

COMMITTEE ON HOUSING AND BUILDINGS

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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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Tuesday, November 12, 2024

Start: 10:05 A.M.

Recess: 12:45 P.M.

HELD AT: Council Chambers - City Hall

B E F O R E: Pierina Ana Sanchez, Chair

COUNCIL MEMBERS:

Shaun Abreu

Alexa Avilés

Eric Dinowitz

Oswald Feliz

Crystal Hudson

Lincoln Restler

OTHER COUNCIL MEMBERS ATTENDING: Nurse

## COMMITTEE ON HOUSING AND BUILDINGS

## A P P E A R A N C E S

## ADMINISTRATION TESTIMONY:

AnnMarie Santiago,  
Deputy Commissioner for Enforcement and  
Neighborhood Services at New York City Department  
of Housing Preservation and Development (HPD)

Lucy Joffe,  
Deputy Commissioner for Policy and Strategy at  
New York City Department of Housing Preservation  
and Development (HPD)

Marti Weithman,  
Assistant Commissioner for Housing Litigation at  
at New York City Department of Housing  
Preservation and Development (HPD)

Jennifer Leone,  
Assistant Commissioner for Sustainability and  
Chief Sustainability Officer at New York City  
Department of Housing Preservation and  
Development (HPD)

Joshua Levin,  
Director of Legislative Affairs Unit at New York  
City Police Department (NYPD)

Sarah Parker,  
Senior Research and Strategy Officer  
New York City Independent Budget Office (IBO)

## PUBLIC TESTIMONY:

Evan Ma,  
Staff Attorney, Civil Justice Practice at  
Brooklyn Defender Services

## COMMITTEE ON HOUSING AND BUILDINGS

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

Evan Henley,  
Staff Attorney at The Legal Aid Society

Justin R. La Mort, Esq.  
Managing Attorney Mobilization for Justice, Inc.

Whitney Hu,  
Director of Civic Engagement and Research at  
Churches United for Fair Housing

Dr. Diana Hernandez,  
Founding Principal Investigator of the Energy  
Equity Housing and Health Program at the Columbia  
University Mailman School of Public Health;  
Mayoral Appointee of the Environmental Justice  
Advisory Council

Israel Sanchez,  
Campaign Coordinator at Association for  
Neighborhood and Housing Development

Caleb Smith,  
Resiliency Coordinator WE ACT for Environmental  
Justice

Hannah May-Powers,  
Health and Safety Policy Analyst from the Office  
of the Brooklyn Borough President

Danielle Manley,  
Policy Manager of Urban Green Council

Irene Mextaxtos,  
New York City Resident: Testifying Regarding  
Landlord Misconduct/Harassment/Unsafe Living  
Conditions/ Illegal Eviction

Stanley Wong,  
Housing Staff Attorney at the Manhattan Unit of  
Legal Services NYC

COMMITTEE ON HOUSING AND BUILDINGS  
A P P E A R A N C E S (CONTINUED)

Shravanthi Kanekal,  
Senior Resiliency Planner at the New York City  
Environmental Justice Alliance (NYC-EJA)

Isabel Friedman,  
Advocacy Associate at The Natural Resources  
Defense Council (NRDC)

Christopher Leon Johnson,  
Representing self: Off-Topic Testimony

1  
2 SERGEANT WONG: Sound check for the Committee on  
3 Housing and Buildings; today's date is November 12,  
4 2024, being recorded by Danny Wong in the Council  
5 Chambers.

6 SERGEANT AT ARMS: Everyone, please have a seat,  
7 thank you, please have a seat, (INAUDIBLE) thank you.

8 Good morning, and welcome the New York City  
9 Council hearing for the Committee on Housing and  
10 Buildings. Please silence all electronic devices at  
11 this time. Also, please do not approach the dais. If  
12 you have any question, please raise your hand, and  
13 one of the Sergeant at Arms will kindly assist you.  
14 Thank you very much for your kind cooperation.

15 Chair, we are ready to begin.

16 CHAIRPERSON SANCHEZ: (GAVEL SOUND) (GAVELING IN)

17 Thank you, so much, Sergeants, and good morning,  
18 everyone. I am Council Member Pierina Sanchez, Chair  
19 of the Committee on Housing and Buildings. Thank you  
20 for joining us today for our hearing on *Tenant*  
21 *Harassment and Safety*.

22 I would like to thank my colleagues who are  
23 present, Council Member Abreu, and we will also be  
24 joined by colleagues who are sponsoring legislation  
25 today.

1  
2 As we all know, our city faces a dire housing  
3 crisis. We have a 1.4 vacancy rate that's a  
4 functional zero if you live in a low rent apartment.  
5 Ever rising housing prices and inflation is hitting  
6 families across our city. New Yorkers are strained to  
7 afford the cost of everyday necessities. Compared to  
8 2021, during which time the pandemic eviction  
9 moratorium was still in place, we've seen over 13,000  
10 registered evictions, up from 5,000 in 2022 and 268  
11 in 2021. In 2024, we have already passed that year's  
12 mark with over 14,000 evictions.

13 In New York City, a landlord has to follow a set  
14 procedure in order to evict a tenant from their home.  
15 This court process is in place to ensure the rights  
16 of all parties are respected and that tenants are not  
17 unfairly deprived of shelter. However, unscrupulous  
18 landlords try to circumvent this process, unlawfully  
19 evicting New Yorkers from their homes through such  
20 measures as harassment or changing the locks. In 2023  
21 alone, 5,189 illegal lockout cases were filed in  
22 housing court, and the NYPD issued 89 summonses for  
23 illegal evictions.

24 Harassment can come in many different forms, such  
25 as threats or changing the locks, but it can also be

1  
2 in the form of inaction, like failing to maintain  
3 building systems or not making repairs. This places  
4 the burden on tenants and or tenant groups to fight  
5 back as the only way to have their rights upheld and  
6 live safely and comfortably within their homes. Some  
7 are lucky enough to work with legal service providers  
8 to advocate for habitable living conditions, but  
9 funding for these services are always at risk in  
10 annual budget fights.

11 We continue to work with the Administration to  
12 ensure that the agencies in charge of enforcing these  
13 housing standards are doing so within their power to  
14 keep tenants safe.

15 This is why it is alarming to see that in the  
16 latest Mayor's Management Report, there was an  
17 increase of violations issued from 722,597 in FY23 to  
18 895,457 in Fiscal Year 2024.

19 Building conditions are getting worse. How many  
20 of these are related to tenant harassment? The  
21 Council has passed measures to put in place...  
22 Sorry... the Council has passed measures to address  
23 concerns around illegal lockouts.

24 The Certificate of No Harassment pilot program,  
25 was created in 2018 and extended to 2026. This

1  
2 program was created to ensure that owners do not  
3 harass tenants when they seek to conduct alteration  
4 or demolition work.

5 Of the 1412 buildings included in the CONH Pilot  
6 program, as of October 18, 2024, nearly five percent  
7 of them have been subject to a finding of harassment  
8 by a court or DHCR finding since entering the  
9 program, with the highest rate being found in  
10 Brooklyn, where harassment was found in more than  
11 seven percent of CONH Pilot program buildings.

12 Today, we will be hearing several pieces of  
13 legislation on this topic that I will allow my  
14 colleagues, yes... to speak on. Yes, they're here...  
15 And I'd like to acknowledge that we were joined by  
16 Council Member Hudson and Council Member Nurse.

17 Council Member Nurse has sponsored Introduction  
18 621 in relation to expanding the definition of tenant  
19 harassment to include unlawful evictions and  
20 expanding the Certificate of No Harassment Program to  
21 include unlawful evictions; Introduction 622 in  
22 relation to injunctive relief for lawful occupants of  
23 rental units; Introduction 623 in relation to  
24 increasing penalties for unlawful evictions;  
25 Introduction 993 in relation to creating lock change





1  
2 I would like to thank my Chief of Staff, Sam  
3 Cardenas; my Director of Land Use, Policy and Budget,  
4 Ben Ratner, and the Housing and Buildings team,  
5 Taylor Zelony; Austin Malone; and the Policy Analyst,  
6 Jose Conde; Andrew Bourne; Dirk Spencer; Daniel  
7 Kroop; and Reese Hirota.

8 I would also like to take this moment to offer a  
9 very, very tearful and sad word of thanks to Taylor,  
10 who has been our Housing counsel for the last two  
11 years, and will be moving on. And this will be her  
12 last hearing with us today. She has done an  
13 incredible job. Thank you, Taylor, for everything  
14 that you have done. Thank you...

15 (PAUSE)

16 Thank you, we will now hear from Council Member  
17 Nurse on her legislation.

18 And I would like acknowledge that we have been  
19 joined by Council Member Restler.

20 Council Member Nurse?

21 COUNCIL MEMBER NURSE: Thank you, Chair Sanchez,  
22 thank you for hearing my bills, I really appreciate  
23 it.

24 Good morning, everyone, uh, good morning,  
25 everyone joining us here today. Today we are hearing

1  
2 six bills of mine, but I really want to focus on  
3 about, the first, four bills that are on illegal  
4 evictions.

5 Since October 2023, there have been over 15,000  
6 Marshall evictions and 5,600 illegal lockout cases in  
7 New York City. During this time, we have... there  
8 have just been 89 criminal summonses for illegal  
9 evictions, despite them being a class a misdemeanor  
10 and an arrestable offense.

11 My district is hit especially hard by illegal  
12 lockouts. Zip code 11207, in East New York, is one of  
13 the City's top five zip codes with the highest number  
14 of illegal lockout filings over the past three years.

15 Myself, my staff have probably been to 10 or more  
16 illegal lockouts since 2022, and what my experience  
17 has shown me is that these landlords, these nefarious  
18 landlords, operate with basically sheer impunity.

19 Lockouts are frantic, confusing, and intense.  
20 They abruptly rip people from their daily lives. In  
21 the worst cases, tenants have to watch as their  
22 possessions are tossed on the curb by their  
23 landlord's hired henchmen. They have to figure out  
24 not only what to do with their tossed valuables, but  
25 also where they're gonna sleep that night. It's



1  
2 advocates, and I thank everyone who has given  
3 feedback so far. I'm looking forward to hearing  
4 today's testimony and continuing to work with you  
5 all, and I appreciate the time you've, set aside  
6 ahead of time to help us get some really, productive  
7 feedback for these bills.

8       Lastly, Introduction 1037 is a basic education  
9 and awareness, bill to alert incoming tenants that  
10 their building has rent stabilized units, and  
11 incentivize them to find out more information or seek  
12 damages for being overcharged.

13       As many Yorkers are aging out of rent stabilized  
14 units, or move for other reasons, oftentimes, younger  
15 or less informed tenants move in. They don't realize  
16 that they might be living in a building with rent  
17 stabilized units, they might be paying higher rent  
18 than is legal, and with such little vacancy tenants  
19 have less bargaining power and are forced to pay  
20 rents and compete with many, many tenants.

21       And so we hope that this will bring just some  
22 basic transparency and help empower tenants to find  
23 out what's the status of their unit, and pay the rent  
24 that is legal.

1                   So I just I want to thank the Chair again. You  
2 know, these bills really come from watching illegal  
3 evictions happen, both our staff, with police  
4 officers on scene, and still finding people have  
5 their stuff thrown out at night, not having the  
6 intervention that is in the Patrol Guide, that is  
7 lawful for them to do to hold these owners  
8 accountable, and people sleeping in their cars at  
9 night, and trying to figure out how to get to housing  
10 court - Where is housing court? What do I do? What  
11 are my next steps? We want to make it extremely  
12 costly to break the law and illegally lock out  
13 tenants. So thank you so much.

15           CHAIRPERSON SANCHEZ: Thank you so much, Council  
16 Member Nurse.

17           Now I would like to pass the floor to Council  
18 Member Restler.

19           COUNCIL MEMBER RESTLER: Thank you so much, Chair  
20 Sanchez, for everything you do, especially doing just  
21 an excellent job leading this committee, and just  
22 want to echo your sentiments about what a loss it is  
23 that Taylor is leaving us. I wish you the best.

24           You know, last Tuesday, November 5th, I was in  
25 Emmaus, Pennsylvania in Lehigh Valley in a t-shirt,



1 enforcement model so that all tenants are guaranteed  
2 access to cooling in the summer and that HBD enforces  
3 it.  
4

5 The exact same penalties and requirements that a  
6 landlord faces for failing to provide access to heat  
7 in the winter now apply... would now apply in the  
8 summer if you fail to provide access to cooling.

9 We would create a cooling season from June 15th  
10 to September 15th, and the devices... the cooling  
11 devices in people's homes would be capable of  
12 maintaining an indoor temperature of at least 78  
13 degrees when it is over 82 degrees outside. That is  
14 the temperature at which health risks begin for New  
15 Yorkers.

16 This will be a big change - a big change for  
17 landlords across New York City, a big change for new  
18 development as construction goes up in our  
19 communities. And there are major issues for us to  
20 work through with the state, with HCR, to ensure that  
21 tenants do not bear the brunt and the burden of  
22 these... of increasing access to cooling in their  
23 homes.

24 That is why we've included a four-year ramp up  
25 period in this legislation, so that we can have ample



1  
2 time to ensure that state subsidies are in place to  
3 keep access to cooling affordable for tenants and to  
4 ensure that changes in local law do not lead to  
5 increased costs for tenants in New York City.

6 It's also imperative that we set efficiency  
7 standards for these new cooling devices to encourage  
8 that we not... that we reduce emissions, overall,  
9 while protecting the health of the most vulnerable.

10 There are... this is a complicated bill. It's a  
11 bold bill, but it's a necessary bill because people  
12 are dying.

13 When you look at the 350 New Yorkers who die  
14 every year due to extreme heat in New York City, the  
15 number one common factor among them is that they lack  
16 access to cooling in their homes. So we have a moral  
17 responsibility to act, to intervene, to make a  
18 difference, to make sure that each and every New  
19 Yorker is safe from the number one climate killer,  
20 extreme heat.

21 I want to just take a moment to thank WE ACT  
22 (West Harlem Environmental Action, Inc - WE ACT for  
23 Environmental Justice), in particular, Neje, for  
24 their help in crafting this legislation and bringing  
25 a really strong environmental justice perspective to

1  
2 the crafting of this bill. We've been in active  
3 communication with the Mayor's Office of Climate and  
4 Environmental Justice (MOCEJ) over many months now in  
5 the crafting of this legislation. We've been in good  
6 conversations with HPD.

7 I want to thank some of the tenant groups that  
8 we've been working with as well, especially Churches  
9 United for Fair Housing. And I especially want to  
10 thank my Chief of Staff, Molly Haley, who's put in an  
11 enormous amount of labor, to crafting this bill. You  
12 know, this is a beginning of a conversation in the  
13 legislative process, we take everyone's input, we  
14 will craft a sharper and better bill as we work to  
15 pass it, but we need to act, because extreme heat is  
16 killing too many of our neighbors. Thank you very  
17 much, Chair Sanchez.

18 CHAIRPERSON SANCHEZ: Thank you so much, Council  
19 Member Restler. And I just want to echo that, we put  
20 these bold ideas out there, and I thank you, Council  
21 Member Restler; I thank you, Council Member Nurse for  
22 this suite of bills - and Council Member Hudson - for  
23 many of the resolutions we have on the table today.  
24 We put these ideas out there, because we want to  
25

1 spark public debate. And ,you know, the details are  
2 something that we'll collaborate on moving forward.  
3

4 I will leave it there. So, with that, I want to  
5 turn it over to the committee counsel to administer  
6 the oath, and we will hear from our agencies.

7 COMMITTEE COUNSEL: Thank you, please raise your  
8 right hands. Do you affirm to tell the truth, the  
9 whole truth, and nothing but the truth, before this  
10 committee, and to respond honestly to council member  
11 questions?

12 (PANEL AFFIRMS)

13 COMMITTEE COUNSEL: Thank you, you can proceed.

14 CHAIRPERSON SANCHEZ: Sorry, before you begin, I  
15 want to recognize that we have been joined by Council  
16 Member Avilas, thank you.

17 DEPUTY COMMISSIONER SANTIAGO: Thank you. Good  
18 morning, Chair Sanchez and members of the New York  
19 City Council Committee on Housing and Buildings.

20 My name is AnnMarie Santiago, and I am the Deputy  
21 Commissioner for Enforcement and Neighborhood  
22 Services at the New York City Department of Housing  
23 Preservation and Development. I am joined by Lucy  
24 Joffe, HPD's Deputy Commissioner for Policy And  
25 Strategy, Marti Weithman, HPD's Assistant

1 Commissioner for Housing Litigation, Jennifer Leone,  
2 HPD's Assistant Commissioner for Sustainability and  
3 Chief Sustainability Officer, and Joshua Levin,  
4 Director of The Legislative Affairs Unit at the New  
5 York City Police Department.  
6

7 Thank you for the opportunity to testify about  
8 Introduction Numbers 621, 622, 623, 993, 994, 1037,  
9 and Resolutions 119 and 246. We share the Council's  
10 goals and are supportive of the intent of the  
11 legislation we are discussing today to protect  
12 tenants from both illegal eviction and the effects of  
13 extreme heat.

14 We appreciate this opportunity to discuss HPD's  
15 role in ensuring the quality and safety of our  
16 housing stock, protecting New Yorkers from  
17 harassment, and mitigating evictions.

18 Every New Yorker deserves a safe, affordable  
19 place to live in a neighborhood they love, and HPD  
20 works towards this goal every day.

21 HPD's enforcement work ranges from responding to  
22 hundreds of thousands of complaints received through  
23 311 for conditions such as no heat, pests, and leaks,  
24 to conducting emergency repairs for immediately  
25 hazardous violations when landlords fail to do so, to

1 litigating, uh, to initiating litigation in housing  
2 court seeking the correction of violations.  
3

4 HPD has a varied set of enhanced enforcement  
5 tools, which identify buildings with significant  
6 hazardous or immediately hazardous violations, either  
7 generally or of a certain type, like heat, for  
8 special enforcement programs. We have more than 900  
9 staff dedicated to this entire process.

10 Just as importantly, HPD is committed to  
11 educating tenants and owners about their rights and  
12 responsibilities to ensure homes are safe and  
13 habitable. With our colleagues throughout HPD, we  
14 work tirelessly to preserve our existing housing  
15 stock and to ensure it remains affordable.

16 HPD also has a number of programs to protect  
17 tenants from harassment. Through our Anti-Harassment  
18 Unit, AHU, we identify both individual buildings and  
19 portfolios of buildings where there are indicators of  
20 harassment and seek to enforce correction of  
21 conditions against bad actor landlords.

22 AHU also responds to complaints from tenants and  
23 advocates about poor conditions being used to harass  
24 tenants. We issue housing maintenance violations and,  
25 where warranted, initiate litigation seeking orders

1 to correct violations, obtain civil penalties, and  
2 address harassment.  
3

4 In addition to civil penalties, one landlord has  
5 twice been ordered to serve jail time. The  
6 Certificate of No Harassment process administered by  
7 HPD is a narrowly targeted tool intended to deter  
8 current owners from benefiting from past harassment.  
9 Prior to being approved by the Department of  
10 Buildings for substantial alterations that affect the  
11 use, occupancy, or layout of the building, an owner  
12 of a building subject to one of the CONH programs  
13 must apply for a CONH from HPD. Current and former  
14 tenants of the building, community groups, and the  
15 relevant community board and elected officials will  
16 be notified of the application and provided an  
17 opportunity to submit comments concerning any issues  
18 of harassment experienced by the tenants.

19 HPD conducts an investigation, and based on its  
20 findings, makes a determination which may preclude an  
21 owner from proceeding with the proposed alterations  
22 for a period of time or require that the owner agree  
23 to designating affordable units.

24 Our most recently created program to address  
25 harassment, Partners In Preservation, is set to

1 expand into new communities later this year. PIP  
2 provides crucial funding and technical support to  
3 tenant organizing groups, empowering tenants to  
4 advocate for themselves and improve building  
5 conditions.  
6

7 Partners in Preservation is unique in the nation  
8 and seeks to address harassment through data driven  
9 organizing in closer collaboration and coordination  
10 between community based organizations, government  
11 agencies, and legal services providers.

12 Specifically related to evictions, the City  
13 Council passed universal access to legal services  
14 Right to Counsel Law in 2017. Through universal  
15 access, the City provides free legal services to  
16 thousands of residents facing eviction in housing  
17 court or NYCHA... NYCHA termination of tenancy  
18 proceedings, citywide, regardless of immigration  
19 status every year. Tenants facing eviction may  
20 qualify for free legal advice or representation  
21 depending on income.

22 The City also funds the Anti-Harassment Tenant  
23 Protection Program, or AHTP. AHTP provides legal  
24 services to achieve pre-litigation resolution and, if  
25 necessary, representation in court for tenants facing

1 harassment, disrepair, illegal lockouts, and  
2 eviction. AHTP also provides tenant education and  
3 outreach regarding tenants' rights and protections.  
4 Additional resources include the Tenant Helpline,  
5 which can be reached through 311. Eligible tenants at  
6 risk of eviction can also get access to One-Shot  
7 Deals from the Department of Social Services to help  
8 manage arrears, and the City uses various rental  
9 assistance programs to stabilize households that are  
10 risk of eviction.  
11

12 Although HPD is not a party to eviction  
13 proceedings that take place in housing court, and  
14 does not provide direct anti-eviction services, we  
15 play an important role in educating tenants about  
16 their rights.

