARDS: I've also heard
21 similar things with NYPD.

22 COUNCIL MEMBER MENDEZ: Well, as a matter
23 of fact, last year, a domestic violence victim was
24 murdered by her husband because her complaint to the
25 NYPD in her precinct was never translated, multiple

2 complaints. And it ended in her being murdered with
3 her two young daughters. So that's a case of
4 tragedy, and that's an issue where what happened with
5 Executive Order 120 the woman spoke Spanish. And
6 that's one of the six mandated languages. So I think
7 we really need to take some of the testimony today in
8 reference to this particular Bill 289, but look at
9 the bigger issue of how it's not being implemented in
10 the city.

11 Camilla, it's great to see you here. I'd
12 like to think that I was a great chair of the
13 committee because I had great staff, and they made me
14 better than what I am. You have some great
15 recommendations in here of how to deal with seniors,
16 and we need to think of how we deal with people with
17 disabilities, and language issues. So I look forward
18 to taking your testimony and meeting with different
19 stakeholders and with the Borough President. So that
20 we can tweak 222 to make it better, and to make it
21 the law. Thank you very much, Mr. Chair. Thank you.

22 CHAIRPERSON RICHARDS: Thank you.

23 CAMILLA SHABANI: Could I say something?

24 [sic]

25 CHAIRPERSON RICHARDS: Sure.

2 ANITA WOO: In terms of language access,
3 I actually suggest that the notice to tenants that
4 passed [sic] be also provided in the language that's
5 spoken in that building perhaps on the back side.
6 And with respect to your question regarding how
7 websites work, I am not tech savvy. But I figure
8 that if like the button that you push can be very
9 small like a symbol like a flag for a particular
10 language so that you can just click on it. And that
11 can take up very little space on top of any website
12 page. Thank you very much.

13 CHAIRPERSON RICHARDS: Some kind of
14 international symbol of the languages?

15 ANITA WOO: Right.

16 CHAIRPERSON RICHARDS: That's not bad.

17 ANITA WOO: Or for each country that the
18 language is available.

19 CHAIRPERSON RICHARDS: Oh, I see.

20 ANITA WOO: Right, and I don't know how
21 that-- Maybe Spanish is spoke in multiple countries.
22 I don't know how that would work out.

23 CHAIRPERSON RICHARDS: Yeah, I get the
24 gist. That sounds good.

25 ANITA WOO: Thank you very much.

2 CHAIRPERSON RICHARDS: Thank you. Thank
3 you all for your testimony, and with that the hearing
4 is now closed. [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 October 31, 2014