



April 6, 2022

Testimony of Acting Commissioner Laura Kavanagh, FDNY
Agency Enforcement and the Twin Parks Fire

Good morning Chair Ariola and all Council Members present. My name is Laura Kavanagh and I am the Acting Commissioner of the New York City Fire Department. I am joined today by John Hodgens, the Acting Chief of Department for FDNY, as well as colleagues from the Department of Housing Preservation and Development (HPD). Thank you for the opportunity to speak with you about the fire at the Twin Parks housing development and about the legislation introduced by the Council in the wake of that terrible tragedy.

On the morning of Sunday January 9th, the Fire Department received a call about a fire in a duplex apartment in the Twin Parks North West building in the Bronx. The building has 120 residential units. The Fire Department arrived on scene just over three minutes later and the fire was largely contained to the apartment where it began and an adjacent hallway. The family living in the apartment of origin was able to escape without harm. However, the door to the apartment did not close and thick smoke extended swiftly throughout the building. The spread of smoke ultimately resulted in the death of 17 people, and 46 others were hospitalized.

Even for veteran first responders who encounter dire circumstances on a regular basis, the loss of life at the Twin Parks fire was staggering. Members of the FDNY respond to every emergency

with the goal of saving lives and minimizing harm. In this case, the heavy smoke moved rapidly, reaching stairwells, hallways, and other areas used by residents who were trying to escape. 200 firefighters and 57 ambulances responded to the scene. No one who arrived on scene that day will forget the devastation that they encountered. However, through diligent efforts, and at times placing themselves in peril, FDNY members were able to save the lives of 15 residents who were discovered in cardiac arrest, rescuing and transporting them to local hospitals. Dozens of other patients were assisted in escaping the building and received immediate medical care from EMTs and paramedics.

We are grateful to the Council for its interest in addressing issues that contributed to the loss of life at this fire and others. The foremost problem in this fire was that smoke was able to travel throughout the building. Though the fire itself did not spread beyond the apartment where it originated and the connecting hallway, firefighters found residents in need of aid on virtually every floor of the building. The apartment door remained open despite the fact that city code requires all apartment doors to close automatically. The Fire Department's investigation also found other doors throughout the building that were required to be self-closing but did not in fact close. This included doors leading into the stairwells, which filled with smoke as residents attempted to use them for egress and firefighters used them to access upper floors. In the aftermath of the fire, we participated in discussions with Councilmember Feliz, who represents the district where the fire occurred and Councilmember Sanchez, who represents a nearby district, and we are grateful for those conversations. Both councilmembers were interested in finding ways to make residents safer and that intention is reflected in their bills before the

committee today. Some of the bills being heard are relevant to the interests of the Fire Department and others are better addressed by our colleagues at HPD or other agencies.

Legislation

Introduction 104 & 105 – These bills, sponsored by Councilmember Feliz, would define the term “self-closing door” in the Housing Maintenance Code and amend the Code in a manner that clarifies that all doors providing access to interior corridors or stairs in R-1 and R-2 occupancies must be self-closing. We think this focus on self-closing doors is important, particularly given the role that they played in the fire at Twin Parks. As to the specifics of the changes to the code, we defer to our colleagues at the Department of Housing Preservation & Development.

Introduction 106 – This bill, sponsored by Councilmember Hanif, prohibits the sale of electric space heaters that do not have automatic shut-off and thermostat functionality and do not have certain certifications. The goal of eliminating the unsafe use of space heaters is a laudable one. As to the specific language, we defer to our colleagues at the Department of Consumer and Worker Protection.

Introduction 115 – This bill, sponsored by Councilmember Hudson, would change the required temperature maintained by landlords during heating season. The Fire Department does not have a position on this bill.

Introduction 131 – This bill, sponsored by Councilmember Sanchez, would amend current requirements regarding Fire Department fire safety education and outreach to residential

buildings to require that those activities include information pertaining to the safe operation of electric space heaters. The Fire Department supports this bill. We currently perform outreach that includes space heater safety and best practices. We have expanded those efforts in recent months. We think this change is a good one and we look forward to partnering with the Council to amplify fire safety messaging.