17 HPD has multiple resources that provide  
18 information on harassment and eviction related  
19 issues, including the ABC's of Housing, which can  
20 found on our website, is available at public events,  
21 or can be requested through 311, our website itself,  
22 and the informational pamphlet that we hand out on  
23 every inspection.

24 While supportive of the intent of the bills  
25 before us today, we would like to share some of our



1  
2 concerns about the specifics of the proposed  
3 legislation.

4 Intro 621 seeks to add illegal eviction to the  
5 housing maintenance code definition of harassment and  
6 as a criterion for buildings selected for the CONH  
7 Pilot program. We interpret illegal eviction to be  
8 included in the existing definition of harassment in  
9 the HMC, but have no concern about adding it  
10 explicitly to the definition.

11 However, given that the CONH Pilot program is  
12 already more than halfway towards its sunset in  
13 September 2026, we have concerns about adding a new  
14 criterion at this time. The incorporation of the  
15 current criteria took significant time, involved  
16 research and careful data analysis. It is unlikely  
17 that we'd be able to take the necessary steps to  
18 incorporate illegal eviction as a new criterion for  
19 the program without disrupting the ongoing operations  
20 of the pilot. Should the program be reauthorized in  
21 2026, that would be the appropriate time to consider  
22 and weigh the incorporation of a new criterion and  
23 the viability of obtaining the needed data.

24 Illegal eviction cases currently are adjudicated  
25 in the trial part of housing court, which is

1 appropriate given the urgency of the nature of  
2 eviction. Our understanding of Introduction 622 is  
3 that this bill would require the housing part of the  
4 housing court to hear illegal eviction cases instead  
5 of the trial part. HPD has concerns about this  
6 proposed change. The housing part hears actions and  
7 proceedings involving the enforcement of housing  
8 standards and tenant harassment brought by tenants  
9 and HPD. Requiring illegal eviction cases to be  
10 adjudicated in the housing part will harm tenants who  
11 have been illegally evicted, as their cases will  
12 likely take longer to be heard in the housing part.  
13 It would also negatively impact HPD's enforcement of  
14 housing standards by affecting the housing part's  
15 capacity to timely address HPD's enforcement  
16 litigation and tenants' cases seeking the correction  
17 of serious housing maintenance violations, conditions  
18 and claims of harassment. Additionally, as the  
19 housing court would have to effectuate this change,  
20 there is a question about whether amending the HMC  
21 would be binding on the New York State Office of  
22 Court Administration. The Law Department will be  
23 reviewing this issue.  
24  
25

1                   Regarding Introduction 623, the Administration is  
2                   happy to assist Council staff in further developing  
3                   the bill language to achieve the Council's goals. The  
4                   Law Department is authorized to take legal action  
5                   related to illegal eviction and has used other  
6                   levers, as allowed by law, when addressing this  
7                   issue. We are supportive of steps that the court can  
8                   take to improve the just resolution of illegal  
9                   eviction cases, and the law department is currently  
10                  reviewing the proposed legislation regarding both the  
11                  increase in civil penalties for illegal eviction and  
12                  the new requirements for HPD administered tax  
13                  subsidies, abatements, and exemptions to consider  
14                  illegal eviction.  
15

16                 While we try to ensure that we are only doing  
17                 business with good owners through these programs,  
18                 there are circumstances in which HPD needs to take  
19                 action to help tenants living in distressed housing.  
20                 A blanket five year ban on our ability to provide  
21                 city subsidy, a tax abatement, or tax exemption to  
22                 distressed properties takes away one of our tools for  
23                 doing that. Without further review and careful  
24                 consideration, such a blanket approach could actually  
25                 harm our ability to improve conditions for tenants.

1  
2 Turning to Introduction 993, the Administration  
3 supports the intent of this bill, but has concerns  
4 regarding the scope of its requirements. We agree  
5 that no one should be illegally evicted from their  
6 home and forced onto the street. We also believe that  
7 the Police Department is not the right agent to  
8 perform the service contemplated in this bill.

9 First, such a requirement is firmly outside the  
10 realm of officer responsibilities. As a result, NYPD  
11 would be required to staff and train a number of  
12 officers to replace these locks, and furthermore, to  
13 create a system to track the locks and keys.

14 Considering that there are approximately 50  
15 arrests a year where unlawful eviction is the top  
16 charge, out of millions of 911 calls, the cost of  
17 identifying officers with preexisting skills,  
18 training other officers in these skills, while  
19 equipping them with the proper tools and spare key  
20 storage is great compared to the number of cases they  
21 would respond to.

22 Second, and of greater concern, is section(c),  
23 which compels officers to take reasonable steps to  
24 identify any other lawful occupant and provide them  
25 with copies of keys to the changed locks. As written,

1  
2 this places an unfair and unworkable burden on  
3 officers to determine if someone is a true legal  
4 occupant. This would basically ask an officer,  
5 possibly days later, to make a legal determination  
6 about whether another occupant, possibly not related  
7 to the complainant who originally called 911, is  
8 allowed to live at the location.

9       The reason we have landlord-tenant court is so  
10 that judges can review evidence, records, text  
11 messages, and leases to make these weighty  
12 determinations. A police precinct without access to  
13 all relevant documents is not the right venue to  
14 decide successive claims of tenancy at an apartment.  
15 The rightful occupant who has already been given keys  
16 and access to the apartment by HPD... I'm sorry, by  
17 NYPD is in a better position to determine who should  
18 be allowed access.

19       Finally, this provision could force NYPD to grant  
20 entry to someone that the true owner does not want at  
21 their house, specifically in cases of prior family  
22 disputes or domestic violence incidents of which the  
23 NYPD may be unaware. For these reasons, the NYPD has  
24 significant concerns with the bill as drafted, but as  
25

1 always is eager to work with the Council to find a  
2 solution and raise awareness on this issue.

3  
4 Regarding Introduction 1037, which requires the  
5 posting of a notice for registered multiple dwellings  
6 with one or more rent stabilized units, HPD will need  
7 to engage in conversations with New York State Homes  
8 and Community Renewal, or HCR, to ensure that the  
9 information required to implement this legislation  
10 can be accessed by HPD staff in order to enforce  
11 compliance. Technology changes may also be required  
12 to ensure that the information is accessible to our  
13 inspectors. While we agree that it is helpful for  
14 tenants to be aware that there are rent stabilized  
15 units in the building, such posting may also lead to  
16 confusion and concern for tenants if the majority of  
17 units are not covered by rent stabilization.

18 The City will not be taking a position on  
19 resolutions 119 and 246. However, we support efforts  
20 to ensure that allegations of illegal eviction are  
21 properly adjudicated and addressed by housing court  
22 in a timely and just manner.

23 Finally, turning to introduction 994, far too  
24 many New Yorkers are affected by the consequences of  
25 extreme heat and climate change.

1                   We must protect everyone, especially those most  
2  
3 at risk from extreme heat. However, we need to  
4 consider this legislation in a way that accounts for  
5 the reality of implementation timelines, existing  
6 technology, funding limitations, and the needs of our  
7 residents.

8                   Both HPD and the City take this issue very  
9 seriously. HPD has integrated measures to address  
10 extreme heat into the Designed Guidelines for all  
11 projects we finance - including requiring cooling in  
12 new construction, and for retrofits that include  
13 senior housing, among other preventative measures.

14                   Citywide, the Mayor's Office of Climate and  
15 Environmental Justice and agency partners have  
16 advanced several goals to extract address extreme  
17 heat within homes. This includes advocating for  
18 reform to the Home Energy Assistance Program, or  
19 HEAP, to cover equipment and energy costs for  
20 cooling, as well as for increased federal funding for  
21 this critical program. In addition, the City was  
22 awarded \$1 million through the US Environmental  
23 Protection Agency for an air conditioning recovery  
24 program to start in 2025 in partnership with the  
25 Department of Health and Mental Hygiene, New York

1  
2 City Housing Authority, MOCEJ, Department of  
3 Sanitation, Big Reuse, and the Fund for Public  
4 Housing.

5 The City also advocates for expanded energy  
6 affordability program funding to assist more low and  
7 moderate income residents in paying their heating and  
8 cooling bills. As a key strategy for cooling the  
9 built environment, MOCEJ and Parks have also launched  
10 the planning process for the City's first urban  
11 forest plan to achieve 30 percent citywide tree  
12 canopy. We appreciate that a short term solution is  
13 needed to address health impacts now while we focus  
14 greater resources and energy on creating a long term  
15 sustainable strategy that works together with other  
16 climate legislation already in place to try to move  
17 New York City into the future. In creating this  
18 structure, we need to ensure that we're addressing  
19 the unique and distinct parts of our housing stock  
20 appropriately and taking steps that will meaningfully  
21 align with the City's long term climate goals,  
22 considers the age of our building and condition of  
23 our electric grid, ensures energy affordability, and  
24 ensures the law can be enforced effectively to make  
25 sure it works as intended.



1                    This will need to be a multiagency effort across  
2 levels of government, and we are committed to working  
3 with our colleagues at MOCEJ, the Department of  
4 Buildings, and the Department of Health and Mental  
5 Hygiene, and others, to ensure that we are accounting  
6 for both the realities of our physical infrastructure  
7 and New Yorkers' current circumstances.

8                    We look forward to continuing to discuss the  
9 challenges with you, your colleagues, and other city  
10 agencies who have an interest in the health of New  
11 York City residents, the resiliency of New York  
12 City's housing stock, and the effects of climate  
13 change.

14                    Thank you for the opportunity to testify today  
15 about these important pieces of legislation and on  
16 HPD's current work to support tenants throughout the  
17 five boroughs. We remain committed to working with  
18 you to improve what we do to better serve New Yorkers  
19 in need. We are happy to answer any questions you  
20 might have.

21                    CHAIRPERSON SANCHEZ: Thank you so much, Deputy  
22 Commissioner. I am going to ask just a few questions  
23 based on testimony, and then I want to turn it over  
24 to my colleagues. We will have Council Member Nurse,  
25

1 followed by Council Member Abreu, and Council Member  
2 Restler.  
3

4 So, to start, just a couple of questions based on  
5 your testimony. The Anti-Harassment Unit, you  
6 mentioned that their scope of work includes  
7 identifying buildings and portfolios, seeking  
8 enforcement, sending out inspectors, commencing  
9 litigation.

10 Does the AHU, does AHU administer the Certificate  
11 of No Harassment Program?

12 DEPUTY COMMISSIONER SANTIAGO: No, Council Member,  
13 those are two separate programs, but they are both  
14 within the Housing Litigation Division.

15 CHAIRPERSON SANCHEZ: Housing Litigation? Okay.

16 Can you tell us about the numbers behind HPD's  
17 proactive enforcement work specifically with respect  
18 to litigation? How many cases were brought in 2023,  
19 and how many have been brought to date in fiscal  
20 2024?

21 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
22 Member.

23 I don't have the years broken out, but I can tell  
24 you between 2022 and 2024 fiscal years, we initiated  
25

1  
2 litigation against 95 buildings, and that includes  
3 initial litigation and supplemental cases.

4 CHAIRPERSON SANCHEZ: Thank you.

5 And what have been the majority of topics or  
6 complaints that have driven these 95 buildings to be  
7 identified by HPD?

8 DEPUTY COMMISSIONER SANTIAGO: Again, thank you,  
9 Council Member.

10 So generally, we initiate litigation based on  
11 maintenance conditions and speaking with tenants at  
12 these buildings regarding, how they are faring with  
13 the landlord in terms of obtaining repairs.

14 CHAIRPERSON SANCHEZ: Do you want to follow up?

15 DEPUTY COMMISSIONER SANTIAGO: Anything?

16 ASSISTANT COMMISSIONER WEITHMAN: I would just add  
17 that we do have a data model, which we are constantly  
18 updating and, uh, looking to for the bad actors who  
19 we target through the Anti-Harassment Unit. We also  
20 take referrals from advocates, elected officials,  
21 legal services providers, and through that we conduct  
22 our proactive, inspections. And then based on the  
23 data that we have, we initiate the litigation on  
24 usually portfolio wide.

25 CHAIRPERSON SANCHEZ: Thank you.

1  
2 Of these 95 buildings, how many have been  
3 involved in other HPD enforcement programs?

4 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
5 Member.

6 So, we can look into breaking that down for you.  
7 Generally the buildings are obviously high consumers  
8 of our activities. So, they get a lot of inspections,  
9 they have a lot of emergency repair in general. So,  
10 we can break that down by program is that's of  
11 interest.

12 CHAIRPERSON SANCHEZ: Okay, thank you.

13 And what have been the outcomes of the cases? How  
14 many are still pending? How many have had outcomes  
15 determined?

16 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
17 Member. We've gotten quite a number of settlements in  
18 our cases. As you know, we have one landlord who  
19 continues to not comply with the court's orders, and  
20 go to jail, and we follow-up all of our cases with  
21 additional inspections and we take the owners back to  
22 court if we find that they are not complying with the  
23 orders from the court. Again, we can break down the  
24 95 buildings exactly in terms of outcomes if that's  
25 the information that you would like.

1                   CHAIRPERSON SANCHEZ: Thank you, yes, that would  
2  
3 be great to have.

4                   In terms of Partners in Preservation, can you,  
5 tell us what is the current funding level for  
6 Partners in Preservation? How many organizations are  
7 being funded through the program, And what is their  
8 reach in terms of tenants?

9                   DEPUTY COMMISSIONER SANTIAGO: Yes, thank you,  
10 Council Member. So, at the current time, there are,  
11 uh, there's \$3.6 million dedicated to the program  
12 across four contract areas, uh, the Bronx, Northern  
13 Manhattan, Central Brooklyn, and then one that covers  
14 Queens, Northern Brooklyn, and Lower Manhattan.

15                   And these areas were identified based on a  
16 detailed analysis that identified areas with high  
17 rates of evictions, building maintenance issues, and  
18 additional indicators from a model that we have.

19                   CHAIRPERSON SANCHEZ: How many of these... and how  
20 many providers are you working with?

21                   DEPUTY COMMISSIONER SANTIAGO: Uh, 17 community  
22 based organizations will be participating.

23                   CHAIRPERSON SANCHEZ: Got it.

24                   And are these contracts up to date? Have they are  
25 they paid on time? I've been hearing a lot of

1  
2 concerns about payment issues from HPD to providers,  
3 which hinders their ability to carry out these  
4 programs.

5 DEPUTY COMMISSIONER SANTIAGO: Yeah. I think this  
6 program is starting in the fall. Right? It's gonna be  
7 starting shortly, so I don't think that at this  
8 moment there are any issues with payments - no  
9 payments have been incurred.

10 CHAIRPERSON SANCHEZ: Okay, thank you.

11 I'm gonna ask one more question, and then I'll  
12 stop it here and turn it to my colleagues, and I  
13 will come back.

14 But with respect to universal access, my  
15 understanding is that we as a city; although, we have  
16 promised universal access to indigent New Yorkers  
17 through City Council legislation and law, we fund  
18 legal service providers to provide about 44,000  
19 services to 44,000 cases per year, out of the 200,000  
20 that we are receiving, uh, that we are seeing move  
21 through housing court, very slow and broken housing  
22 court.

23 How does the Administration understand our  
24 performance with respect to universal access in the  
25

1  
2 face of growing evictions and the instability that  
3 this causes for New Yorkers?

4 DEPUTY COMMISSIONER SANTIAGO: Thank you for that  
5 question, Council Member. As you know, HPD doesn't  
6 administer the Universal Access Program, so we will  
7 bring that back to our colleagues, uh, and provide an  
8 answer to the Council.

9 CHAIRPERSON SANCHEZ: We're not doing enough.

10 And the Anti-Harassment Tenant Protection  
11 Program, I was surprised to see it, uh, touted in  
12 your testimony given that the Administration cut this  
13 program by \$25 million last year, leaving many, many  
14 families, uh, who would rely on and be protected by  
15 this service, uh, without protection.

16 So, I will now turn it over to my colleagues, and  
17 we're going to start with Council Member Nurse, and  
18 then we're going go to Council Member Abreu, then  
19 Council Member Restler, and then I'll circle back for  
20 more questions.

21 Council member Nurse?

22 COUNCIL MEMBER NURSE: Thank you, Council Member,  
23 uh, thank you, Chair Sanchez.

24

25

2 I was hoping for the record that is... yeah, it  
3 is on... alright, I'll be louder. Normally I'm, like,  
4 trying not to be shouting.

5 So, can you... for the record, you all just walk  
6 me through, just so we all have an understanding,  
7 what is the NYPD's role and HPD's role when an  
8 illegal lockout... when a call is made, an illegal  
9 lockout is happening, can you walk us through what  
10 would happen on the ground And kind of both of your  
11 agencies role in it?

12 DIRECTOR LEVIN: Good morning...

13 COMMITTEE COUNSEL: Hold on before you answer, let  
14 me just swear you in. Can you please raise your  
15 hand... (CROSS-TALK)

16 DIRECTOR LEVIN: Oh, I did, but I'll, sure, let's  
17 do it again.

18 COMMITTEE COUNSEL: Okay. Please raise your right  
19 hand. Do you affirm to tell the truth, the whole  
20 truth, and nothing but the truth, before this  
21 committee, and to respond honestly to council member  
22 questions?

23 DIRECTOR LEVIN: Yes, I do.

24 COMMITTEE COUNSEL: Thank you.



1                   DIRECTOR LEVIN: Good morning, Josh Levin, NYPD.  
2  
3                   Good to see you again, Council Member.

4                   So, I'll speak obviously to NYPD's role in this.

5                   When NYPD gets a call that there was an unlawful  
6                   eviction, we respond to the scene, and officers then  
7                   have to take account of the totality of the  
8                   circumstances. There's not usually one dispositive  
9                   piece of evidence that will allow an officer to make  
10                  a determination about whether somebody's been  
11                  unlawfully evicted, or whether they're trespassing,  
12                  because it's kinda like two sides of the same coin.

13                  So when NYPD arrives, they're going to look for a  
14                  host of different pieces of evidence.

15                  So, for example, any evidence of a type of lease,  
16                  whether it be text messages or whether it be an oral  
17                  conversation or whether it be a written lease.

18                  They're going to look to see if the person has  
19                  property in there. They're going to look to see if  
20                  there's signs of forced entry. They're going to look  
21                  to see if, uh, a person has utilities or bills or  
22                  letters or mail that has been sent there.

23                  And then we'll make a determination given that  
24                  totality of the circumstances, because it's not  
25                  really one size fits all, and determine whether this

1 person was unlawfully evicted or not. So that's like  
2 the on the scene response.

3  
4 COUNCIL MEMBER NURSE: So yours, uh, so first,  
5 your, if I'm... just to reiterate back to you, you're  
6 determining, does this person actually live there?  
7 And, then, in a... in a situation where you come to  
8 the scene, would you not be looking for, like, a  
9 notice on the door of a of a legal eviction?

10 DIRECTOR LEVIN: Sure, that would certainly be  
11 part of the calculation we... (CROSS-TALK)

12 CHAIRPERSON NURSE: Okay. And if you don't see  
13 one, what are your steps there?

14 DIRECTOR LEVIN: So, the notice from the sheriff  
15 wouldn't be the only way, it's a great indicator that  
16 the person is there improperly, but someone also  
17 could be trespassing at the location. And it doesn't  
18 matter if you've been there for 30 days or more...

19 COUNCIL MEMBER NURSE: Yeah.

20 DIRECTOR LEVIN: If you're still there improperly.  
21 And so that's why we go into that analysis and we  
22 take a look at all the independent factors. We're not  
23 throwing people out on the street in the middle of  
24 January, February. Right?

1                   COUNCIL MEMBER NURSE: Do you all have, like, a  
2 list of criteria that officers are trained on? Like,  
3 a checklist of making those determinations so that  
4 it's a little less subjective - like, for example,  
5 if... I've been to some, lockouts where a tenant is  
6 having, like, a real crisis response. Right? They're  
7 in panic, they're upset, they're angry, they're  
8 cursing, like, not a person in the most likable time  
9 of their life, like, they're having a very visceral  
10 reaction. So, maybe the officer is now annoyed with  
11 them or not... feeling, you know, just like a way  
12 about how someone is responding to a situation.

13                   Is there an objective criteria that officers  
14 could use, to kind of punch through a list and say,  
15 okay, we've made a determination here?

16                   DIRECTOR LEVIN: So number one, let me be the  
17 first to say that an officer being annoyed or  
18 frustrated should never play any role whatsoever.  
19 Just gotta say that. Right? I know how you feel,  
20 right...

21                   COUNCIL MEMBER NURSE: I will let you put that on  
22 the record...

23                   DIRECTOR LEVIN: Thank you. It shouldn't...

24                   COUNCIL MEMBER NURSE: You're right, yes.  
25

1  
2 DIRECTOR LEVIN: Now having said that, what I can  
3 say is that there are trainings that have been done  
4 with HPD. We have Legal Bureau Bulletins that list  
5 what the law is and what the process and what the  
6 steps are. We have a Patrol Guide. But, I am  
7 currently unaware of any type of document that would  
8 list out any... every single piece of evidence that  
9 ever would apply, and that's, I think, also a  
10 testament to the fact that we have field training  
11 units - we have sergeants, we have supervisors. Uh,  
12 thank you, Matt... We take criminal calls. We have  
13 attorneys 24 hours a day available for an officer to  
14 call and say, "I think this is this, can you help  
15 walk me through this?" I've taken those calls myself.