T2020-6552 – This bill, sponsored by Councilmember Carr, would require the Department of Buildings to waive DOB fees on permits to alter family dwellings to conform with the Fire Code. We defer to the Department of Buildings on this issue.

T2022-0084 - This bill, sponsored by Councilmember Carr, would amend the Administrative Code to require the installation of carbon monoxide detecting devices in basements. The Fire Department is in favor of technology that helps first responders reach carbon monoxide patients as quickly as possible. We defer to the Department of Buildings as to the specifics of these changes to the code.

T2022-0647 – This bill, sponsored by Councilmember Williams, would require HPD to inspect self-closing doors in a building’s common areas. We defer to HPD on these changes.

At this time, my colleagues from the Department of Housing Preservation and Development will offer testimony.

**Testimony of the New York City Department of Housing Preservation and Development
Regarding Introductions 104, 105, 106, 115, 131 and Preconsidered T2020-6552, T2022-
0084 and T2022-0647**

April 6, 2022

Good morning, Chairs Sanchez, Felix, Ariola and members of the Committees on Housing & Buildings, Fire & Emergency Management and the Twin Parks Citywide Task Force. I am AnnMarie Santiago and I am the Deputy Commissioner of Enforcement and Neighborhood Strategies at the New York City Department of Housing Preservation and Development. I'm joined by our Deputy Commissioner for Asset and Property Management, Anne-Marie Hendrickson. Thank you for the opportunity to testify on agency enforcement and the Twin Parks tragic fire.

The fire that took place at the Twin Parks North West affordable housing development in the Bronx on Sunday, January 9, 2022 was a devastating tragedy, and our hearts go out to all of the families affected. The City's heroic firefighters, EMS workers, and first responders responded within minutes, saving many lives. We mourn the 17 New Yorkers, including 8 children, whose lives were lost that day.

Since then, teams from across New York City including HPD have been working tirelessly to respond to this tragedy. Our first priority has been to attend to the needs of these families. Teams from HPD staffed the Emergency Management Service Center and have been coordinating with the building owner, the American Red Cross, the New York State Homes and Community Renewal (HCR), and our fellow City Agencies to ensure displaced residents have temporary and long-term housing. As Twin Parks is a State-financed property with Section 8 from HCR, our colleagues at HCR have taken the lead in working with the residents to identify permanent housing options for any households who did not wish to return to the building. In close coordination with HCR, HPD has been actively working with our partners in the affordable housing community to identify permanent housing options.

Before talking about the bills before us today, I would like to take a minute to talk about HPD's very pivotal role in housing code enforcement. Under the Housing Maintenance Code (HMC), HPD has very broad enforcement over housing conditions. The HMC intersects with multiple other codes in the city including the health code, the building code and the fire code. We require our inspectors to always look for nine issues on every inspection, five are health related and four are related to fire safety. We look at fire escapes and may issue violations for painted sprinkler heads and blocked egress when observed. I am not aware of any inspection agency whose staff is inside more homes than our inspectors and field staff are in every day. We were out there

throughout COVID – never standing down even at the height of the pandemic. Our agency is also tasked with addressing the most serious conditions when property owners do not, and we do this for HPD violations as well as other agency violations. We address lead-based paint when referred by the health department and we oversee the demolition of buildings ordered by the buildings department.

And with all of this responsibility, we take our role for ensuring the safety of New York City renters extremely seriously. In addition to responding to complaints about a lack of heat and hot water, no electricity and no water, among almost 200 additional conditions, we respond to fires every day, working to ensure owners make the repairs tenants need to return to their homes. HPD inspectors perform over 500,000 inspections annually, either proactively or in response to 311 complaints. Because we have so many important responsibilities, we recognize the need to be surgical in our approach to enforcement beyond the response to complaints. We have programs targeted to buildings that are consistently not up to code. We respond to the concerns of community groups and your offices about apartment and building-wide issues where tenants are afraid to file complaints for fear of reprisal. We need tenants and owners to be partners with us in keeping tenants safe, and we look forward to continuing to educate them about their rights and responsibilities.