16 COUNCIL MEMBER NURSE: But you don't have... so,  
17 no, you don't have an objective list? But you have a  
18 person that can be called?

19 DIRECTOR LEVIN: Yeah. I'm scared of an objective  
20 list, because then if there's something...  
21 officers... people might think this is the only  
22 things that could be used, which we want enable  
23 people to have a wider aperture when they're going  
24 into this. So we make resources available, so  
25 officers know who to call and who to speak to if

1  
2 they're unsure of what the answer is. But, no,  
3 there's no, that I'm aware of...

4 COUNCIL MEMBER NURSE: Right, so, these are very  
5 open to discretion is what I'm saying.

6 But I'll move on, because, it's... this isn't  
7 really a hearing about, uhm, how... what you all are  
8 doing, it's just trying to illuminate the fact that  
9 on the ground, it gets really fuzzy, and people are  
10 not always in their best moment, and so  
11 determinations that are made don't always, in my  
12 experience watching it, don't always work out in  
13 favor for people who are the occupants there.

14 When is an officer off the hook to leave? Like,  
15 what are the things that need to be in place for the  
16 officer to be like, we can leave this... we... this  
17 unlawful lockout?

18 DIRECTOR LEVIN: I'll talk in generalities,  
19 because, obviously, every situation is different, and  
20 also there could, god forbid, be an emergency, shots  
21 fired, or something else that's gonna call resources  
22 to the scene, especially if it's nearby. Right?

23 But, generally, a resolution of the issue is  
24 something that would trigger an officer being able to  
25 leave. So, for example, officers, if they do

1  
2 determine that there is an illegal eviction, will  
3 call or attempt to get in touch with the landlord or  
4 a representative of the landlord or a super, have a  
5 conversation, say, buddy, listen, this, this, this,  
6 this. You can't just lock this, you've got to go  
7 through the... you can't do this.

8 And then the person will come down, let them back  
9 in, and we will write a summons or take an arrest  
10 based off what happens.

11 COUNCIL MEMBER NURSE: And, so, if you determine  
12 that, uhm, you can't... this is an unlawful  
13 situation, do officers... are officers supposed to  
14 leave until that person is let back in, or can it  
15 just be a verbal agreement with the super? Like,  
16 what's the full...

17 DIRECTOR LEVIN: I think it depends on the facts  
18 on the ground. Like, if the landlord picks up and  
19 they're like, listen, I've been fighting with them,  
20 but okay, fine, we're gonna come right down and let  
21 them in. And an officer also speaks to the  
22 complainant, and the complainant's like, I'm  
23 comfortable waiting here for them to let me back...  
24 Let's say it's 11 o'clock p.m., I'm comfortable.

1  
2 I think it would be up to an officer's discretion  
3 to say this job is accomplished. And then if there is  
4 further follow-up, we will then return to the scene  
5 and do whatever we need to do.

6 COUNCIL MEMBER NURSE: Okay. Okay, I appreciate  
7 that.

8 And for HPD, can you confirm the tenant helpline  
9 hours? So, in addition to calling 911, the City has a  
10 flyer on illegal evictions that tells tenants to call  
11 311 and ask for the tenant helpline.

12 I have on here, and I just want to confirm with  
13 you, the hotline hours are Monday 9:30 a.m. to 4:30  
14 p.m., and, uh, Tuesdays through Fridays, 9:30 a.m. to  
15 5:30 p.m., and 10:30 a.m. to 5:30 p.m. on Saturday.

16 Are those correct hours?

17 DEPUTY COMMISSIONER SANTIAGO: Thank you for the  
18 question, Council Member.

19 That unit is not within HPD, so I will have to  
20 get confirmation...

21 COUNCIL MEMBER NURSE: Okay.

22 DEPUTY COMMISSIONER SANTIAGO: for you on those  
23 hours.

24 COUNCIL MEMBER NURSE: No problem.  
25

1                   So I guess that... well, I had a question here  
2  
3 about what would happen, uhm, if a tenant calls the  
4 helpline outside of these hours, but it sounds like  
5 you're not able to answer those?

6           DEPUTY COMMISSIONER SANTIAGO: Yeah, I apologize  
7 for that, Council Member...

8           COUNCIL MEMBER NURSE: Alright...

9           DEPUTY COMMISSIONER SANTIAGO: we will circle back  
10 with DSS...

11          COUNCIL MEMBER NURSE: Okay.

12          DEPUTY COMMISSIONER SANTIAGO: and get an answer  
13 for you.

14          COUNCIL MEMBER NURSE: Okay, uhm, I just would put  
15 on the record, I hope that ,you know, considering, at  
16 least in my experience, many lockouts happen outside  
17 of the hours. It would be really good for the City to  
18 consider expanding that to a 24/7 rapid response  
19 service.

20          Uh, we were... Uh, just one other question for  
21 the NYPD. We weren't able to find the, uhm, to get  
22 that granular in terms of the data, we know the date  
23 when calls are made or a summons or a ticket is  
24 issued, but we don't we don't have a sense of, like,  
25 the average hours. So, if not today, if you could, in



1  
2 the follow-up, let us know, on average, when are you  
3 all getting, like, when of the highest calls for  
4 illegal evictions happening? We can... we've only  
5 been able to find the date.

6 Just a few more questions, Chair, I'll wrap it  
7 up.

8 So on Introduction 623, which I think is to me  
9 the more important bill, because we really know that  
10 the intervention on the ground is, as we mentioned,  
11 is extremely challenging, there's a lot of different  
12 factors. There's a lot of discretion at play. We  
13 don't have clear cut criteria identified.

14 So on the back end, we're trying to say, you  
15 know, if you do this, it's gonna be extremely costly  
16 to you, and you could potentially miss out on other  
17 opportunities.

18 Currently, property owners who are found guilty  
19 of illegal lockouts are fined between \$1,000 to...  
20 and \$10,000 per violation. How often are these fines  
21 issued and collected, and kind of what pot do they go  
22 into?

23 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
24 Member. So the law currently allows the City to seek

1  
2 various violations through judicial actions, but it's  
3 brought by the Corporation Counsel.

4 Again, HPD doesn't have a role in the litigation  
5 for illegal eviction or eviction in general. The Law  
6 Department would be happy to meet with you and your  
7 team to discuss the law... (CROSS-TALK)

8 COUNCIL MEMBER NURSE: Okay, uh, do you have a  
9 general sense how...

10 DEPUTY COMMISSIONER SANTIAGO: Uhm, I don't...

11 COUNCIL MEMBER NURSE: Okay, no problem.

12 Do you think that a property owner who illegally  
13 locks out one of their tenants should benefit from  
14 city subsidies or tax exemptions?

15 DEPUTY COMMISSIONER JOFFE: Thank you for that  
16 question. I think across the board, what we would say  
17 is that our primary responsibility is protecting  
18 tenants. So while we want to do as much as we can to  
19 ensure that bad actor owners are not benefiting from  
20 HPD programs or other city subsidies, at the end of  
21 the day, we are primarily, focused on making sure,  
22 when push comes to shove, that we are protecting  
23 tenants wherever we can. So we want to have the tools  
24 that we need in our toolkit, but we share the same  
25 values, and we're very focused on making sure that we

1  
2 go after bad actors with all of the tools that are  
3 available to us.

4 COUNCIL MEMBER NURSE: Okay. And just as we kind  
5 of talked about in our conversation ahead of time, I  
6 do think with this bill, uh, we could look at some  
7 thresholds or layers to build in so that, uh, folks  
8 who are frequent flyers, or who are repeatedly found  
9 guilty of this, I don't have that... It's hard to get  
10 that that data from just, like, the public end. So  
11 I'd love to work more with you all on that, or the  
12 Law Department, or whoever I need to be pointed to,  
13 but thinking about ways to build in some layers.

14 I agree, like, a blanket situation might not  
15 work, but there might be people who we should not be  
16 subsidizing, uh, and find ways to permanently make  
17 some of those units affordable.

18 DEPUTY COMMISSIONER JOFFE: We'd be happy to  
19 continue that discussion.

20 COUNCIL MEMBER NURSE: I don't know if, uh, the  
21 chair asked this, but I'll just ask it again because  
22 I can't remember.

23 Did you say where, uh, illegal evictions and  
24 lockout most commonly occur? Are they in bigger  
25 multifamily rentals, small families with a rental

1  
2 unit? What are the most common types of housing  
3 stock where these are happening?

4 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
5 Member, I don't think that question was asked  
6 before...

7 COUNCIL MEMBER NURSE: Okay...

8 DEPUTY COMMISSIONER SANTIAGO: And I know that  
9 there is an illegal eviction lockout group, uh,  
10 across city agencies that is looking at the data. I  
11 do not have that data though, so again, I apologize,  
12 but we can look at what information they have. I am  
13 not sure that that is a distinction that they've made  
14 in their research, but we can look and provide you  
15 with an answer.

16 COUNCIL MEMBER NURSE: Okay.

17 And to your knowledge, are there any specific  
18 landlords or companies that are serial illegal  
19 evictors?

20 DEPUTY COMMISSIONER SANTIAGO: Again, I'm not  
21 involved in the data analysis there, but we will  
22 certainly circle back with that team, uhm, to find  
23 out what they have identified as a prevalent either  
24 actor or, as you asked...

25 COUNCIL MEMBER NURSE: Okay.

1                   DEPUTY COMMISSIONER SANTIAGO: a location type of  
2 building.  
3

4                   COUNCIL MEMBER NURSE: That would be great to get  
5 that data in the followup, and I will follow up with  
6 the chair to send over some questions.

7                   DEPUTY COMMISSIONER JOFFE: And I'll just note on  
8 our data work, on these issues, sometimes it can be  
9 difficult parse out, particularly by building type.  
10 We see owners of all kinds these days owning  
11 buildings of all kinds, so we don't always see those  
12 patterns. We're always really aggressive whenever  
13 we're looking at any of these issues and trying to  
14 identify how do we understand trends, etcetera.

15                   But sometimes we do see that, uhm, they're not  
16 always easy to parse out because of the variance in  
17 our, uh, in our housing stock.

18                   COUNCIL MEMBER NURSE: Okay.

19                   And, sorry, the last thing, uhm, which someone  
20 from my staff flagged that, uhm, we're not... maybe  
21 we're thinking that maybe there might be a  
22 misinterpretation of Intro 622.

23                   You know, our amendments to the law wouldn't  
24 require all illegal lockouts to be in the house...  
25 the HP part of housing court, but the bill says that

1  
2 the housing part of the civil court may not deny an  
3 application for relief, including restoration of  
4 possession.

5 So we'd like to follow back up with you. I know  
6 we were kind of, like, not sure, but we'll continue  
7 to work and clarify. Thank you.

8 DEPUTY COMMISSIONER SANTIAGO: Thank you.

9 CHAIRPERSON SANCHEZ: Thank you so much, Council  
10 Member Nurse.

11 I just have one clarifying question, and then  
12 I'll turn it over to Council Member Abreu.

13 Uhm, Mr. Levin? Levine?

14 DIRECTOR LEVIN: Levin.

15 CHAIRPERSON SANCHEZ: Levin? Okay, thank you.

16 DIRECTOR LEVIN: Yeah, it's Levin.

17 CHAIRPERSON SANCHEZ: Levin?

18 You were talking about, uhm , you said there's  
19 not a set checklist in in response to Council Member  
20 Nurse, but you're talking about taking... officers  
21 taking into account the totality of circumstances to  
22 determine whether an illegal eviction has occurred.

23 What do the officers then do with this  
24 information?

1                   DIRECTOR LEVIN: So, I do want to just step back  
2 and say one other thing, I just want to clarify.

3                   We're not... we don't like making a very solid  
4 checklist that you have to have this or that, because  
5 we don't want officers to not be able to take action  
6 in enforcement if one of those things isn't there. I  
7 just want to make sure.

8                   Okay, now, back to your question, Chair. What do  
9 they do with the information? They gather it, and  
10 then they have to do an assessment about whether they  
11 believe every single element of the individual crime  
12 has been met.

13                   So in other words, does the person have a right  
14 to be there, and have they been either affirmatively  
15 or constructively evicted? Right? Affirmatively,  
16 like, locked the door, but constructively would be  
17 turned the gas off, there's no heat. Well, I didn't  
18 lock you out, but you've been constructively evicted.  
19 Right? Because you have the right to a full domicile  
20 and all the things that come with it.

21                   So officers will gather all that information,  
22 they will make a determination. If they need, they  
23 will speak to a sergeant or a supervisor or they will  
24 call Legal, and they will ask us, hey, I got this,  
25

1                   this, and that. We'll do case law research, etcetera,  
2                   and then provide them with an idea of what the  
3                   outcome could be.  
4

5           CHAIRPERSON SANCHEZ: So this is information that  
6           is then shared with the prosecutors? The officers  
7           don't issue anything themselves?

8           DIRECTOR LEVIN: When you say issue anything,  
9           there's... (CROSS-TALK)

10          CHAIRPERSON SANCHEZ: Summonses?

11          DIRECTOR LEVIN: You could do a summons, or you  
12          can do an arrest based off unlawful eviction. And  
13          that's enshrined in the Patrol Guide.

14          But, yes, when we take enforcement action in  
15          compliance with the discovery laws, we preserve every  
16          one of the pieces of evidence that helped us reach  
17          that conclusion about probable cause.

18          And so, for example, if the tenant says, listen,  
19          I got this... I got these text messages from him that  
20          are saying, yeah, you can start occupancy on February  
21          1st. Body worn is on from the minute, right, officers  
22          go to begin an investigation or engage in in police  
23          duty.

24          So you'll see, I've watched body where you'll  
25          actually see the text messages, that's the way to



1  
2 preserve it. We also instruct officers take a picture  
3 of it, have the victim send you a screenshot because  
4 we want to preserve this universe of information  
5 which we then hand over to the Law Department, I  
6 believe, actually, prosecutes it. I'll double check  
7 that.

8 CHAIRPERSON SANCHEZ: Got it. Not the district  
9 attorney?

10 DIRECTOR LEVIN: Yeah, let me double check that,  
11 but I believe yes.

12 CHAIRPERSON SANCHEZ: Okay, no problem, thank you  
13 so much. While you double check that, Council Member  
14 Abreu?

15 COUNCIL MEMBER ABREU: Thank you, Chair Sanchez,  
16 and thank you, Council Member Nurse, for your amazing  
17 four bills.

18 I kinda want to go back to the question about not  
19 having a criteria or a checklist. I'm just curious to  
20 know, like, why is the... why are you against it?

21 DIRECTOR LEVIN: Against isn't the right word.

22 What I tried to explain earlier is that if you  
23 make things in black and white, you could lock an  
24 officer into thinking, I have to have these things or  
25 I can't take action.

1                   COUNCIL MEMBER ABREU: What... But, we... We  
2  
3 can... Can we explain to them that these are factors  
4 that they should be looking at, but the presence, or  
5 the lack there of, doesn't mean it's dispositive as  
6 to whether or not it's a lockout.

7                   DIRECTOR LEVIN: If you were...

8                   COUNCIL MEMBER ABREU: We... We... We want our...  
9 You know, we want folks to be able to go in and be  
10 able to look for certain things. It doesn't  
11 necessarily mean that if they don't find it that this  
12 is not a case or... that this is not a case of  
13 illegal lockout. But, it doesn't... It shouldn't  
14 indicate a positive or a negative, it just things  
15 that say, you should look at these factors.

16                  DIRECTOR LEVIN: Yeah, definitely. That's done. We  
17 have lists of things to look at, like...

18                  COUNCIL MEMBER ABREU: Okay...

19                  DIRECTOR LEVIN: for example, in recruit training,  
20 it's orally don't... (CROSS-TALK)

21                  COUNCIL MEMBER ABREU: Can...

22                  DIRECTOR LEVIN: It explains... (CROSS-TALK)

23                  COUNCIL MEMBER ABREU: Can we get that list?

24                  DIRECTOR LEVIN: Yeah, sure, I'll follow up with  
25 that.

1  
2 COUNCIL MEMBER ABREU: Okay, because that's...  
3 alright. That that makes sense, because the stuff  
4 about whether it's present or not, that's like  
5 getting into a legal case. I don't expect our  
6 officers to be assessing the merits of cases, but I  
7 do want them to go in there with the information that  
8 they need.

9 Second, on Intro 1037, I understand that HPD  
10 testified that postings may lead to confusion and  
11 concern for tenants if the majority of units are not  
12 covered by rent stabilization.

13 Can you please expound on that?

14 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
15 Member. Yes, I... we're not against this bill. I  
16 think we're in support of this bill...

17 COUNCIL MEMBER ABREU: Okay.

18 DEPUTY COMMISSIONER SANTIAGO: But, we just want  
19 to caution that ,you know, if there is one of two  
20 rent stabilized units in a building, it could lead to  
21 a lot of confusion... (CROSS-TALK)

22 COUNCIL MEMBER ABREU: No, I understand...

23 DEPUTY COMMISSIONER SANTIAGO: That's all...  
24  
25

1  
2 COUNCIL MEMBER ABREU: I hear you on that. And, in  
3 those instances, right, I mean, I feel like most  
4 tenants can just click on the link...

5 DEPUTY COMMISSIONER SANTIAGO: Mm-hmm?

6 COUNCIL MEMBER ABREU: If you're in the lobby of a  
7 building and you see a posting, you can just go on a  
8 link, and if you're confused, go on the link and see  
9 whether or not your apartment is subject to rent  
10 stabilization. That should provide, uh, some clear  
11 rules, or some clear understanding for tenants who  
12 may think that they're rent stabilized but they  
13 aren't.

14 But, I am glad that the Admin are in support.  
15 Thanks very much... (CROSS-TALK)

16 DEPUTY COMMISSIONER SANTIAGO: Yeah, and I think  
17 as we said, you know, we need to work with HCR to  
18 make sure that this is something that... (CROSS-TALK)

19 COUNCIL MEMBER ABREU: Totally...

20 DEPUTY COMMISSIONER SANTIAGO: Yeah...

21 COUNCIL MEMBER ABREU: Thank you very much.

22 DEPUTY COMMISSIONER SANTIAGO: You're welcome.

23 CHAIRPERSON SANCHEZ: Thank you. Thank you so  
24 much, Council Member Abreu.

25 Council Member Restler?

1  
2 COUNCIL MEMBER RESTLER: Great, uh, how we doin'?  
3 Dark times, but we're here.

4 Uhm, okay. Firstly, just because I couldn't... I  
5 got the vibes from your testimony, Deputy  
6 Commissioner Santiago, that HPD supports the intent  
7 of the legislation, but I would love to just drill  
8 down a little bit more.

9 Does the city of New York... does the Mayor's  
10 Office support a cooling requirement in new  
11 construction?

12 DEPUTY COMMISSIONER JOFFE: Thank you for that  
13 question, I will step in here.

14 I'm... I'll withhold, uh, making a joke about the  
15 vibes comment, but, we are supportive of efforts to  
16 ensure that all New Yorkers have access to cooling.

17 HPD, specifically in our portfolio, has taken  
18 significant steps in terms of new construction within  
19 our own buildings, and we are supportive of working  
20 towards, uhm, having cooling in all new construction  
21 buildings as well. That is a small slice of our  
22 housing market, but it is an important step...

23 COUNCIL MEMBER RESTLER: Right...

24 DEPUTY COMMISSIONER JOFFE: that (INAUDIBLE)...  
25 (CROSS-TALK)

1  
2 COUNCIL MEMBER RESTLER: But I'm just asking for a  
3 broader policy standpoint. I know we've got a good  
4 diversity, an impressive panel of HPD leaders and a  
5 NYPD-er, but we do have Mayor's Office  
6 Representatives in the audience -I'm just trying to  
7 understand the City's position on this, because it  
8 did appear, in whatever your PLANYC iteration is now,  
9 that the Mayor supports requiring cooling requirement  
10 in all new construction.

11 So, I'd just like to get that on the record, that  
12 the city of New York supports a cooling requirement  
13 in all new construction? Tell me if I'm missing  
14 something, though.

15 DEPUTY COMMISSIONER JOFFE: Yes, we do.

16 COUNCIL MEMBER RESTLER: We do? We do. Good. Okay,  
17 so that's clear.

18 Uhm, I'd now... I think, if I'm not being  
19 presumptuous, I would like to ask, and this may be  
20 better for you, Deputy Commissioner, or for Assistant  
21 Commissioner Weithman, a couple of questions about  
22 potential costs and IAI (Individual Apartment  
23 Improvements), if this bill were to move forward.  
24 Assistant Commissioner, you have a long history of  
25 doing tenant advocacy work, right?

1 ASSISTANT COMMISSIONER WEITHMAN: I do.

2 COUNCIL MEMBER RESTLER: Yeah, uhm, do you want to  
3 remind us on the record where you used to work?

4 ASSISTANT COMMISSIONER WEITHMAN: Uhm, throughout  
5 my career I have worked at, uh, what used to be MFY  
6 (Legal Services, and then I worked at Mobilization  
7 for Justice, which it currently is, and also for the  
8 Goddard Riverside SRO Law Project.

9 COUNCIL MEMBER RESTLER: Great, all impressive -  
10 all great work, and I think informs the important  
11 work that you do today, uh, great experience that  
12 informs the important work you do today.

13 So, my understanding, and you all can correct me  
14 if I don't have this right, because this is all state  
15 stuff, and I will admit I get I a little confused  
16 when it comes to state law issues.

17 If a brand new air conditioner were in installed  
18 in an apartment, in a building with more than... with  
19 a in a large rent regulated building, that the  
20 landlord could include in the rent 1/168th of the  
21 cost of the cooling unit in the installation if an  
22 air conditioner were installed in an apartment. Do I  
23 have that right?  
24  
25

1 ASSISTANT COMMISSIONER WEITHMAN: Do... I will, I  
2 mean, it's been over seven years since I've... I've  
3 actually...

4 COUNCIL MEMBER RESTLER: Yeah...

5 ASSISTANT COMMISSIONER WEITHMAN: uhm, litigated  
6 on behalf of tenants, and I'm really now focused on  
7 housing maintenance enforcement, so...

8 COUNCIL MEMBER RESTLER: Perhaps, Deputy  
9 Commissioner Joffe can help us here...

10 ASSISTANT COMMISSIONER WEITHMAN: So, yeah,  
11 sorry...

12 DEPUTY COMMISSIONER JOFFE: Thank you for that...

13 (CROSS-TALK)

14 COUNCIL MEMBER RESTLER: No, you're good...

15 DEPUTY COMMISSIONER JOFFE: question.

16 So there's been some change in this area over the  
17 last few years. There are going to be circumstances  
18 where an owner potentially could collect, uhm, an  
19 individual apartment improvement rent increase. There  
20 also has been a change in the law, as of November  
21 2022, so that the owners can't charge rent stabilized  
22 tenants a surcharge for a self-installed air  
23 conditioner. So... and, but that also then depends on  
24  
25



1  
2 or has a caveat as to who is paying for the  
3 utilities.

4 So there has been, a step to protect tenants a  
5 bit more. So it really would, uh, involve... depend  
6 on certain circumstances, but there can be situations  
7 in which if, uhm, where an IAI could be added to the  
8 rent.

9 COUNCIL MEMBER RESTLER: Right. And, you know,  
10 we've looked at average install costs on an air  
11 conditioner in the few hundred range, so let's just  
12 say \$250. That would likely be about \$1.50 a month in  
13 additional rent, a \$1.50, maybe couple dollars if the  
14 install costs were higher.

15 But it's worth noting that landlords are limited  
16 in the number of IAIs that they can impose on a  
17 tenant over an 18-year period. Is that right?

18 DEPUTY COMMISSIONER JOFFE: HSTPA (Housing  
19 Stability and Tenant Protection Act) did include  
20 protections to that effect, yeah.

21 COUNCIL MEMBER RESTLER: Three... There IAI  
22 increases over an 18-year period, do I have that  
23 right?

24 DEPUTY COMMISSIONER JOFFE: You're testing all of  
25 my knowledge here. I believe that's (INAUDIBLE)...

1  
2 COUNCIL MEMBER RESTLER: A 15-year period, excuse  
3 me. Yeah, I'm testing your knowledge... (CROSS-TALK)

4 DEPUTY COMMISSIONER JOFFE: I... I believe  
5 that... I believe that to be true.

6 COUNCIL MEMBER RESTLER: That sounds right? Okay.  
7 So, and IAI improvements do require the approval  
8 of the tenant?

9 DEPUTY COMMISSIONER JOFFE: Yes.

10 COUNCIL MEMBER RESTLER: So... So, with tenant  
11 approval, you could see two, three, \$4.00 increase,  
12 something in that range (TIMER CHIMES) for an air  
13 conditioner device being installed in an apartment -  
14 if it were one of the three IAI increases that a  
15 landlord tried to impose in a 15-year period?

16 DEPUTY COMMISSIONER JOFFE: Under certain  
17 circumstances, as you're describing others, yes.

18 COUNCIL MEMBER RESTLER: Okay. I just wanted to  
19 make sure I had that right.

20 And, then, if I can, Chair Sanchez, one or two  
21 more questions? Thank you.

22 I would just love to ask, Deputy Commissioner  
23 Santiago, you and your team do, I think, a really  
24 impressive job during heating season, 100,000 or so  
25 inspections a year. Is that right?

1                   DEPUTY COMMISSIONER SANTIAGO: Yes, right...

2                   COUNCIL MEMBER RESTLER: You respond to every  
3 heating issue within 48 hours thereabouts?  
4

5                   DEPUTY COMMISSIONER SANTIAGO: Currently, yes.

6                   COUNCIL MEMBER RESTLER: Yeah, that's... It's  
7 impressive. We'll see. Hopefully, this... hopefully,  
8 we'll, I mean, I guess, I don't even know if I'm  
9 supposed to hope for mild winters anymore.

10                  Uhm, if we were to pass this legislation and,  
11 uhm, create a similar requirement during cooling  
12 season, from June 15th to September 15th, have you  
13 considered what the implications would be for your  
14 workforce - how many additional headcount you might  
15 need, uhm, to be able to achieve similar response  
16 times during the summer as you're able to do in the  
17 winter?

18                  DEPUTY COMMISSIONER SANTIAGO: Yeah, thank you,  
19 Council Member.

20                  We've started to think about this. Certainly,  
21 there would need to be an increase. At this point, we  
22 have not quantified that. I think we really need to  
23 understand how this would be enforced.

24                  You know, I think we do have some concerns about  
25 the bill as written in terms of the enforcement, so

1  
2 we would like to continue speaking with you on  
3 exactly how that would play out.

4 COUNCIL MEMBER RESTLER: Okay. Uhm, certainly  
5 welcome the ongoing conversations, and I will just  
6 say, the way I've always internalized HPD's work, or  
7 your team's work, I should say specifically, is  
8 heating season is bonkers, and crazy busy, and very  
9 intense, and you catch up on everything else during  
10 the rest of the year.

11 I think if we were to successfully pass this  
12 bill, it would make cooling season quite intense for  
13 you all to ensure that tenants are safe in the summer  
14 as well from extreme heat, and it would require an  
15 increase in headcount for HPD and for the enforcement  
16 team. And... so that we're ensuring that there's  
17 effective enforcement against every other issue in  
18 addition to heating and cooling, lead, etcetera.

19 So we want to have a real conversation about what  
20 those require... what those, uh, demands would be on  
21 HPD, so that we can plan for it and fund it  
22 appropriately, to make sure that enforcement is  
23 successful here.

24 DEPUTY COMMISSIONER SANTIAGO: I appreciate that,  
25 Council Member.

1  
2 COUNCIL MEMBER RESTLER: I have some additional  
3 questions, but I will defer back to the chair. I  
4 really appreciate the chance to go a little long.

5 CHAIRPERSON SANCHEZ: Thank you, Council Member  
6 Restler.

7 I am going to ask a few questions, and then we  
8 will go for round two. Uhm, or maybe we will just go  
9 round two, so that I can... I can align my questions.

10 Council Member Nurse, you had a quick followup?

11 COUNCIL MEMBER NURSE: I had a quick follow-up for  
12 the NYPD.

13 A story that the City did in 2022, uh, around  
14 illegal evictions and kind of the crisis that was  
15 growing, found that the PD was issuing... were  
16 issuing desk appearance tickets, despite the Patrol  
17 Guide explicitly saying not to.

18 So I'll just read the little expert (sic). It's  
19 very short... or excerpt.

20 "The NYPD made just 39 arrests for the crime of  
21 unlawful eviction in 2020 and 2021 when that crime  
22 was the top charge listed at arraignment according to  
23 state court data. The City's district attorneys have  
24 disclosed a dozen other cases in that time where  
25 landlords were charged with unlawful eviction in

1 combination with other charges such as assault. Many  
2 of the arrests led to desk appearance tickets, which  
3 allowed defendants to come back to court later even  
4 though the NYPD Patrol Guide explicit... expressly  
5 prohibits issuing the tickets for unlawful  
6 evictions.”

8 So I wanted to know, or if not today in the  
9 followup, if you could give us, data on how many DATs  
10 have been issued in 2024... and 2023 also?

11 Just because, you know, it... in my experience  
12 again, and I've been to a bunch of these before being  
13 here, but even in being here is that, you know, and  
14 look, I certainly am not interested in having a bunch  
15 of people arrested, but I think when... when you have  
16 a situation where a landlord isn't... has done... has  
17 broken the law and put people out on the street - and  
18 people now have to figure out what they're gonna do  
19 for the night and what to do with their belongings -  
20 It doesn't seem like there's ever any accountability  
21 on the day of, which is clearly not what the Patrol  
22 Guide would show.

23 And in the absence of... and I apologize if  
24 checklist maybe, uhm, if checklist, kind of made it  
25 seem like we're looking for something overly

1  
2 burdensome, but in the absence of like a clear set of  
3 factors and thresholds and conditions being met to  
4 determine if something was if there was an unlawful  
5 eviction or not, it just feels like people are just  
6 getting away with it.

7 And by the way, most times they don't even get  
8 back because they they've spent now the rest of their  
9 time figuring out where they're gonna live in an  
10 emergency situation. The courts are slow and backed  
11 up. They don't rule in time to get people back in the  
12 house.

13 And so an officer not taking action that day can  
14 render someone homeless. And so if you all are  
15 issuing desk appearance tickets versus arrests, it  
16 seems like the Patrol Guide is not being followed, or  
17 maybe it needs a refresher.

18 DIRECTOR LEVIN: Yeah, I'm unfamiliar with the  
19 article. I'll check it out myself as well. I'll  
20 follow up for that information. You asked 2023-2024  
21 DATs issued for unlawful eviction? Right? I got that  
22 right?

23 COUNCIL MEMBER NURSE: Yes.

24 DIRECTOR LEVIN: Yeah, I'll follow up for that.  
25

1  
2 I just want to just step back and say one thing,  
3 it's not like foot dragging, it's not unduly  
4 burdensome to have a list. My only concern is that  
5 sometimes when you put stuff in black and white, it  
6 just locks people into that mentality when we want  
7 them to be able to think outside the box in  
8 determining whether there's probable cause.

9 I believe those things are enumerated in our  
10 recruit training, but for... as Council Member Abreu  
11 asked, I will follow up with that as well, so you can  
12 see that it's not like hide... it's not like we're...  
13 we want officers to know the law. We train them with  
14 what the law is. We give them the tools. We're not  
15 trying to hide the ball or not give them what they  
16 need to be able to make the right enforcement. But, I  
17 will follow up on those things for you.

18 COUNCIL MEMBER NURSE: Yeah, it's just.. This is  
19 an example of ,like, the soft-type of crime that  
20 happens, uhm, that people who generally own  
21 properties, have much more wealth than others get to  
22 get away with stuff that other people - where in  
23 other situations there is clear, explicit criteria,  
24 and that should be the case here.



1  
2 I do have... My last question is, uhm, are  
3 trainings on unlawful evictions done within the PD,  
4 or with your officers, on an annual basis?

5 DIRECTOR LEVIN: So, I will have to double check.  
6 So, we will do refreshers. If an issue is perennial  
7 and keeps popping up, we will put out, like, the  
8 departmentwide videos or have roll call trainings  
9 where sergeants will say, hey, guys, don't forget,  
10 hey, girls, hey everybody, don't forget, you gotta do  
11 x y z if you're seeing a b c.

12 And, so, it depends on whether the issue is  
13 coming up or not, I can double check on that  
14 specifically for you.

15 COUNCIL MEMBER NURSE: It would great to know  
16 since 2020, since I think that's where we're really  
17 starting to see spikes, uh, or 2021, 2022, up to this  
18 year. You know, when was the, uh, any, uhm,  
19 curriculum on unlawful evictions incorporated into a  
20 training and on what frequency. Because this is a  
21 growing trend, uh, given that housing court is  
22 completely backed up, people are taking matters into  
23 their own hands in really destructive ways. And, so,  
24 it would be... I think it would be really pertinent  
25 to have a pretty consistent training on that.

1                   DIRECTOR LEVIN: Yeah, certainly...

2                   COUNCIL MEMBER NURSE: Particularly in, like, the  
3 South Bronx, North Brooklyn, I forget where the  
4 other, uhm, there's like a third highest area... Is  
5 it over by you? Maybe by, uhm, the chair. So, thank  
6 you.  
7

8                   DEPUTY COMMISSIONER SANTIAGO: If I can say  
9 something in answer to that same question?

10                  Thank you, Council Member Nurse. I know that as  
11 part of the Tenant Protection Cabinet and even  
12 before, uh, its creation earlier this year, there has  
13 been an Illegal Lockouts Working Group, uh, working  
14 across agencies and working with the PD. I am not  
15 part of the group, so I... we can provide you more  
16 detail.

17                  But I know they have been working on developing  
18 training with PD around these issues, uhm, and that  
19 they've created a resource guide for homeowners, on  
20 this as well - for small homeowners - on this as  
21 well, to help guide them in what is, uh, (TIMER  
22 CHIMES) in the legal lockout and what they cannot do.

23                  So, all that information about the training that  
24 they've been doing, we can certainly provide you in  
25 more detail.

1  
2 CHAIRPERSON SANCHEZ: Deputy Commissioner, do you  
3 have the list of the agencies that are on the Tenant  
4 Protection Cabinet?

5 DEPUTY COMMISSIONER SANTIAGO: Uh, I think it is a  
6 long list of agencies. I know HPD is on that list,  
7 DSS is on that list, uhm, the Mayor's Office is on  
8 that list. We can get you a full list of...

9 CHAIRPERSON SANCHEZ: Got it...

10 DEPUTY COMMISSIONER SANTIAGO: agencies that are  
11 participating.

12 CHAIRPERSON SANCHEZ: It's just you're not the  
13 representative, but HPD is the representative that...

14 DEPUTY COMMISSIONER SANTIAGO: I am not a  
15 representative for the Illegal Lockout Working Group.

16 CHAIRPERSON SANCHEZ: Got it...

17 DEPUTY COMMISSIONER JOFFE: Yes, so the HPD has a  
18 role, uhm...

19 DEPUTY COMMISSIONER SANTIAGO: Absolutely...

20 DEPUTY COMMISSIONER JOFFE: Right. Resource  
21 guides, training, uhm various... and specific to  
22 illegal lockouts, there's a media toolkit as well.  
23 And they've done a lot of targeted outreach in zip  
24 codes across the city.

1                   So, to your question, Council Member Nurse, they  
2 really are working to make those very targeted,  
3 (BACKGROUND NOISE) uhm, in high risk zip codes.

4                   CHAIRPERSON SANCHEZ: Thank you. Okay, Thank you.

5                   So just, another followup on Intro 993, uhm,  
6 Deputy Commissioner, in your testimony - and by the  
7 way, thank you for having a comprehensive testimony  
8 that address every piece of legislation, that is much  
9 appreciated - In in your remarks on Introduction 993,  
10 some of your concerns were related to the  
11 determinations that NYPD officers would have to make  
12 in order to, you know, determine who to give copies  
13 to, for instance, to changed locks, right, the keys  
14 to any changed locks. Is it the Administration's  
15 position, or what is the Administration's position  
16 regarding this action in general, whether it's NYPD  
17 or another agency? Should there be a role that the  
18 City has in helping to expedite people getting back  
19 into their homes faster?  
20

21                   DIRECTOR LEVIN: So I'll just speak from NYPD's  
22 perspective. Uh, based off the numbers I've seen, and  
23 I haven't... I don't have the anecdotal experience  
24 that that some of the other... the other ones you've  
25 mentioned, Council Member Nurse. But as I understand

1  
2 it, when a phone call is made to the landlord, the  
3 vast majority of the time, it resolves the issue.

4 I know any one time is too many times. Anyone  
5 who's out of their house at two o'clock a.m. is never  
6 a good thing. But we believe that NYPD has a specific  
7 mission to preserve the peace and to fight crime, and  
8 this one doesn't feel like it should live within PD's  
9 wheelhouse.

10 So if the question is, should we do everything we  
11 can to possibly help tenants who are improperly  
12 evicted? Yes. Nobody should be homeless out on the  
13 street because of some greedy landlord who has all  
14 the power. Right?

15 I just have... NYPD has some concerns about  
16 subsection (c), about who we would then have to give  
17 keys to. That... I think that's a really big concern  
18 for us, actually, and have some concerns... Listen,  
19 everyone talks about funding. I get it. But, you  
20 know, we'd have to find the officers. It's possible  
21 officers have these skills. We would have to train  
22 officers. We'd have to do refreshers and other set of  
23 trainings. We'd have to make sure they have access to  
24 the blank keys, and where to store them, and a

1 registry in every single precinct. We just have some  
2 concerns about how that would operationalize.

3  
4 DEPUTY COMMISSIONER JOFFE: And I think zooming  
5 out, absolutely. This is, uh, we spoke about this in  
6 testimony. This is what HPD is committed to doing.  
7 We're here to protect tenants. We're here to help  
8 people be stably housed. We don't benefit as a city  
9 when people are, experiencing any kind of housing  
10 instability, and we take these issues incredibly  
11 seriously.

12 What we're here to talk about today is the weeds,  
13 and how do we, uh, identify gaps in our current  
14 practice, how do we work together to close those gaps  
15 in the best way possible, and how do we do that while  
16 still ensuring that we have the tools that we need to  
17 get our job done?

18 But this is what we are here to do, and what  
19 we're focused on, and what this panel here  
20 collectively in our various jobs, what we focus on  
21 every day.

22 CHAIRPERSON SANCHEZ: Thank you so much, I  
23 appreciate that response.

24 On Intro 6, uh, well, the... I think I have the  
25 wrong number written down. So, in relation to

1 increasing penalties for unlawful evictions in  
2 particular, my understanding is that these  
3 penalties... that the penalty levels that we have  
4 today were set in the eighties and have not been  
5 revisited.  
6

7 So can you first tell us, just confirm whether  
8 that's true? When was the last time that the penalty  
9 schedule for unlawful evictions was revisited?

10 And second, can you... can you tell us about how  
11 much HPD has collected in penalties for unlawful  
12 evictions versus how many penalties were required to  
13 be paid?

14 DEPUTY COMMISSIONER SANTIAGO: Thank you again,  
15 Council Member.

16 Illegal evictions are not handled by HPD. Again,  
17 these are... would be under the law, under the  
18 jurisdiction of the Corporation Counsel, and I  
19 believe they have other tools that they might use in  
20 these cases. So we're happy to have the Law  
21 Department, circle back with you on this.

22 HPD's actions are around harassment or physical  
23 conditions, housing maintenance violations. That is  
24 what we represent in housing court and the,  
25 conditions that we seek to enforce.

1                   CHAIRPERSON SANCHEZ: So you do not have data  
2  
3 today on...

4                   DEPUTY COMMISSIONER SANTIAGO: I do not.

5                   CHAIRPERSON SANCHEZ: The amount of penalties?  
6 Okay. Do you have... do you know when the last time  
7 the penalty schedule was revisited?

8                   DEPUTY COMMISSIONER SANTIAGO: I do not. And,  
9 again, the Law Department would talk about their  
10 enforcement, whether it's under this provision or  
11 whether it's under other provisions of code.

12                   CHAIRPERSON SANCHEZ: Okay, thank you.

13                   Regarding, Council Member Restler's bill on  
14 cooling, does HPD or any other agency currently  
15 receive extreme heat complaints with within  
16 apartments? Is that something that is tracked by the  
17 City?

18                   DEPUTY COMMISSIONER SANTIAGO: Thank you for that  
19 question, Council Member. We do not accept complaints  
20 for it being too hot inside an apartment in the  
21 summer. That's what we're talking about, right?

22                   The one complaint we do receive is whether the  
23 heat is actually on in the summer.

24                   CHAIRPERSON SANCHEZ: Okay.  
25



1  
2 DEPUTY COMMISSIONER SANTIAGO: And that's a small  
3 number of complaints, but we can get you the exact  
4 numbers if you like.

5 CHAIRPERSON SANCHEZ: Got it, thank you.

6 Okay, just a couple of questions, regarding  
7 harassment claims.

8 Can you give us, uhm, in my testimony, my opener,  
9 I referenced that we understand five percent of CONH  
10 buildings have, uh, have been found to...have seen  
11 determinations of harassment.

12 Can you give us the breakdown of what are the  
13 most common types of behavior by property owner, uh,  
14 that are alleged in harassment cases?

15 DEPUTY COMMISSIONER SANTIAGO: I'm sorry, what are  
16 the most common types of?

17 CHAIRPERSON SANCHEZ: Behavior by property owners.

18 ASSISTANT COMMISSIONER WEITHMAN: Are you asking  
19 specifically about, uh, cases that are initiated by  
20 HPD, or...

21 DEPUTY COMMISSIONER SANTIAGO: And I understand  
22 that HPD is a part of all of these cases, right,  
23 through the HP Action. So do you have data on the  
24 universe of those and what, uh, what these landlords  
25 are or how these landlords are harassing?