Now to turn to the fire safety issues specifically that are the focus of this hearing. In New York City, self-closing doors are required in all residential buildings with 3 or more apartments under the HMC. Although tenants can file complaints about self-closing doors through NYC 311, and HPD will inspect, HPD receives very few complaints about this condition. Recognizing how important this issue is even while tenants were not complaining, and in response to a previous large fire in the Bronx in 2017 in which there were also fatalities, HPD modified its inspection procedure to proactively identify this condition and issue violations, following another serious fire. The procedural change mandated that during every inspection, Housing Inspectors check to see if the door of the apartment being inspected, and any public door they pass through on the way to the apartment, is a self-closing door, and if not, they write the appropriate violation. Local Law 111 changed the classification of the self-closing door from a class B violation to a class C immediately hazardous violation and set a correction period of 21 days, effective in June 2019. These changes lead to a significant increase in the issuance of these violations, with over 22,000 violations being issued for self-closing doors in FY21.

Most owners respond to the issuance of violations with corrective action. Half of the issued self-closing door violations were certified as corrected by property owners within 21 days. For those violations not certified as corrected timely, HPD initiates emergency repairs. This process results in additional doors being found to have been repaired already by the owners (just not certified), some repairs being completed by HPD vendors and in some cases there being no access for HPD's vendors to complete the work. When there is no access, we send notices to the

tenant asking them to reach out to our staff to arrange the repair. If HPD's vendor completes the emergency repair work, the property owner will be billed for the repairs. If the owner fails to pay, the charge becomes a tax lien against the property. The tax lien bears interest and may be enforced to collect the amount owed. In addition, the property owner may incur civil penalties related to the failure to comply.

HPD also periodically raises the issue of compliance with self-closing door requirements with building owners as part of its general outreach strategy, urging them to be proactive in checking the doors in their building to ensure that they are self-closing. We also made this issue more prominent in our general communications with tenants and owners, including an update to our *ABCs of Housing* information guide and updated our webpage on Fire Safety.

Given the tragic event at Twin Parks, we know more can and must be done to protect our fellow New Yorkers. We appreciate your attention to this issue and want to continue to work with you to ensure that the next steps forward are productive and effective.

In regards to Introductions 104, 106,131, T2020-6522 and T2022-0084, HPD has no concerns and defers to our colleagues at FDNY and DOB for comments. HPD does not have direct concerns about Int. 115, but we defer to our colleagues who have expertise in environmental efficiency and sustainability since increasing indoor temperatures will have an effect on the City's ability to reach it's goals toward reducing our carbon footprint.

In response to Int. 105, we support the concept of increasing civil and false certification penalties and look forward to discussing the details with Council Member Feliz and Council staff about the most effective way to frame those amendments. While we share your goals of ensuring that owners quickly meet their obligations to make repairs and confirming that those repairs are done properly, we have concerns about shortening the compliance period for owners and creating a mandatory requirement for HPD reinspections. Lowering the compliance period to 10 days creates a very short timeline in which to arrange for the availability of the tenant and address situations where the required repair is more complex than changing the self-closing mechanism such as where a door replacement is required. Creating a mandatory reinspection period for all self-closing doors, when there is a process in place for tenants to challenge an owner's certification and a process in place for the emergency repair program to dispatch vendors to conduct repairs when there is no certification or a false certification, limits HPD's flexibility to respond to other types of serious and potentially more imminently dangerous conditions. We would be happy to have more conversations about the best way to accomplish the goals we're discussing here today to make our city safer.

While we are still evaluating the scope of T2022-0647 and we will get back to Council once we have a full assessment, an initial review of the bill confirms that new resources will be needed, assuming we are reading the bill correctly to require inspections every two years in all multiple dwellings (which may number over 140,000 properties) where there are presumed to be public area self-closing doors. Those resources will include a new unit including Housing Inspectors to conduct the proactive initial inspections as well as to conduct the reinspections of any issued violations, additional administrative staff to handle scheduling, tracking, processing issued violations and new technology to enable the reporting required.

Finally, I want to reiterate the important changes we are making at HPD in compliance with Mayor Adams' Executive Order 12. We are excited to be partnering with the Fire Department around outreach and education, data collection and sharing and strategic thinking about future ideas for enhanced enforcement around fire safety issues. We have similar and strong partnerships with the DOHMH and DOB around issues where both agencies have jurisdiction and these partnerships have strengthened our enforcement and education initiatives. We believe, as Mayor Adams has stressed repeatedly in his discussions of this issue, that education for both property owners and tenants about how to stay safe and what to do in the event of a fire will go a long way towards preventing tragedies like the one at Twin Parks.