1  
2 ASSISTANT COMMISSIONER WEITHMAN: Yes, we do not  
3 have data on the variety of harassment claims in all  
4 of the cases, uh, I can speak to what the Anti-  
5 Harassment Unit, uhm, includes in our cases. I think,  
6 uhm, you know, the definition of harassment in the  
7 Housing and Maintenance code obviously is fair game  
8 for tenants who are seeking their own claims.

9 But, we would have to look through, for the most  
10 part, uhm, all of the cases in order to make that  
11 determination.

12 DEPUTY COMMISSIONER JOFFE: I actually I want to  
13 jump in there.

14 You are familiar, Council Member, with, uh, or  
15 Chair with, our Research and Evaluation Team. They  
16 worked very closely with the folks who were working  
17 to design the CONH Pilot program, and that was based  
18 that was a very rigorous assessment of the factors  
19 that we could isolate that were really contributing  
20 to harassment, and that would allow us to proactively  
21 identify buildings where that had happened.

22 It's why we talk about the significance of the  
23 criteria so often. They were research-backed. So all  
24 of that came from really rigorous review of as much  
25 information that was available to us at the time.

1  
2 That was now a couple years ago, but that's... we  
3 believe that the... I'm... I was about to use a word  
4 that I don't think rigorous... rigorousness, I think,  
5 is still a word - but rigorousness of that criteria,  
6 we think, is part of why we saw such success within  
7 the pilot, because it really did come from that, uh,  
8 that type of work.

9 CHAIRPERSON SANCHEZ: Got it, thank you.

10 DEPUTY COMMISSIONER SANTIAGO: And just so I can  
11 provide a little bit of numbers regarding tenant  
12 harassment cases in housing court that are initiated  
13 by tenants. So in Fiscal Year 2024, about 2,500 cases  
14 included a claim of harassment on behalf of the  
15 tenant. And generally, you know, the tenants, uh,  
16 initiate these. The... one of the most common,  
17 obviously, reasons for that is the conditions in the  
18 building.

19 CHAIRPERSON SANCHEZ: Okay, got it. Thank you,  
20 that's really helpful.

21 One more from me, and then we'll go to Council  
22 Member Restler.

23 NYPD summons history, it's publicly available and  
24 includes summonses that are issued, for instance, for  
25 unlawful eviction. Does HPD incorporate this data

1  
2 into their enforcement programs or any of your data  
3 models?

4 And in general, can you just tell us what kind of  
5 information you're including into, for instance,  
6 what... which buildings you consider for litigation?

7 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
8 Member.

9 So we, are not currently looking specifically at  
10 illegal eviction data. We do look at findings of  
11 harassment, both in housing court, and I believe we  
12 look at HCR. We look at, new purchases of properties.  
13 We look at complaints at our own violations. We do  
14 look at some violations issued by other agencies as  
15 well to come up with that, uh, those analysis in  
16 various flavors.

17 CHAIRPERSON SANCHEZ: Got it, thank you. Thank you  
18 so much.

19 Council Member Restler?

20 COUNCIL MEMBER RESTLER: Thanks so much, Chair  
21 Sanchez.

22 And I did just want to say that I really  
23 appreciate the director of the Mayor's Office Of  
24 Climate and Environmental Justice, Elijah Hutchinson,  
25 being with us today and really appreciate his great

1 work, on behalf of the city and his constituent. So  
2 I'm not just saying nice things because he lives in  
3 District 33.  
4

5 Couple more questions, if that's alright, for  
6 the, stellar HPD team. I'm not sure if this one is  
7 for Deputy Commissioner Joffe or Santiago, but right  
8 now, tenants are concerned about extreme heat.

9 It's... we're going through one of our crazy heat  
10 waves or maybe it's just 80 degrees on November 5th.

11 Uh, they call 311, do any of those calls go to HPD?

12 People are concerned about the conditions in their  
13 home being unsafe, being dangerous?

14 DEPUTY COMMISSIONER SANTIAGO: Thank you, Council  
15 Member. So right now, as you know, there is no  
16 temperature at which it is too hot inside your  
17 apartment. So we continue to... although, as you  
18 said, yesterday it was 80 degrees, today it is 50  
19 degrees. We are accepting complaints regarding  
20 inadequate heat at this time.

21 COUNCIL MEMBER RESTLER: Right. So we only have  
22 inadequate heating complaints that get sent to HPD.  
23 Right now, if I understand correctly, somebody calls  
24 311, they're concerned about extreme heat. In all  
25 likelihood, if there's a cooling center that's open,

1                   they'll be directed to go to the cooling center, and  
2                   that's kind of the City's policy at this point.

3                   Right?

4                   DEPUTY COMMISSIONER JOFFE: I think that's why we  
5                   want to work with you. We take this issue incredibly  
6                   seriously. We do not yet have the legal  
7                   infrastructure...

8                   COUNCIL MEMBER RESTLER: Right.

9                   DEPUTY COMMISSIONER JOFFE: to take action about  
10                  it. That is what this process is about. And we are  
11                  looking forward to working on it - and doing it in a  
12                  way that we think prioritizes all of the important  
13                  things we talked about here today, City's climb  
14                  (sic)... well, that we talked about in testimony,  
15                  City's climate goals, thinking about those who are  
16                  most vulnerable, and really being able to implement  
17                  this in a way, based on our experience with various  
18                  enforcement programs, and that's what we need to do.

19                  COUNCIL MEMBER RESTLER: I really appreciate that  
20                  response, and I appreciate the constructive kind of  
21                  nature of your testimony and your engagement both  
22                  prior to and at the hearing. But I raise the question  
23                  just to say, I raise the point to say how lacking we  
24                  are currently. Right? That, like, our only move is to  
25

1 send somebody to a cooling center that, like, we've  
2 all seen the reports, they are not open on weekends,  
3 you know, overwhelmingly, uh, are inadequate,  
4 inconvenient, lacking, like, that's our solution to  
5 extreme heat, and it's just not good enough. Right?

6 And so, I appreciate your sentiment, that's why  
7 we need to create a regulatory structure to make it  
8 safer for people in their homes.

9 And, I'd like to ask a couple questions, if I  
10 may, of Assistant Commissioner Leone. Leoni? How do I  
11 pronounce it?

12 ASSISTANT COMMISSIONER LEONE: (NO MIC) Leone.

13 COUNCIL MEMBER RESTLER: Leone, good, thank you,  
14 sorry, Leone, Assistant Commissioner Leone. I  
15 appreciate you being with us.

16 So I'm just interested in your insight, uh, in  
17 your role as the Chief Sustainability Officer at HPD.  
18 You know, one of the tensions in this bill, right, is  
19 that we desperately want to keep people safe in  
20 extreme heat. That's the kind of guiding focus. We  
21 also don't want to exacerbate our climate challenges.  
22 Right?

23 And so are you seeing improvements in, uh, air  
24 conditioning devices that are less carbon intensive,  
25

1                   uh, cooling approaches that you think are more  
2 sustainable, uh, and that are the kinds of things  
3 that you think we should be focusing on or  
4 incentivizing, either in this legislation, or just  
5 more broadly?  
6

7           ASSISTANT COMMISSIONER LEONE: That's an excellent  
8 question and not an easy one to answer.

9           COUNCIL MEMBER RESTLER: Fair.

10          ASSISTANT COMMISSIONER LEONE: I think in your  
11 opening statement, you did talk about specifically  
12 efficiency standards and making sure all the pieces  
13 are in place for this kind of bill to work.

14          I think at best, right, an outcome aligns with  
15 all the climate goals of the City. Right? Low  
16 efficiency equipment that functions and is effective  
17 and efficient.

18          Right now, I think to your point, we're not there  
19 with the equipment that's on the shelf and ready to  
20 deploy today. We also have some policy challenges  
21 around cost shifting and paying for utilities.

22          I think that's change... I think we all see that  
23 changing rapidly as a result of the City's ambitious  
24 climate goals. Local Law 97 is driving a lot of  
25 action toward better equipment that's more suitable



1  
2 to, excuse me, to our building stock that will make a  
3 transition easier over time.

4 And I think that's what I would say, is we can  
5 see that if we can work together on a really  
6 strategic approach that allows for safety first now,  
7 and an evolving regimen of providing cooling over  
8 time, that we can all get there.

9 And we have to think about the equipment that we  
10 have now, the equipment we see coming, and really put  
11 in place (TIMER CHIMES) something that makes this  
12 transition in the market happen so that we can  
13 achieve the goals.

14 DEPUTY COMMISSIONER JOFFE: I think that...

15 CHAIRPERSON SANCHEZ: I'm sorry, Chair's  
16 privilege, uh, Council Member Restler, if you could  
17 turn it over to Council Member Nurse, uh, when you...

18 (CROSS-TALK)

19 COUNCIL MEMBER RESTLER: Go ahead...

20 CHAIRPERSON SANCHEZ: I need to step out for two  
21 minutes. Continue...

22 CHAIRPERSON RESTLER: Oh, when I'm finished, you  
23 mean? Okay, great. Uhm, I'm sorry...

24 DEPUTY COMMISSIONER JOFFE: I think if I may add,  
25 that is the challenge of a moment like this. You said



1                   So, uh, Council Member Nurse.

2                   COUNCIL MEMBER NURSE: Okay, no problem.

3                   I had a question about Intro 621, uh, more just  
4 for me to understand how to better think about this  
5 bill in terms of the operationalizing the inclusion  
6 of illegal evictions into the pilot program that you  
7 have.  
8

9                   Can you let, uhm, tell me how long did the  
10 research take in terms of developing that criteria,  
11 and if it was done in house or if it was, like,  
12 outsourced to some groups?

13                  DEPUTY COMMISSIONER JOFFE: So there was a working  
14 group that involved folks internally and externally.  
15 The research itself was done by the Research and  
16 Evaluation team at HPD, who, I am a bit biased, but  
17 does some of the best research in this area.

18                  COUNCIL MEMBER NURSE: We'll take your word for  
19 it, I'm sure they are.

20                  DEPUTY COMMISSIONER JOFFE: Yes. So, they led the  
21 research component of this, but the working group  
22 period actually predated both Marti and I, I think in  
23 our current roles - or you were involved from both  
24 sides. Uhm, but that actually was a multiyear effort.  
25

1  
2 COUNCIL MEMBER NURSE: Okay. And you said it was  
3 done most mostly in house with some external partners  
4 in the working group?

5 DEPUTY COMMISSIONER JOFFE: The policy was  
6 developed... did you want... sorry. The policy was  
7 developed as a collaborative interagency working  
8 group. The research itself, HPD has access to, uhm,  
9 unique data sources that other people don't. This is  
10 the same team that conducts the New York City Housing  
11 and Vacancy Survey, so they were providing a lot of  
12 that, uh, technical support.

13 ASSISTANT COMMISSIONER WEITHMAN: I would just add  
14 that the working group did include the external, uh,  
15 parties of advocates, legal services providers, as  
16 well as, uhm, some representatives from the landlord  
17 side.

18 COUNCIL MEMBER NURSE: Okay, and if you... If, I  
19 understand that it predated you all being there, but  
20 if... It would be helpful to know if unlawful  
21 lockouts, uh, illegal evictions were at all  
22 considered during that, uh, by that working group?

23 I don't imagine you might have it today, but if  
24 you could, in the followup, just let us know if it  
25 was considered and what some of the findings were or

1 the rationale for not including it. Because I think  
2 it would be, you know, I think the program sunseting  
3 in 2026; although, that seems like just around the  
4 corner, understanding, uhm, just isolating this one  
5 particular condition of an unlawful lockout might  
6 reduce the time needed to research, but, then, also  
7 if there was anything considered in the past that  
8 might additionally reduce the time to research that  
9 criteria and including it.

11 And then in terms of, uh, it sunsets in 2026,  
12 could you just expand on what happens after that?  
13 Like, is there a period right before it sunsets where  
14 you all are doing assessment, like, some proactive  
15 looking ahead and saying, like, we definitely want to  
16 continue this program, here's some tweaks we're  
17 already anticipating?

18 Because I'm wondering if there's a way to build  
19 this into some of that proactive assessment that you  
20 might be doing before the sunset.

21 DEPUTY COMMISSIONER SANTIAGO: Yes, and thank you  
22 very much, Council Member. So, actually, we have a  
23 report due to the City Council in November of 2025 in  
24 anticipation of that sunset.

25 COUNCIL MEMBER NURSE: Okay.

1                   DEPUTY COMMISSIONER SANTIAGO: So, that will  
2 include an analysis of the program, if we want to  
3 consider - and I think we will consider ,you know,  
4 strongly including this data, if we are able to  
5 obtain in a way that can be used for this purpose.  
6 So, that ,you know, be on the lookout for that, we'll  
7 make sure you...

8                   COUNCIL MEMBER NURSE: That's great...

9                   DEPUTY COMMISSIONER SANTIAGO: you get a copy of  
10 that report.

11                   COUNCIL MEMBER NURSE: And, then, just in terms  
12 of, it sunsets, got the report, then it sunsets, uhm,  
13 how long would you think before you reauthorize the  
14 program or make it a permanent factor?  
15

16                   DEPUTY COMMISSIONER SANTIAGO: And I think the  
17 goal of that report is to provide that information...

18                   COUNCIL MEMBER NURSE: Okay...

19                   DEPUTY COMMISSIONER SANTIAGO: to the Council,  
20 because you would have to reauthorize...

21                   COUNCIL MEMBER NURSE: Okay...

22                   DEPUTY COMMISSIONER SANTIAGO: the program, so...

23                   COUNCIL MEMBER NURSE: Thank you. (LAUGHS)

24                   DEPUTY COMMISSIONER SANTIAGO: So... Yes,  
25 (LAUGHS), so that's to provide you with the

1 information, uh, and our recommendations, of course,  
2 in that report, uh, to suggest what we might to  
3 include and what maybe didn't work so well, what else  
4 might need to be changed, or what really was the  
5 strong, uh, the strong aspect of the program.

6  
7 COUNCIL MEMBER NURSE: Thank you. I think that's  
8 all my questions.

9 CHAIRPERSON SANCHEZ: Thank you, no, I appreciate  
10 how much work you have done into this package, so  
11 these are great questions and they're helpful.

12 I want to turn it back to Council Member Restler.

13 COUNCIL MEMBER RESTLER: Thank you so much.

14 The, uh, (TIMER CHIMES) I just wanted to ask  
15 briefly about subsidies, and I'm not sure if Deputy  
16 Commissioner Joffe or somebody else might be able to  
17 jump in here.

18 But we looked back at the first year of COVID in  
19 2020 when we were all very anxious about people,  
20 especially older, low income seniors, leaving their  
21 homes before we had a vaccine. Same older, low  
22 income, folks are the people most vulnerable to  
23 extreme heat. Right - so people who  
24 disproportionately are dying from extreme heat,  
25 disproportionately going to ERs from extreme heat.

1  
2 In 2020, there was significant state subsidies  
3 made available, uh, to allow low income seniors to  
4 run air conditioning in their homes, because the last  
5 thing we wanted is people being forced to stay in  
6 their homes and then be suffering from dangerous  
7 extreme heat.

8 So based on the analysis that we did, we found  
9 that about \$70 million in subsidies was provided for  
10 low income seniors in New York City to help cover  
11 their utility bills and stay safe in their homes.

12 Have you all done any analysis of what amount of  
13 funding would be necessary to help keep low income  
14 tenants safe in their homes and, uh, to help them,  
15 you know, take advantage of the cooling devices they  
16 would newly have access to in this legislation?

17 DEPUTY COMMISSIONER JOFFE: Thank you for that  
18 question.

19 It is true that we view the ability to run the  
20 equipment as a very critical piece of this puzzle.  
21 And we certainly also look to some of the lessons we  
22 learned during COVID as instructive here. We... and  
23 have been advocating, I might say, for years, to  
24 really expand in this area. There are subsidies that  
25



1  
2 come from the state level, uhm, through the HEAP  
3 program, for example, but we recognize...

4 COUNCIL MEMBER RESTLER: That are pretty  
5 limited...

6 DEPUTY COMMISSIONER JOFFE: that... we recognize  
7 that more is necessary.

8 I don't think that we have a baseline number as  
9 to what the cost would be. Moreso, we have been  
10 focused on the question of how do you think about the  
11 criteria, in terms of who is getting to have access  
12 to this, for how long, and how you structure that. I  
13 think that's the focus that we've had. Estimating  
14 people's utility cost, isolated from, uhm, isolated  
15 to cooling, is a little bit more challenging. So, we  
16 have some great information that comes from the New  
17 York City Housing and Vacancy Survey but actually  
18 have not isolated specifically the costs per  
19 household for cooling. And we know that that's very  
20 variable for a whole host of reasons. And the folks  
21 who are most trying to get it, are not currently  
22 running their air conditioners at times. So, that's  
23 an area that we would continue to work on, but we  
24 absolutely think that expanding the criteria, making  
25 sure that we are actually able to get sustained

1 assistance to people is a critical part of this whole  
2 puzzle.

3  
4 COUNCIL MEMBER RESTLER: Okay. I just, you know,  
5 want to say plainly and clearly on the record that,  
6 you know, this legislation requires access to cooling  
7 devices, but the second piece of what we're trying to  
8 accomplish here would be significant city and state  
9 subsidies to make it affordable for the lowest income  
10 tenants to actually be able to utilize those cooling  
11 devices.

12 And I guess relatedly, DOHMH did their analysis  
13 not too long ago of what percent of tenants of  
14 apartment of households in New York City have access  
15 to cooling. Do you guys have any updated data on  
16 that, or is there anything you can share?

17 DEPUTY COMMISSIONER JOFFE: So I am not familiar  
18 with DOHMH's analysis, through the New York City  
19 Housing and Vacancy Survey, we are quite confident in  
20 the numbers that we collected... (CROSS-TALK)

21 COUNCIL MEMBER RESTLER: Please...

22 DEPUTY COMMISSIONER JOFFE: there. And we know  
23 that about, 90 percent of households have access to  
24 cooling through a variety of methods, whether it's,  
25 window installed or building wide. Uhm...

1                   COUNCIL MEMBER RESTLER: Do you break that down  
2 geographically in HVS?  
3

4                   DEPUTY COMMISSIONER JOFFE: I didn't bring it  
5 today. My understanding is there's not significant  
6 variation at the borough level, which is probably  
7 where we have it at. But, that... (CROSS-TALK)

8                   COUNCIL MEMBER RESTLER: My understanding of the  
9 data is that in low income predominantly African  
10 American communities, like Brownsville, East New  
11 York, areas in the South Bronx, uh, we see rates as  
12 low as 75 percent of households having access to  
13 cooling, and that's disproportionately where people  
14 are dying, right, from extreme heat.

15                   And so if we're looking at a 90 percent figure  
16 citywide, but in poor, predominantly Black  
17 communities, we're seeing 75 percent, Black and brown  
18 communities, 75 percent, that really means that in  
19 most middle income and higher income communities,  
20 we're in the mid-nineties or above, and it's really  
21 this is an issue that's concentrated in in low income  
22 communities.

23                   Is that a fair, uh, I mean, are you... And I'm  
24 not trying to... you're not looking at the data in  
25

1 front of you, but is that consistent with your  
2 understanding, Deputy Commissioner?

3  
4 DEPUTY COMMISSIONER JOFFE: I mean, I think just  
5 logically, based on how we see other trends playing  
6 out, yes. I just don't know that we have it at the  
7 sub borough level through the HVS, so that's why I  
8 hesitated.

9 But, absolutely, (TIMER CHIMES) this is a problem  
10 of, uh, resources, and we see this absolutely  
11 concentrated in low income communities, particularly  
12 communities of color.

13 What we found to be particularly concerning and  
14 striking is that, in addition to that 10 percent -  
15 which we're not minimizing, in a big city like this,  
16 that is a lot of households...

17 COUNCIL MEMBER RESTLER: Yes.

18 DEPUTY COMMISSIONER JOFFE: uhm, is that there's  
19 an additional big chunk of people, or of households,  
20 who are not running the air conditioner that they  
21 have, because they cannot afford the cost of  
22 utilities.

23 COUNCIL MEMBER RESTLER: Just to give a sense, the  
24 number of people who don't have access to air  
25 conditioners in New York City, that's more than the

1  
2 total populations of Washington D.C. Nashville,  
3 Denver, Seattle, San Francisco...

4 DEPUTY COMMISSIONER JOFFE: Yes.

5 COUNCIL MEMBER RESTLER: those whole cities are  
6 less than 10 percent... their total population of  
7 those cities is less than 10 percent of New York. So,  
8 these are large numbers...

9 DEPUTY COMMISSIONER JOFFE: Yes...

10 COUNCIL MEMBER RESTLER: of people that are  
11 hurting, and struggling, and at risk. So I know it  
12 can seem like when we say 90 percent of New Yorkers,  
13 it's like, oh, well, most people are okay. But there  
14 are lots of people that are struggling and hurting  
15 and are at extreme risk if we fail to act. And I know  
16 you're not saying otherwise...

17 DEPUTY COMMISSIONER JOFFE: And... Right...

18 COUNCIL MEMBER RESTLER: I know you, I'm really,  
19 I'm not trying to...

20 DEPUTY COMMISSIONER JOFFE: And it's another 16  
21 percent that we have identified that are not using  
22 their air conditioner. So, when you talk...

23 COUNCIL MEMBER RESTLER: Right...

24 DEPUTY COMMISSIONER JOFFE: the scale, absolutely,  
25 what we are talking about is a very significant...

1 COUNCIL MEMBER RESTLER: Right...

2 DEPUTY COMMISSIONER JOFFE: impact.

3 COUNCIL MEMBER RESTLER: Yeah, no, 20, I mean,  
4 that's a quarter of New York City, we're talking  
5 about Brooklyn. Right? Period. Not quite, but close.  
6 Brooklyn's more than a quarter. The, uh...  
7 Brooklyn's the best.

8 Chair Sanchez, thank you so much for the extended  
9 time, and thank you to the panel from HPD for your  
10 thoughtful answers, we appreciate it.

11 CHAIRPERSON SANCHEZ: Thank you, thank you so  
12 much, Council Member Restler.

13 I would like to acknowledge that we were joined  
14 at some point by Council Member Dinowitz and Council  
15 Member Feliz, and I forgot to shout them out, so  
16 thanks to them for joining.

17 With that, that concluded our questions for the  
18 Administration panel, so thank you so much.

19 I am going to call up next, uhm, Sarah Parker,  
20 sorry, it looked a D here, Sarah Parker from the New  
21 York City Independent Budget Office.

22 (PAUSE)

23 COMMITTEE COUNSEL: Uh, please raise your right  
24 hand. Do you affirm to tell the truth, the whole  
25

1 truth, and nothing but the truth, before this  
2 committee, and to respond honestly to council member  
3 questions?  
4

5 SARAH PARKER: I do.

6 COMMITTEE COUNSEL: Okay, you can begin.

7 SARAH PARKER: Good morning, Chair Sanchez, and  
8 members of the Committee on Housing and Buildings. I  
9 am Sarah Parker, a Senior Research and Strategy  
10 Officer at the New York City Independent Budget  
11 Office (IBO). Thank you for the opportunity to  
12 testify today.

13 I am here to discuss Introduction 994, which  
14 would require all tenant-occupied dwellings to have  
15 cooled and dehumidified air. Concerns about the  
16 City's more frequent and intense heat waves are real.  
17 Buildings, roads, and city infrastructure absorb and  
18 re-emit heat from the sun. This makes high  
19 temperatures even more dangerous in an urban area,  
20 particularly for its oldest and youngest residents.  
21 Attention to the needs of the City in relation to  
22 climate change is a topic well worth discussing. In  
23 its testimony today, IBO aims to provide context and  
24 considerations for policymakers in relation to  
25

1 Introduction 994. I will first focus on heat-related  
2 emergency room incidents in the City.  
3

4 Using hospital administrative data, IBO looked at  
5 the number of heat-related illnesses in New York City  
6 in the calendar years 2020 through 2023. The annual  
7 number of heat-related cases in this period ranged  
8 between 365 in 2020 and 625 in 2022. And this  
9 followed a general trend of increasing year over  
10 year. These numbers are almost certainly an  
11 undercount of heat related medical issues, as they  
12 only capture individuals who sought medical care at a  
13 hospital and not those who sought out treatment at  
14 clinics or who went untreated.

15 When looking at the age distribution of heat  
16 related cases, IBO found that older adults, those 65  
17 and older, tend to make up a greater proportion of  
18 individuals admitted to the hospital for heat related  
19 illness. On average, they are 24 percent of all  
20 cases, but comprise 45 percent of inpatient cases,  
21 meaning that they were admitted to the hospital.

22 I will now turn to discuss the costs associated  
23 with air conditioning and the home energy assistance  
24 program.  
25



1  
2 A major consideration related to this bill is how  
3 it will affect renters in New York City. Intro 994  
4 calls for a property owner to install a window air  
5 conditioner in residential rental units without  
6 central air or an existing window unit. Per the 2023  
7 Housing Vacancy Survey, as we just discussed, around  
8 11 percent or 257,000 occupied rental households  
9 reported that they did not have air conditioning.  
10 These units would be most immediately impacted by  
11 this bill. Citywide, there is variation by community  
12 district with some neighborhoods having notably lower  
13 shares of households with air conditioners than  
14 others.

15 While under this bill the owner pays for the  
16 appliance directly, economic theory suggests that  
17 some or all of the cost to purchase and install the  
18 air conditioner would be passed on to tenants in the  
19 form of rent increases. Apart from the cost of  
20 purchasing the appliance, there's also the cost to  
21 run the air conditioner. In most cases in New York  
22 City, tenants pay for their electricity.

23 Cost is a major barrier for households using air  
24 conditioning. Again, looking to the 2023 Housing  
25 Vacancy Survey, approximately 21 percent or 493,000



1 window air conditioner, which means higher heating  
2 costs for the building.  
3

4 On the topic of utility affordability, I'll now  
5 discuss the Low Income Home Energy Assistance Program  
6 known as LIHEAP or HEAP. This is a federal program  
7 through the Department of Health and Human Services,  
8 and New York State receives a block grant on an  
9 annual basis.

10 In New York State's current HEAP plan for the  
11 2025 year, the largest share of funds, 51 percent, is  
12 to be used for heating assistance, while only four  
13 (TIMER CHIMES) percent of funds is dedicated to  
14 cooling assistance. The cooling program operates on a  
15 statewide first come, first serve basis. And once  
16 funding is exhausted, the program is closed.

17 The summer 2024 cooling program that we just  
18 underwent was funded at \$22 million statewide, and \$8  
19 million was spent in New York City. It is notable  
20 that the number of benefits issued in New York City  
21 has more than doubled over the past four years,  
22 meaning the program is benefiting more households in  
23 New York City than ever before.

24 Demand for the program; however, always exceeds  
25 available funds. The HEAP cooling program works

1  
2 different than the heating program. The heating  
3 program provides direct payments to utilities on  
4 behalf of low income households to offset heating  
5 utility costs in the winter months. In contrast, the  
6 cooling program supplies appliances either with a  
7 window air conditioner or a fan but does not offset  
8 utility costs. HEAP eligibility is determined by  
9 income adjusted for household size per requirement  
10 sent annually by New York state. Our written  
11 testimony includes further details on the number of  
12 households in New York City that might qualify for  
13 HEAP.

14 The HEAP cooling program as it's currently  
15 structured is unlikely to provide a large source of  
16 funding to offset property owners' costs to implement  
17 Introduction 994. Additionally, HEAP funds, as it's  
18 currently structured, will not help New Yorkers pay  
19 for electric utilities in the summer months.

20 Lastly, I will discuss the capacity of New York  
21 City's electrical grid in peak summer months.

22 Adding air conditioners in summer months brings  
23 up questions around capacity of New York City's  
24 electrical grid. Demand typically peaks during summer  
25 months during heat waves, more cooling is needed and

1  
2 for longer periods of time. Demand for energy usage  
3 is expected to grow year over year. Utility companies  
4 have asked City residents to limit their energy  
5 consumption during summer heat waves to avoid  
6 outages. In fact, many utility companies have billing  
7 incentive programs that reward residents to use less  
8 energy during summer daytime hours.

9 While these are good for the environment and the  
10 stability of the energy grid, we have messaging from  
11 utilities to reduce summer electrical usage, and this  
12 is working against the goal of this bill, which is to  
13 increase household's access and use of air  
14 conditioning.

15 Thank you for the opportunity to testify. I'd be  
16 happy to discuss any of these topics in further  
17 detail.

18 CHAIRPERSON SANCHEZ: Thank you, thank you so  
19 much, very helpful testimony. Council Member Restler  
20 surprisingly has a couple of questions.

21 COUNCIL MEMBER RESTLER: (LAUGHTER) It sounded  
22 like there was a little shade in that from our  
23 distinguished chair, but I love her anyway.

24 Thank you so much, I really appreciate, Ms.  
25 Parker, you taking the time to testify and your

1  
2 incredibly thoughtful testimony. Just more broadly, I  
3 greatly appreciate the work of the IBO.

4 SARAH PARKER: Thank you.

5 COUNCIL MEMBER RESTLER: And, under, Ms. Joffe's  
6 leadership, I think you all have been doing even more  
7 exceptional work. It's so valuable for us as a  
8 council to have thoughtful, independent expert input  
9 on our policy making process. We don't have all the  
10 answers, uh, we certainly don't have all the answers,  
11 we try our best, but we really value the input that  
12 you're offering today and that the IBO consistently  
13 provides, you know, when we call on it.

14 I just would love to get a... I think the last  
15 point that you're getting at, which is how do we try  
16 - and this is kind of impossible question, so I  
17 would.. if you, uh, I don't expect any... but I'm  
18 just interested in your thought pattern. There is,  
19 uh, there is almost a contradiction between our  
20 desire to keep people safe during, you know, and  
21 reduce subsidies for lowest income tenants during  
22 extreme heat and the stability of the grid and  
23 reduction in emissions, right, that are working at  
24 cross purposes. Like, how do we try to line up the  
25 incentives so that we're providing access to cooling

1  
2 to people who need it, but not at the, uh, at the  
3 expense of achieving our climate goals or  
4 destabilizing our grid?

5 SARAH PARKER: That's a great question. So the  
6 underlying premise of this bill is to reduce and  
7 prevent heat related illness and death in New York  
8 City. One, there are... I almost think of it as a  
9 triangle. We have the question of access to air  
10 conditioning, which this bill aims to address, to  
11 provide more air conditioning to rental units so that  
12 people don't have to go to a cooling center, or go to  
13 a public space that is air conditioned, or even a  
14 commercial space and spend the afternoon shopping  
15 because it's air conditioned even if they buy  
16 nothing. That's one piece of this, access to air  
17 conditioning.

18 The second piece is the cost. How do we pay for  
19 air conditioning if we have these appliances?

20 And the third piece of this triangle is how does  
21 this fit in with our energy goals and our city's  
22 desire to reduce our reliance on fossil fuels and  
23 reduce overall energy demand?

24 COUNCIL MEMBER RESTLER: Mm-hmm.  
25

1  
2 SARAH PARKER: So when we're thinking about  
3 appliances, we have energy star ratings. There  
4 certainly are air conditioner... there's guidelines  
5 put out by the ASHRAE, which is the industry standard  
6 for heating and cooling on how to size an air  
7 conditioner for a room space - larger rooms need more  
8 larger air conditioners with more output, smaller  
9 rooms do not. The smaller an air conditioner, the...  
10 generally, the less electricity it uses.

11 So those are some ways, if we're focusing on the  
12 appliances, we can think about getting energy  
13 efficiency ones, thinking about how to best size it  
14 for this space.

15 In terms of...

16 COUNCIL MEMBER RESTLER: Utilization.

17 SARAH PARKER: Utilization, the question is, it  
18 really comes down to cost. This premise of providing  
19 appliances is only as good as people using them,  
20 particularly at times of most need, which then comes  
21 up with this tension of really taxing the energy  
22 grid.

23 Now an individual window air conditioner is not  
24 using the same level of electricity as a high rise  
25



1 office tower, to be clear. And the city has a lot of  
2 big buildings that are cooled almost to extremes...

3 COUNCIL MEMBER RESTLER: Yup.

4 SARAH PARKER: And a lot of commercial spaces  
5 where the front doors are left open. So we are...

6 COUNCIL MEMBER RESTLER: Illegal...

7 SARAH PARKER: air conditioning... (CROSS-TALK)

8 COUNCIL MEMBER RESTLER: (INAUDIBLE)

9 SARAH PARKER: there's a law against it, and I  
10 still see it.

11 COUNCIL MEMBER RESTLER: Yep, totally, don't  
12 tell... (CROSS-TALK)

13 SARAH PARKER: Air conditioning as I walk...

14 COUNCIL MEMBER RESTLER: Council Member Brewer...

15 (LAUGHS)

16 SARAH PARKER: So there are clearly many, many  
17 aspects on reducing our energy demand overall as a  
18 city that we need to be tackling.

19 COUNCIL MEMBER RESTLER: I... That was incredibly  
20 helpful and smart and well broken down. So, I really  
21 appreciate that thoughtful answer, I appreciate the  
22 thoughtful testimony, I appreciate the conversations  
23 that my office has had with the IBO on this bill, and  
24

1  
2 really would welcome further partnership as we try to  
3 move it forward, so thank you so much, Ms. Parker.

4 CHAIRPERSON SANCHEZ: Thank you, Council Member  
5 Restler. Thank you so much, Sarah, it's very, very  
6 helpful.

7 SARAH PARKER: Would it be helpful if I explained  
8 the individual apartment improvements any further?

9 COUNCIL MEMBER RESTLER: I would cert...

10 SARAH PARKER: I know that...

11 COUNCIL MEMBER RESTLER: I would certainly welcome  
12 if it's okay with (INAUDIBLE)...

13 CHAIRPERSON SANCHEZ: Sure, I just have a lot of  
14 people signed up for testimony, but go ahead, mm-hmm.

15 COUNCIL MEMBER RESTLER: Sorry...

16 SARAH PARKER: So this was something that came up  
17 when I spoke with your staffers, and I just wanted to  
18 clarify.

19 For rent stabilized apartments, if the tenant  
20 does not pay the electricity, the property owner  
21 does, an owner may charge a tenant an annual air  
22 conditioner fee, and this is \$418.59 is what it's  
23 currently set at. That is not part of what gets the  
24 rent increase when the Rent Guidelines Board sets the  
25 annual increase. It's not part of that calculation.

1  
2 But it is an annual surcharge to cover the cost that  
3 running an air conditioner will have on the property  
4 owner.

5 Separately, the cost to install an air  
6 conditioner, if the property owner is the one to pay  
7 for it, would be considered an individual apartment  
8 improvement, and that is a fraction of that cost can  
9 be put onto the legal rent - that is the monthly rent  
10 that the tenant pays. And that is the rent that then  
11 gets increased based on Rent Guidelines Board rules.

12 Back of the envelope, for a window air  
13 conditioner to be installed and applied to an  
14 individual apartment improvement, we're talking about  
15 two to... \$2.00 to \$5.00 a month.

16 So I'd like to highlight the annual charge that  
17 we see for air conditioners in instances where the  
18 owner pays electricity. And just to clarify, there  
19 are three... there's a limit on three individual  
20 apartment improvements in a 15-year period, but those  
21 can be a bundle of improvements. So it's not that  
22 installing a window air conditioner is a singular  
23 instance. It could be part of an owner does painting,  
24 replaces appliances, fixes windows, and installs a  
25 window air conditioner, and they would submit that

1 bundle of expenses as an individual apartment  
2 improvement.

3  
4 COUNCIL MEMBER RESTLER: That's very helpful, I  
5 really appreciate it.

6 SARAH PARKER: Thank you for your time.

7 CHAIRPERSON SANCHEZ: Thank you so much.

8 Okay, I will now open the hearing for public  
9 testimony. I remind members of the public that this  
10 is a formal government proceeding and that decorum  
11 shall be observed at all times. As such, members of  
12 the public shall remain silent at all times.

13 The witness table is reserved for people who wish  
14 to testify. No video recording or photography is  
15 allowed from the witness table.

16 Further, members of the public may not present  
17 audio or video recordings as testimony, but may  
18 submit transcripts of such recordings to the Sergeant  
19 at Arms for inclusion in the hearing record.

20 If you wish to speak at today's hearing, please  
21 fill out an appearance card with the Sergeant at Arms  
22 and wait to be recognized. When recognized, you will  
23 have two minutes to speak on today's hearing topic of  
24 *Tenant Harassment and Safety*, including the following  
25

1  
2 legislation: Introductions 621, 622, 623, 993, 994,  
3 1037, and Resolution Numbers 119 and 246.

4 If you have a written statement or additional  
5 testimony you wish to submit for the record, please  
6 provide a copy of that testimony to the Sergeant at  
7 Arms.

8 You may also email written testimony to  
9 Testimony@council.nyc.gov within 72 hours after the  
10 close of this hearing. Audio and video recordings  
11 will not be accepted.

12 The first panel consists of Michael Grinthal,  
13 Evan Ma, Evan Henley, and Justin La Mort.

14 (PAUSE)

15 CHAIRPERSON SANCHEZ: You may begin when ready,  
16 who is ready.

17 (PAUSE)

18 EVAN MA: Thank you. Good morning, thank you for  
19 the opportunity to testify.

20 My name is Evan Ma, and I am a Staff Attorney of  
21 the Civil Justice Practice at Brooklyn Defender  
22 Services. I have worked providing legal services to  
23 low income tenants since 2014.

24 We at BDS commend this committee's efforts to  
25 establish further protections for the most vulnerable

1  
2 renters of New York City with a slate of bills. BDS's  
3 civil justice practice aims to reduce the civil  
4 collateral consequences for the people we serve who  
5 are involved with the criminal, family, or  
6 immigration legal systems.

7 Due to our model of representation, we often work  
8 with New Yorkers before they even get to housing  
9 court. Our clients are more likely to be in informal  
10 or unstable living situations with landlords or  
11 roommates who may resort to self-help eviction.

12 Temporary orders of protection are an almost  
13 automatic part of most criminal cases. These orders  
14 require relatively little evidence and yet have  
15 immense power to separate families. Our clients  
16 facing criminal charges almost always have these  
17 orders issued against them. And too often, landlords  
18 feel empowered to evict our clients based on the  
19 order of protection alone and without filing a  
20 petition in housing filing a petition in housing  
21 court.

22 We are often able to intervene during these  
23 situations, but, of course, there are countless  
24 tenants who do not have that legal assistance.

1                   We applaud Intros 6021, 6022, and 6023 as  
2  
3 necessary protections against illegal lockouts. And  
4 I'll speak specifically on our, support of 6022.

5           Even though it is illegal to evict anyone who has  
6 lived in their apartment for more than 30 days  
7 without going through housing court, extrajudicial  
8 evictions are still very common, as you know. Many of  
9 these illegally evicted residents are known as  
10 "occupants", meaning they likely don't have long term  
11 rights to the apartment.

12           Most housing court judges have determined it  
13 would be futile to restore such occupants to their  
14 homes and dismiss their illegal lockout proceedings.

15           This practice, of course, does immense harm to  
16 the tenants who are illegally evicted. It also harms  
17 any tenants who are deterred from asserting their  
18 rights in housing court due to the chilling effect of  
19 this judge-made law. It empowers more landlords to  
20 rely on illegal lockouts without representation.

21           Today's bills would protect the rights of all  
22 renters and ensure that illegal lockout victims,  
23 (TIMER CHIMES) even those without a formal lease,  
24 would have recourse in housing court to return to  
25 their home.

1                   Can I finish quickly?

2                   CHAIRPERSON SANCHEZ: Please conclude, yep...

3                   (CROSS-TALK)

4                   EVAN MA: I apologize.

5                   CHAIRPERSON SANCHEZ: If you could summarize...

6                   EVAN MA: Although we support the goal of Intro  
7                   993, we recommend that it be revised to provide  
8                   detailed guidance about the specifics of this new  
9                   process and to designate a different agency other  
10                  than the NYPD to fulfill its goals. As a public  
11                  defender office, we see how granting broad discretion  
12                  to the NYPD and adding armed officers to already  
13                  volatile situations can quickly escalate and result  
14                  in irreparable harm for New Yorkers. Many of our  
15                  clients understand that calling the NYPD is often an  
16                  extremely risky proposition for their own bodily  
17                  safety.

18                  We advocate for a version of this bill that would  
19                  empower a different city agency to effectuate, its  
20                  goals. Housing is human right. Although the City  
21                  could go further to protect the housing rights of all  
22                  residents and ensure that housing court works fairly,  
23                  this slate of proposed laws contains nuanced  
24                  responses to specific and niche housing issues that  
25



1  
2 will affect positive change for thousands of New  
3 Yorkers. Thank you so much.

4 CHAIRPERSON SANCHEZ: Thank You So Much.

5 MICHAEL GRINTHAL: Good morning. My name is  
6 Michael Grinthal, and I am the Director of Housing  
7 Rights at TakeRoot Justice.

8 TakeRoot Justice is in support of all of the  
9 bills that are being heard today, but I especially  
10 wanted to thank Council Member Nurse for her  
11 leadership on the issues of illegal eviction, and I'm  
12 going to speak specifically to intro 622.

13 So as Mr. Ma said, it is illegal to evict  
14 somebody in New York if they are a lawful occupant  
15 without going through housing court. And a lawful  
16 occupant includes lots of people that we might not  
17 necessarily think of as having this right, including,  
18 uh people who don't have leases, family members,  
19 roommates, subletters, live-in caregivers after a  
20 tenant has left. These are people who are extremely  
21 likely to be illegally evicted.

22 And right now, the state illegal eviction law is  
23 not protecting these people. They fall through a  
24 crack, where when they go to housing court in order  
25 to get restored to their homes, which is what they're

1  
2 supposed to do, their cases are getting dismissed  
3 because they don't have leases. We believe that's a  
4 wrong interpretation of the law, but it is the one  
5 that most housing court judges are following, and it  
6 is what's happening to people right now.

7 Intro 622 is a... is something that the City can  
8 do to provide an alternate path for lawful occupants  
9 who don't have leases, who are illegally evicted from  
10 their apartments. It helps you, uh, it helps tenants  
11 or licensees use the existing harassment law to bring  
12 a case in the HP part of housing court, since illegal  
13 eviction already comes under the definition of  
14 harassment under the City Harassment Law.

15 The problem right now is that the HP part in  
16 harassment cases are not really well set up to work  
17 (TIMER CHIMES) for people who've been illegally  
18 evicted. The cases drag on for months, many judges  
19 don't recognize restoring somebody to their apartment  
20 as something that they have the power to do. Intro  
21 622 addresses those issues, and we think that it will  
22 make a big difference to hundreds of New Yorkers who  
23 are illegally evicted every year. Thank you.

24 CHAIRPERSON SANCHEZ: Thank you so much.

1  
2 EVAN HENLEY: Hi, good afternoon, my name is Evan  
3 Henley, and I'm a staff attorney at the Legal Aid  
4 Society, and thank you so much to the chair and the  
5 committee for holding this hearing.

6 The Legal Aid Society practices across all five  
7 boroughs, and we do see illegal lock lockouts  
8 happening, pretty frequently, and they are a scourge  
9 on our community for the reasons that have been set  
10 forth. And it's also clear that the current framework  
11 of laws and policies and practices is really failing  
12 occupants in the situation.

13 In our written testimony, we talk about a client  
14 in the Bronx whose trial took five-and-a half months  
15 to conclude. And when she did get a judgment in her  
16 favor, the landlord had changed the layout of her  
17 room, and so that was just a piece of paper that gave  
18 her no redress. So we are in support of measures to  
19 ensure that occupants have swift and effective relief  
20 in this situation.

21 Due to the limited time, I just do wanna focus on  
22 a few concerns that we have about some of the bills.

23 So with Intro 623, we certainly are in favor of  
24 increased penalties for landlords who commit  
25 misconduct. However, we think that the proscription

1  
2 on receiving the city benefits would have negative  
3 impacts that would outweigh the deterrent or punitive  
4 effect, particularly for tenants who rely on SCRIE or  
5 DRIE or have CityFHEPS, uhm, the inability to benefit  
6 from those subsidies could have really disastrous  
7 effects and cause them to be displaced.

8 For the Intro 993, we think that giving the NYPD  
9 that amount of discretion in that situation also  
10 could be harmful. You know, for example, sometimes  
11 landlords quickly rent to unsuspecting tenants after  
12 performing these illegal lockouts, and so changing  
13 the locks again, just by the police, I think, could  
14 be quite negative.

15 Then, the other bill regarding air conditioning  
16 for Intro 994, we definitely support the intent of  
17 that, but, uh, we share the concerns about the cost  
18 and would be happy to talk more to Council Member  
19 Restler about that. Thank you. (TIMER CHIMES)

20 CHAIRPERSON SANCHEZ: Perfect timing, thank you so  
21 much.

22 JUSTIN R. LA MORT: Good afternoon, my name is  
23 Justin La Mort, I'm a managing attorney at  
24 Mobilization for Justice (MFJ).  
25

1 MFJ has been fighting for tenants' rights for  
2 over 60 years, and we applaud the efforts to focus on  
3 illegal lockouts.  
4

5 I wanted to focus on 622 and 623 specifically.

6 In terms of 622, what we try to do is we heard  
7 there's a lack of data, so we randomly sampled 275  
8 illegal lockouts, primarily Manhattan and Brooklyn,  
9 because the courts, uhm, use a particular numbering  
10 system. But, unfortunately, due to privacy laws, this  
11 isn't data we can get from the Office of Court  
12 Administration.

13 Through that data, of those 275, around four  
14 percent of those cases ended through the futility  
15 doctrine. Just to be clear, the futility doctrine was  
16 created by the courts with no basis in law for over a  
17 100 years and allowed the courts to use speed in  
18 sacrificing justice. While it may be efficient to  
19 kick people out in the streets, it's not an effective  
20 use of the law, especially when dealing with  
21 complicated matters such as succession, regulatory  
22 agreements, or the new good cause laws that have  
23 passed through the state.

24 What we saw looking at the futility cases is that  
25 not only is it used in those four percent of cases,

1 but often is used as a threat to force other tenants  
2 to resolve cases by either dropping it or negotiating  
3 some sort of agreement to move out with the threat of  
4 utility hanging over the head by the judge. And the  
5 reason being is, currently the cases are being  
6 handled in the trial courts, who are overburdened -  
7 over 200,000 housing court cases, 50 judges with  
8 trials set out for months - But because these illegal  
9 lockouts must be handled so quickly, they push out  
10 trials and often it is something that makes the  
11 judge's job harder to do when coming managing their  
12 docket.

14 I also want to focus on the issue of 623. We  
15 support the increased penalties, but we do have  
16 concerns like Legal Aid when it comes to not allowing  
17 the use of subsidies. Looking at the data, of the  
18 cases where legal lockouts are brought, on average  
19 using just fixed data, the portfolio is... the  
20 average portfolio is at (TIMER CHIMES) 339 buildings  
21 or the median of 15 buildings. The average size of  
22 the building is 293 units or the median size of the  
23 12 units. The reason there's such a discrepancy is  
24 because we see giant buildings as small buildings,  
25 but we're talking about hundreds in buildings. And

1  
2 by restricting the use of SCRIE, DRIE, CityFHEPS,  
3 421-As, that could have collateral consequences of  
4 tenants who are there, and allow bad actors as a way  
5 to get around income protections and income  
6 discrimination of getting rid of a tenant to depend  
7 on that affordable housing. Thank you.

8 CHAIRPERSON SANCHEZ: Thank you so much.

9 Council Member Nurse?

10 COUNCIL MEMBER NURSE: Yeah, I just... just to  
11 clarify, those are for the landlord, not... any of  
12 those restrictions would not be for tenants. I just  
13 want to put that on the record.

14 And additionally, we wanted to put on the record  
15 that while we agree we don't want PD to have any more  
16 power, there is... I would love to know a city agency  
17 that has 24/7 boots on the ground. This bill was  
18 developed in coalition where there was just no other  
19 agency with the power to change the lock, at 12  
20 o'clock at night - one in the morning, when a super  
21 fails to show up, when a landlord fails to show up.

22 Uhm, we just don't have personnel on the ground  
23 besides PD. I mean, the next closest thing we have is  
24 sanitation workers, who are out by a certain hour.

1                   So the 24/7 piece, uhm, and this is why we asked  
2  
3 about, uh, what the hours are, like, when does an  
4 unlawful eviction generally get reported? I imagine  
5 it's when most people get home and realize their  
6 shit's out on the street, and we just don't have  
7 capacity on the ground.

8                   So we already proactively spoke with these  
9 groups. We would love to find anyone else to do this  
10 that actually has operational capacity, in any sense,  
11 for 24/7. So if you all have ideas, we'd love to work  
12 with you. Thank you.

13                  CHAIRPERSON SANCHEZ: Thank you so much, Council  
14 Member Nurse. Thank you so much to this panel.

15                  I would now like to call up Whitney Hu, Caleb  
16 Smith, Israel Sanchez, and Diana Hernandez. Oh,  
17 Whitney, Hu, not Ha! Hey, Whitney!

18                  WHITNEY HU: It's my... It's my handwriting  
19 (LAUGHS)

20                  CHAIRPERSON SANCHEZ: (LAUGHS) I take  
21 responsibility there. I'm, like, that sounds  
22 familiar, but... Okay, please...

23                  WHITNEY HU: I'll go ahead and go first. Good  
24 morning, my name is Whitney Hu, and I'm the Director  
25 of Civic Engagement and Policy at Churches United For



1 Fair Housing (CUFFH). At CUFFH we represent over  
2 25,000 members through our 40 church partners in  
3 Brooklyn and Queens, and we provide affordable  
4 housing services citywide.  
5

6 I'm here today on behalf of the tenants we serve  
7 to express strong support for the Illegal Evictions  
8 Act, uh, Intros 621, 622, 623, 093, and Reso 246 -  
9 that's a lot of words - and Cool Homes For All, Intro  
10 994. And thank you to Council Member Nurse and  
11 Council Member Restler.

12 These bills share a common goal, ensuring all New  
13 Yorkers have access to safe, stable, and dignified  
14 housing. Unlawful evictions and extreme heat related  
15 deaths disproportionately impact Black, brown, and  
16 low income communities, exposing systemic inequities.

17 When landlords illegally lock out tenants, they  
18 strip away basic housing rights, often forcing people  
19 into homelessness. Similarly, tenants without access  
20 to cooling during deadly heat waves face unlivable  
21 and life threatening conditions, including death.

22 Both legislative packages address these failures  
23 by holding landlords accountable and protecting  
24 tenants' rights. The Illegal Evictions Act  
25 strengthens enforcement, provides immediate remedies,

1  
2 and poses significant penalties on violators. It  
3 sends a clear message - housing is a human right, and  
4 no landlord is above the law.

5 Cool Homes for All ensures tenant safety year  
6 round by requiring landlords to provide cooling  
7 devices, extending protections already in place for  
8 winter heating. By requiring landlords to provide  
9 cooling devices, this legislation ensures tenants can  
10 live in homes that are safe year round, not just  
11 during the winter when heating laws apply.

12 Both proposals protect tenants from neglect and  
13 abuse while creating clear, enforceable standards for  
14 property owners. Taken together, these bills  
15 reinforce the City's commitment to treating housing  
16 as a as a right, not a privilege. They both address  
17 immediate harms or laying the groundwork for a more  
18 equitable, just housing system in New York City. And  
19 I would like to thank, uh, the chair for bringing us  
20 together. And that's what I have, thank you.

21 CHAIRPERSON SANCHEZ: Thank you so much.

22 DR. DIANA HERNANDEZ: Alright, good morning, or  
23 good afternoon now, New York City Council's Housing &  
24 Buildings Committee and Chair Sanchez.

1                   By way of introduction my name is Dr. Diana  
2  
3                   Hernández, I am a tenured professor in the Department  
4                   of Sociomedical Sciences at the Mailman School of  
5                   Public Health. I'm also the Founding Principal  
6                   Investigator of the Energy Equity Housing and Health  
7                   Program at Mailman, and the co-Director of the  
8                   Center... at Energy Opportunity Lab at the Center on  
9                   Global Energy Policy at the School of International  
10                  and Public Affairs at Columbia. I am a Mayoral  
11                  Appointee of the Environmental Justice Advisory  
12                  Council as well.

13                 I am testifying in my capacity as a leading  
14                 authority on the issue of energy insecurity in the  
15                 US. I have published nearly 100 peer reviewed papers,  
16                 book chapters and reports on this and related topics  
17                 and a forthcoming book called *Powerless: The People's*  
18                 *Struggle for Energy*.

19                 Energy Insecurity is defined as the inability to  
20                 adequately meet household energy needs. It has three  
21                 dimensions- which has everything to do with the  
22                 affordability of bills, a physical dimension, which  
23                 has everything to do with the physical quality of  
24                 housing, and coping, which has to do with the  
25                 adaptive strategies that people use when they cannot

1  
2 adequately meet the economic or physical conditions  
3 of their homes.

4 The pending Local Law, Intro 994, requiring that  
5 tenant occupied dwellings be provided with cooled and  
6 dehumidified air is a critical step in closing energy  
7 insecurity gaps in New York City.

8 I am here to both express my support for this  
9 measure by sharing evidence from published research  
10 that indicates a need for greater cooling access  
11 among New York City residents while also expressing  
12 concerns that without enhanced financial support for  
13 tenants, the assurance of air conditioning alone will  
14 not be enough to ensure safeguards against extreme heat  
15 at home.

16 There are substantial human health risks  
17 associated with excessively high temperatures in  
18 residential dwellings. From hyperthermia to  
19 heatstroke, sleepless nights, mental strain and even  
20 death, (TIMER CHIMES) the public health literature on  
21 the adverse health effects of extreme indoor heat is  
22 well established and incontestable.

23 These issues are also more pronounced with rising  
24 temperatures driven by climate change. There is also  
25 greater need for cooling at home. In disadvantaged

1 communities, urban heat island effects compound the  
2 need for indoor cooling while at the same time making  
3 it more expensive to cool.  
4

5 New York City regularly tracks air conditioning  
6 prevalence, uh, meaning how many households in New  
7 York City actually already have access to cooling.  
8 From this tracking, we know that over 90 percent have  
9 access to cooling at home, except in certain  
10 neighborhoods among them the highest, uh, low income  
11 groups, uh, households of color, renters, and  
12 households with preexisting health conditions.

13 As emphasized by Council Member Restler, every  
14 year in New York City, high indoor temperatures cause  
15 an, on average, 350 exacerbated heat deaths - 100  
16 percent of people who died of heat stress in their  
17 homes, either did not have a working air-conditioner  
18 or were not using it at all.

19 In 2020, the New York City COVID-19 Heatwave Plan  
20 was passed due to the swift action of the City  
21 Council and coordination among multiple city  
22 agencies. This emergency AC distribution measure  
23 enabled the installation of 73,000 AC units in homes  
24 over a three month period.  
25

1                   The program goal was to help low income older  
2 adults stay home safely during COVID-19 and extreme  
3 heat, supporting social distancing during the summer  
4 of 2020. In addition to the actual ac units, there  
5 were also modest utility bill credits for almost  
6 500,000 low income electricity customers at around  
7 \$35.00 per month.  
8

9                   This highly impactful program, known as the Get  
10 Cool Program, was a well targeted, uh, was well  
11 targeted such that populations with the highest  
12 levels of heat vulnerability and those at greatest  
13 risk of COVID were prioritized in the distribution of  
14 ACs.

15                   I was an academic partner in a program evaluation  
16 effort done in collaboration with the New York City  
17 Department of Health and Mental Hygiene that resulted  
18 in a peer reviewed paper published last year in the  
19 Journal of Urban, Health. In that paper, we presented  
20 the results from the Get Cool Program, which showed  
21 that it was highly successful in ensuring that more  
22 households in New York City were positioned to access  
23 cooling at home.

24                   The evaluation compared program beneficiaries to  
25 applicants that demonstrated interest, but were not

1  
2 enrolled in the Get Cool Program. And results  
3 indicate that Get Cool participants were able to  
4 access cooling at home compared to the prior year and  
5 also, uh, to non-participants. More Get Cool Program  
6 participants reported comfort at home. They were also  
7 more likely to... uh, less likely to report being  
8 sick at home compared to non-participants.

9 But almost... so just to kind of put this in  
10 context, almost an equal number of study participants  
11 did not go to cooling centers, really demonstrating a  
12 low uptake of cooling center use.

13 Another point of convergence was about a  
14 persistent challenge around energy affordability,  
15 particularly among Get Cool participants that  
16 expressed concerns around increased electricity cost  
17 compared... and then nonparticipants faced other  
18 barriers. So the participants were expressing  
19 concerns around affordability. The AC installation,  
20 landlord surcharges, and applying for cooling  
21 assistance were all substantial concerns for those  
22 that were non participants. And together, this shows  
23 that there is still a need to fill cooling gaps in  
24 New York City.

1                   We've done some additional work with the New York  
2 City Department of and Mental Hygiene. Just this  
3 year, we published a paper that was in Health  
4 Affairs, and we show that 28 percent of New York City  
5 residents experience energy and security, 30 percent  
6 of them are experiencing homes that are too hot, 15  
7 percent of them are experiencing... are not using  
8 their ACs due to cost.

9                   And in a report that we published this year with  
10 the Robin Hood Foundation, alongside the Columbia  
11 Center for Poverty and Social Policy, we demonstrated  
12 that 10 percent of New York City residents are  
13 falling behind on their utility bills and five  
14 percent, experience a disconnection due to  
15 nonpayment.

16                   Considering the aforementioned, I'm...

17                   CHAIRPERSON SANCHEZ: I'm sorry, I am just going  
18 to ask you to summarize, okay?

19                   DR. DIANA HERNANDEZ: Right now... uh, evident...  
20 thank you so much... A vast body of research showing  
21 the links between energy housing and health, there is  
22 definitely a strong rationale for establishing a  
23 cooling season during the months of high heat.  
24 However, in addition to establishing that, we also  
25



1                   need to be thinking about reforming the Home Energy  
2 Assistance program and making cooling assistance more  
3 robust, expanding the Energy Affordability Program so  
4 that more eligible households are actually enrolled,  
5 considering strengthening disconnection programs, uh,  
6 disconnection protections during summer months,  
7 ensuring that AC units are actually efficient, and  
8 that low intensity cooling options like ceiling fans  
9 are also part of this plan and that, uh, we also need  
10 to educate the public on indoor temperature set  
11 points that support health. Thank you so much for the  
12 opportunity.

14           CHAIRPERSON SANCHEZ: Thank you, thank you so much  
15 for your robust testimony.

16           ISRAEL SANCHEZ: Thank you, Chair Sanchez and  
17 members of the Committee. My name is Israel Sanchez.  
18 I am a campaign coordinator at the Association for  
19 Neighborhood and Housing Development.

20           ANHD supports the goals of Intro 994 to mitigate  
21 the effects of extreme heat on vulnerable New  
22 Yorkers. We've all heard the effects that extreme  
23 heat, rising temperatures have on the most vulnerable  
24 New Yorkers in our city due to the urban heat island  
25 effect, redlining, etcetera.

1  
2 It is critical that everyone has access to a  
3 thermally safe environment and cool temperatures in  
4 their homes, especially when cooling centers are not  
5 always available. However, at this moment, we are  
6 unable to support the legislation, because it is not  
7 structured in a way that is feasible to implement for  
8 our nonprofit owned affordable housing members.

9 ANHD's member organizations are already... are  
10 already struggling to maintain their buildings in the  
11 face of unaddressed rental arrears, uh, and rising  
12 insurance costs, and costly delays in backlogs.  
13 There's simply no money in their building's existing  
14 underwriting to pay for the new cooling systems,  
15 especially if we wanna encourage long term  
16 sustainability over quick fixes.

17 We recommend adding a temporary exemption in this  
18 bill for nonprofit-owned affordable housing, which  
19 should be required to meet the new cooling  
20 requirements, uhm, standards in existing buildings  
21 only at a point of refinancing or major renovations  
22 when the costs associated with the upgrades can be  
23 accommodated and any necessary structural or system  
24 upgrade work can be done more efficiently. This would  
25 ensure that our nonprofit-owned affordable housing

1 stock can be brought up to the max temp requirements  
2 proposed without sacrificing affordability or placing  
3 our community housing organizations under further  
4 financial duress.  
5

6 We also recommend committed funding in the next  
7 Council budget, to ensure that low income tenants,  
8 that are already struggling with rising rent and  
9 utility costs, have access to programs that can help  
10 them cover any increases in utility costs through  
11 programs such as HEAP.

12 And finally, I'd like to also state that ANHD  
13 supports the other bills being heard today, and we'll  
14 include some recommendations for strengthening  
15 modifications in our written testimony. (TIMER  
16 CHIMES) So thank you.

17 CHAIRPERSON SANCHEZ: Thank you.

18 CALEB SMITH: Hello. Good morning, Committee Chair  
19 Pierina Ana Sanchez, and Committee on Housing And  
20 Buildings. My name is Caleb Smith; I'm the resiliency  
21 coordinator at WE ACT For Environmental Justice.

22 WE ACT, a community based organization  
23 headquartered in Harlem, has been fighting  
24 environmental racism at the city, state, and federal  
25 level for more than 30 years.

1  
2 My role is focused on advancing health equity by  
3 advocating for extreme heat and flood adaptation  
4 policies.

5 I am here in support of introduction 994, because  
6 the map of New York City's most heat vulnerable  
7 communities bears a striking resemblance to a map of  
8 its formerly redlined neighborhoods.

9 It's no mistake that Black New Yorkers are twice  
10 as likely to die from heat stress as white New  
11 Yorkers. It's a consequence of policy decisions,  
12 decisions that perpetuate a lack of green space,  
13 limited access to air conditioning, and poor housing  
14 quality for low income and black communities.

15 Introduction 994 closes a policy gap we can no  
16 longer ignore. Now that we are in a humid,  
17 subtropical climate zone experiencing sustained and  
18 extreme heat, everyone must have a right to cooling.

19 Cooling at home is the most holistic response to  
20 address the unpredictable, indiscreet, and cumulative  
21 threat of extreme heat.

22 The MPCC-4 Report shows that heat exacerbated  
23 mortalities are increasing at non extreme  
24 temperatures between 82 and 90 degrees, which are  
25 increasingly frequent. This indicates delayed plans

1  
2 to acclimatize residents and adapt our built  
3 environments put our lives at risk.

4 We will continue to support this bill, ensuring  
5 that it uplifts the most protective health standard,  
6 feasibility of implementation for nonprofit and low  
7 income building owners, energy affordability, and  
8 housing stability for heat vulnerable tenants.

9 In our written comments, we detailed the  
10 potential amendments to help directly address these  
11 priorities. Thank you again, committee chairs, (TIMER  
12 CHIMES) for allowing me to testify on this matter.

13 CHAIRPERSON SANCHEZ: Excellent, thank you, thank  
14 you so much.

15 COUNCIL MEMBER RESTLER: I just want to thank this  
16 panel - especially Caleb and the team from WE ACT in  
17 helping us to shape this legislation, and Whitney and  
18 her team at CUFFH, for helping us to make sure that  
19 we're doing everything we can to protect tenants, and  
20 I really wanna thank the expert insight from Dr.  
21 Hernandez. We really look forward to continue... and  
22 ANHD. We continue to look forward to working with  
23 each of you as we shape this legislation in the weeks  
24 and months to come.

25 PANEL: Thank you.

1  
2 CHAIRPERSON SANCHEZ: Excellent, thank you, thank  
3 you so much.

4 We will now be turning remote testimony. Once  
5 your name is called, a member of our staff will  
6 unmute you, and the Sergeant at Arms will give you  
7 the go-ahead to begin. Please wait for the sergeant  
8 to announce that you may begin before delivering your  
9 testimony.

10 First up will be Hannah May-Powers, then Danielle  
11 Manley, followed by Irene Mex... sorry, I am going to  
12 get this wrong Mextaxtos, and finally Stanley Wong.

13 SERGEANT AT ARMS: You may begin.

14 HANNAH MAY-POWERS: Hi, and good afternoon, Chair  
15 Sanchez, and thank you for holding this hearing  
16 today. My name is Hannah May-Powers, I'm Health and  
17 Safety Policy Analyst at the Office of the Brooklyn  
18 Borough President, who I'm here in behalf of, and  
19 also in turn in behalf of Brooklyn tenants.

20 State and local legislative changes in the last  
21 few years have strengthened tenant protection, but  
22 issues remain. For example, during BP Reynoso's time  
23 in the Council, he was proud to pass the Stand for  
24 Tenant Safety bill package, a robust set of  
25

1  
2 regulations designed to protect tenants from  
3 landlords using construction as harassment.

4 The Council also passed and expanded the right  
5 for tenants to have counsel in housing court. And  
6 during the pandemic, the state temporarily paused  
7 housing court proceedings, giving tenants relief from  
8 eviction, at least through legal channels.

9 However, in order to side step these and other  
10 regulations, some landlords have become bolder,  
11 resorting to criminal behavior such as lockouts,  
12 shutting off utilities, and even throwing out  
13 tenants' possessions. Worse, recent reporting shows  
14 that NYPD frequently fails to hold landlords  
15 accountable for committing these crimes.

16 These issues are particularly acute in East New  
17 York and Brownsville where rates of illegal evictions  
18 are among the highest in the city. That's why Borough  
19 President Reynoso supports the Stop Illegal Evictions  
20 Act. These proposals clarify that illegal evictions  
21 constitute harassment, give tenants who have been  
22 illegally evicted a tool to use in court to stay in  
23 their homes and create stronger disincentives for  
24 landlords to engage in these illegal practices.

1                   In addition to this legislation, in the next  
2 budget cycle, we must ensure that our community based  
3 nonprofit legal services providers are well resourced  
4 and supported for the necessary work to organize,  
5 educate, and protect tenants. For example, we must  
6 fully fund the Anti-Harassment Tenant Protection  
7 Program, (TIMER CHIMES) lift caps on rollovers, and  
8 address how programs funds...(CROSS-TALK)

9                   SERGEANT AT ARMS: Thank you, your time has  
10 expired.

11                   HANNAH MAY-POWERS: Thank you.

12                   SERGEANT AT ARMS: You may begin.

13                   DANIELLE MANLEY: Dear Council Member Sanchez,  
14 Council Member Restler, and members of the Committee,  
15 uh, thanks you for the opportunity to comment today.  
16 My name is Danielle Manley (BACKGROUND NOISE) I am  
17 the Manager of Policy at Urban Green Council. We are  
18 a non-profit with a mission is to decarbonize  
19 buildings for healthy and resilient communities, and  
20 I am here to submit our feedback on Introduction 994.

21                   As others have said, extreme heat is the  
22 deadliest climate hazard in New York City, claiming  
23 an average of 350 lives each year, and climate change  
24 is making our summers hotter.  
25



1                   As we see it, Intro 994 aims to achieve two goals  
2 to address this problem. First, is to mitigate life  
3 safety risks for the most heat vulnerable New  
4 Yorkers, and second is to enshrine a right to cooling  
5 for all residential tenants in the same manner that  
6 there's a right to heat.  
7

8                   Urban Green strongly supports both of those  
9 goals, and we welcome the opportunity to work  
10 together to achieve them. But as others have said,  
11 there are key challenges with the bill as drafted  
12 right now, and we think that thoughtful engagement is  
13 needed to navigate them before moving forward.

14                   My written comments offer more detail, and some  
15 of these have been set already, but those challenges  
16 include, one, that utility costs are a major barrier,  
17 because those who need cooling often cannot afford to  
18 pay for it; two, most large buildings will not have  
19 heat pumps in the four-year time frame laid out in  
20 this bill; three, that means that inefficient and  
21 secondhand window units will become the lowest cost  
22 option, unintentionally leading the city's most  
23 vulnerable residents getting the worst performing  
24 equipment; fourth, the grid is already strained and  
25 most polluting on hot summer days; and last, there

1  
2 are some building science and technology hurdles that  
3 practitioners say are difficult or impossible to meet  
4 as its drafted right now.

5 But, to be clear, we don't feel that these  
6 obstacles are permanent or insurmountable, and we  
7 want to this to succeed. So, we recommend four steps.  
8 First is to start with a requirement for cooling in  
9 all new buildings, don't leave the option on the  
10 table; second, is to identify the truly vulnerable  
11 residents without AC and target programs for them  
12 today - we don't have to wait to help them; third, is  
13 to require a study with broad stakeholder engagement  
14 to navigate the issues that have been raised today,  
15 that are sometimes at odds with one another, in a  
16 citywide right to cooling bill, and offer funding in  
17 the City's budget for it; and fourth, consider  
18 minimum efficiency standards for window air  
19 conditioners in this or any other future bill on this  
20 topic.

21 Thank you for your time, and we look forward to  
22 collaborating on a path forward for this.

23 CHAIRPERSON SANCHEZ: Thank you, thank you so  
24 much.

1 I would now like to call Irene (UNINTELLIGIBLE),  
2 sorry, Irene M.

3 IRENE MEXTAXTOS: (LAUGHS) Mextaxtos, uhm...

4 CHAIRPERSON SANCHEZ: Sorry, thank you.

5 IRENE MEXTAXTOS: That's okay, I'm used it.

6 Thanks for the opportunity to testify. I am a  
7 longtime rent stabilized tenant in the East Village.  
8 I wholeheartedly support any and all bills that  
9 support tenants from predatory landlords. There's a  
10 desperate need for stronger legislation to stop  
11 landlords from being able to carry through baseless  
12 evictions and to continue to harass tenants.

13 My landlord, Mark Scharfman, owns roughly a 140  
14 rent stabilized buildings in this city. He bought my  
15 building in 2005, then tried to evict me in 2007, in  
16 2015, and just last year in 2023.

17 They usually slap their fraudulent notices on my  
18 door before and during holidays, then adjourn and  
19 adjourn the court dates. I'm currently waiting for a  
20 housing court judge's decision on eviction  
21 proceedings brought against me last year in November.

22 From March 2023, my apartment was unlivable due  
23 to repeated sewage floods from an improperly plumbed  
24 Frankenstein duplex apartment above. Uh, this  
25

1 affected all the apartments in my line eventually  
2 because the landlord chose not to address it for five  
3 months.  
4

5 We had to call the fire department multiple times  
6 because, Beach Lane management ignored our calls and  
7 emails during the flooding - and to address  
8 conditions that lasted for months afterwards.

9 Imagine sewage coming up into your sink and  
10 bathtub, coming down through light fixtures, shorting  
11 electricity, making holes in the ceiling, streaming  
12 down the walls of my kitchen and bath, and not  
13 stopping. I was left alone with these conditions for  
14 months and months. The land ordinate did not address  
15 the source of the sewage flood and ignored tenants  
16 called for help.

17 Calling HPD, DOB, and DHCR did not force the  
18 landlord to address the problem sooner. This slick,  
19 duplex apartment was created from two rent stabilized  
20 apartments (TIMER CHIMES) that had mickey mouse  
21 plumbing. Multiple DOB... (CROSS-TALK)

22 SERGEANT AT ARMS: Thank you, your time expired.

23 IRENE MEXTAXTOS: Well, that's sad...

24 CHAIRPERSON SANCHEZ: Did you want...

25 IRENE MEXTAXTOS: (INAUDIBLE) time...

1  
2 CHAIRPERSON SANCHEZ: Do you want to summarize?

3 IRENE MEXTAXTOS: Uhm, I just think that landlords  
4 have been given just free reign to bring evictions  
5 that are baseless, and continuous, and that city  
6 agencies really don't prevent it from happening. He's  
7 on the list, and he has done it quite a few times.  
8 And I feel like legislation is too weak, and it...  
9 You know, he has a greedy landlord. He is... He has  
10 lawyers downtown that continuously are there for  
11 whatever... whatever they want. You know? And they  
12 will do it over and over again, because it's just too  
13 easy.

14 So, you're dealing with after evictions happen,  
15 but I am the before ,you know? And I have withstood  
16 countless, *countless times* based on nothing. I was  
17 taken to Supreme Court as well, where they tried to  
18 overturn a DHCR... whatever. Anyway, so I do have  
19 more to say, but, okay...

20 CHAIRPERSON SANCHEZ: Thank you, thank you for  
21 joining us today.

22 Stanley Wong?

23 (PAUSE)

24 SERGEANT AT ARMS: You may begin, Stanley.  
25

1  
2 STANLEY WONG: Thank you. Good afternoon, uh,  
3 thank you to this committee for holding this hearing  
4 and the opportunity to comment.

5 My name is Stanley Wong, I'm a staff... I am a  
6 housing staff attorney in the Manhattan Unit of Legal  
7 Services NYC, the largest provider of civil legal  
8 services in the country.

9 We support the bills today that seek to restrain  
10 illegal evictions as sensible proposals that will  
11 provide much needed stability to working class and  
12 lower income families and protect due process for all  
13 New Yorkers.

14 We believe Intro 623 is an important step to  
15 disincentivize unlawful eviction unlawful evictions.  
16 However, we encourage the Committee to rethink its  
17 five-year ban on participation in city tax credits,  
18 abatements, or subsidies, which would likely have  
19 unintended negative consequences for the tenants the  
20 bill is meant to protect.

21 We urge the Council to continue engaging with  
22 community stakeholders to explore the options in  
23 addition to monetary penalties.

24 Similarly, we believe interest for 622 provides  
25 much needed safeguards to curbing illegal self-help

1 evictions by eliminating the futility doctrine, a  
2 legal principle that denies lawful occupants and  
3 their families their right to return to their homes.  
4

5 This bill would ensure property owners and courts  
6 respect due process as well as provide stability for  
7 the number of rent burdened families in New York City  
8 who are unable to find alternative affordable housing  
9 in a short period of time.

10 Going to Intro 621, the bill would enhance the  
11 efficacy of the Certificate of No Harassment program  
12 and give proper attention to future development as we  
13 continue to protect current affordable housing stock.

14 We support Intro 1037's proposal to provide for  
15 the dissemination of crucial information regarding  
16 occupants' potential rights, which would both protect  
17 individuals and bolster rent stabilization laws.

18 And finally, resolution 119 would reinforce  
19 justice and fundamental fairness in our courts while  
20 protecting families who often are on the other side  
21 of the stark power imbalance when seeking to have  
22 their rights vindicated.

23 I thank the City Council for its attention in  
24 these critical issues that impact hundreds of  
25 thousands of New Yorkers.

CHAIRPERSON SANCHEZ: Thank you, thank you so much for joining us today.

My next... I'd like to call Shраван्थि Kanekal.

SERGEANT AT ARMS: You may begin.

SHRAVANTHI KANEKAL: Good afternoon, Chair Sanchez and members of the Council. My name is Shраван्थि Kanekal and I'm the Senior Resiliency Planner at the New York City Environmental Justice Alliance (NYC-EJA).

Founded in 1991, NYC-EJA is a non-profit citywide membership network linking 13 grassroots organizations from low-income neighborhoods and communities of color across all the five boroughs in their struggle for environmental justice.

NYC-EJA is here today to lend our support for Intro 994, establishing a maximum indoor temperature regulation. We want to ensure that the City government needs to change its policy, management, and response to extreme heat. It needs to expand existing strategies and invest in new ones to reduce the urban heat and island effect and protect and prepare New York City residents from the increasing risk and dangers of heat, particularly the most vulnerable among us.



1  
2 Cooling strategies can no longer be regarded as a  
3 privilege, but rather must be seen as a necessity for  
4 the health and safety for the most vulnerable New  
5 Yorkers.

6 According to the most recent report from the New  
7 York City Department of Health and Mental Hygiene,  
8 heat is, as many have noted, heat is estimated to  
9 cause approximately 350 excess deaths annually with  
10 the highest burdens among Black New Yorkers, who are  
11 twice as likely to die of heat related or exacerbated  
12 heat impacts than white New Yorkers.

13 The report also states that heat exacerbated  
14 deaths were more likely to occur at home,  
15 underscoring the importance and access to cooling at  
16 home. And the lack of air... the lack of access to  
17 home air conditioning is the most important risk  
18 factor in a in a heat stress death. And amongst those  
19 who died from heat stress, the place of death was  
20 most often an un air conditioned home.

21 For these reasons and many more, addressing this  
22 problem of heat head on and providing tenants with  
23 guaranteed cooling at home, which is what Intro 994  
24 would require, is the best way to prevent such dire  
25 health consequences and deaths from continuing.

1 We recognize that intro 994 presents

2 (INAUDIBLE)...

3 SERGEANT AT ARMS: Thank you, your time has  
4 expired. (\*NO AUDIBLE TIMER WAS HEARD)

5 SHRAVANTHI KANEKAL: Apologies, I will submit a  
6 more thorough written testimony. Thank you for the  
7 opportunity to testify today.

8 CHAIRPERSON SANCHEZ: Thank you, thank you so  
9 much, Shravanthi.

10 I would now like to call Isabel Friedman.

11 SERGEANT AT ARMS: You may begin.

12 ISABEL FRIEDMAN: Good afternoon, Chair Sanchez  
13 and members of the Committee on Housing and  
14 Buildings. My name is Isabel Friedman and I am an  
15 advocacy associate at the Natural Resources Defense  
16 Council (NRDC).

17 NRDC strongly supports the intention and  
18 objective of Intro 994. We highlight several issues  
19 for the Council's consideration as it develops the  
20 final language of this important bill:

21 First, there can be little question that a  
22 cooling requirement should apply to all new  
23 residential building construction. This is consistent  
24 with PlaNYC which set the goal of codifying cooling  
25

1 requirements in new construction by 2025. Heat pumps,  
2 passive cooling, and other cooling efficient  
3 mechanisms can be used to mitigate an increased load  
4 on the grid and unnecessary additional greenhouse gas  
5 emission.  
6

7 Second, we need to prioritize vulnerable  
8 populations in the implementation of this bill. Black  
9 New Yorkers, New Yorkers over the age of 60, and  
10 those with chronic conditions, as well as those  
11 living under the federal poverty line have a higher  
12 risk of heat related mortality. We must prioritize  
13 these populations either through a phased  
14 implementation of the cooling requirement or through  
15 the specifying of bill language.

16 A third challenge to be resolved is how to ensure  
17 that low income New Yorkers can afford to run the air  
18 conditioners they already own or that are installed  
19 by building owners. We need to prioritize energy  
20 affordability, because even if low income New Yorkers  
21 have air conditioners, the issue of extreme heat  
22 isn't solved unless they can run them.

23 Two final points: We believe that a thoughtfully  
24 designed bill can be advanced in a way that doesn't  
25 conflict with Local Law 97 and impose a double burden

1 on landlords. We also believe that tenant protections  
2 against evictions and rent increases associated with  
3 installing cooling devices must be assured, either as  
4 a part of this bill or via other legislative or  
5 administrative mechanisms.  
6

7 Thank you for the opportunity to comment on this  
8 important issue. My NRDC colleague Eric Goldstein and  
9 I, along with our community partners, look forward to  
10 working with you to address these and the other  
11 issues that have been raised in this hearing.

12 CHAIRPERSON SANCHEZ: Thank you so much.

13 I would now like to call Samantha Guzman.

14 CHRISTOPHER LEON JOHNSON: (NO MIC) No, I was here  
15 before (INAUDIBLE)...

16 SERGEANT AT ARMS: You may begin..

17 CHAIRPERSON SANCHEZ: You're next.

18 CHRISTOPHER LEON JOHNSON: (NO MIC) (INAUDIBLE)

19 SAMANTHA GUZMAN: (NO RESPONSE)

20 CHAIRPERSON SANCHEZ: Bria Donohue?

21 SERGEANT AT ARMS: You may begin.

22 BRIA DONOHUE: (NO RESPONSE)

23 CHAIRPERSON SANCHEZ: Shannon Lumpkin?

24 SERGEANT AT ARMS: You may begin.

25 SHANNON LUMPKIN: (NO RESPONSE)

1  
2 CHAIRPERSON SANCHEZ: Okay, if we have  
3 inadvertently missed anyone that is registered on  
4 Zoom, please use the raise hand function to let us  
5 know that you are here.

6 I would now like to call up Christopher Leon  
7 Johnson.

8 (PAUSE)

9 CHRISTOPHER LEON JOHNSON: You let all the...  
10 Christopher Leon Johnson. You let all the nonprofits  
11 speak before me. That's some bullshit. Alright, let  
12 me make this clear, you're for the City of Yes. Like  
13 that's not right that what you did... You're for the  
14 City of Yes. I...

15 CHAIRPERSON SANCHEZ: We're going to need to stay  
16 on topic, alright? (CROSS-TALK)

17 CHRISTOPHER LEON JOHNSON: I'm staying on topic.  
18 This has to do with this, because these... these  
19 evictions... Everybody knows these evictions are  
20 disgusting, and the City of Yes has a lot to do with  
21 the evictions, and you're part of it Ms. Sanchez and  
22 you Mr. Restler and Miss, uhm, Mrs. Nurse.

23 This panel... This, I mean, this, uhm, public  
24 hearing is a sham hearing. All you council members  
25 are for the City of Yes, which will, uhm, evict all

1 these people out of these apartments, all these all,  
2 uh, undesirables... Let me correct, little clown,  
3 baldheaded clown, Kevin Riley, about undesirables.  
4 Undesirables meaning the people that pay less than  
5 market rate and rent in a certain... in apartment  
6 buildings. That's what undesirables means, Kevin  
7 Riley, not houses people (sic). So, that's what...  
8 this is... this is all about. The City of Yes will...  
9 Ya'll... All ya'll gonna vote for City of Yes in two  
10 weeks on the 21st, and all this gonna do is displace  
11 all of these people that they want out. This  
12 committee is... This little hearing today is a sham  
13 committee hearing. You guys are all for the City of  
14 Yes, you guys are here for... You guys are down with  
15 the slumlords and these corrupt landlords that all  
16 ya'll care about... that all care about is get all  
17 these people out these buildings, so they get all  
18 their... all their wanted tenants in that's paying  
19 five, six, seven, \$8,000 a month. Ya'll hate the  
20 people that pay \$2,000 a month. All you guys want to  
21 do with those people that pay that amount of money in  
22 rent is give them free food and...and free  
23 backpacks...  
24  
25

2 CHAIRPERSON SANCHEZ: Chris, do you have a... Do  
3 you have a... (CROSS-TALK)

4 CHRISTOPHER LEON JOHNSON: Yeah, I have a... yes!

5 CHAIRPERSON SANCHEZ: a position on the bills that  
6 are... (CROSS-TALK)

7 CHRISTOPHER LEON JOHNSON: Yeah, Im'a...

8 CHAIRPERSON SANCHEZ: being heard today?

9 CHRISTOPHER LEON JOHNSON: I'm against all these  
10 bills, because you guys are... are for it. You guys  
11 are frauds, you guys are hypocrites. And 2025 will be  
12 the year that all you guys will be voted out,  
13 including you, Ms. Sanchez. Ms. Sanchez, you're gonna  
14 be voted out in 2025 by Mr. Cabrera (phonetic). You  
15 will... You guys are frauds... You guys are fr... You  
16 guys support this... you guys are frauds...

17 CHAIRPERSON SANCHEZ: Thank you... Thank you so  
18 much for your testimony today, Chris, that...

19 (CROSS-TALK)

20 CHRISTOPHER LEON JOHNSON: You guys are frauds,  
21 (INAUDIBLE)...

22 CHAIRPERSON SANCHEZ: that will be all, thank  
23 you... (CROSS-TALK)

24 CHRISTOPHER LEON JOHNSON: Shoutout...

2 CHAIRPERSON SANCHEZ: That will be all, thank  
3 you... (CROSS-TALK)

4 CHRISTOPHER LEON JOHNSON: (UNINTELLIGIBLE)  
5 Cabrera 2025, man! I'm leaving... (CONTINUES SHOUTING  
6 UNINTELLIGIBLELY THROUGHOUT)

7 CHAIRPERSON SANCHEZ: Thank you... Thank you so  
8 much to all members of the public for joining us  
9 today. We really appreciate your testimony. These are  
10 important topics here that we are discussing, and I  
11 appreciate everybody's time and attention to what  
12 matters are before the Council. Thank you so much.

13 (GAVEL SOUND) (GAVELING OUT)

14

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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 December 7, 2024