Thank you for your time and we look forward to your questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL SPECIAL COMMITTEE ON TWIN PARKS
CITYWIDE TASK FORCE ON FIRE PREVENTION, COMMITTEE ON HOUSING &
BUILDINGS, COMMITTEE ON FIRE & EMERGENCY SERVICES - OVERSIGHT-
AGENCY ENFORCEMENT AND TWIN PARKS FIRE
APRIL 6, 2022**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Oswald Feliz, Chair Pierina Ana Sanchez, and Chair Joann Ariola for holding today's hearing on the Twin Parks fire.

What happened last January was a terrible tragedy with 17 people, including eight children, losing their lives to one of the deadliest fires in the City's recent history. I also honor the many firefighters who risked their lives to help people escape from the fire. I know we will hear from those who survived from this tragic fire. I recommend the administration stay to hear their stories from a traumatic experience.

The reality is that too often fires in our City take place in communities of more color. The Fire Department's own data shows that, from May 2020 to May 2021, a majority of the districts with the top ten number of recorded fires were communities of more color. Half of those districts alone have a substantially higher immigrant population. In addition, in eight of the 12 districts with the most fire incidents, Black residents were the majority. Clearly, these fires are not random. They reflect the City's neglect of communities of more color.

I agree with Mayor Adams that what happened last January was an unspeakable tragedy. I welcome the administration's recent decision to increase coordination between FDNY and the Department of Housing Preservation and Development. It is a critical first step, and I hope we build on this. That is why the administration should commit to targeting the systemic inequities that cause such fires in the first place. One start can be ensuring repairs that are requested are also performed. Tenants should feel there is a system of accountability when repairs are not done.

At the same time, questions must be raised about the Mayor's Fund to Advance New York. While over \$3 million was raised, just 10 percent was distributed by March. When the families of those who survived the fire made public their concerns and frustrations, the Mayor decided to give another \$3 million to the 150 families. I am concerned over the initial lack of fund

distribution, location of critical supplies such as clothing, and the overall structure of the Mayor's Fund.

One critical question is who exactly manages the Mayor's Fund to Advance New York. It is unclear who is collecting, distributing, and keeping track of funds. Who should families go to when they need more money to transfer out of hotels? How do we know the total amount of funds given to the Mayor's Fund? There were many donations given, including clothing intended for the families affected by the fire. Where did they go? Families did not receive any of them, but clearly they are somewhere.

I am equally concerned with the next step for families in hotels. Eventually, there will be 150 households transferring from a hotel to an apartment. It is unclear whether the administration will help these individuals, and it should be clear about the relocation process. These families should also be given cash assistance and emergency SNAP benefits if not done so already. The administration should also add at least two community-based organizations in handling cases instead of just having Bronxworks. This should be available to all regardless of immigration and lease status. Finally, the administration should ensure nutritious and culturally friendly meals to families after reports of a massive drop in food quality when vendors were switched.

The Twin Parks fire caused so much pain for families of those who lost their lives. It also caused trauma and suffering for those who survived the fire, now wondering where they can get permanent, affordable housing. This administration has a lot to answer over its commitment to preventing more tragedies and its handling of existing funds for these families. Thank you.

REBNY Testimony | April 6, 2022

The Real Estate Board of New York to The Committees on Fire and Emergency Management, Housing and Buildings, and the Special Committee on Twin Parks Citywide Taskforce on Fire Prevention of the New York City Council

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the City Council for the opportunity to provide testimony regarding the important issues surrounding the tragic Twin Parks fire.

The Twin Parks fire, which occurred on January 9th at 333 East 181st Street in the Bronx, was the deadliest fire in decades with seventeen lives lost, forty-four injured, along with the displacement of dozens of families from their homes and local community. It has rightfully initiated the important conversation on how to strengthen and build upon existing fire safety regulations to ensure that New York City does not experience such a tragedy again.

REBNY and our members work daily with FDNY, HPD and DOB to continue to strengthen all aspects of fire prevention. Residential buildings in New York City are subject to a variety of operational and physical fire safety regulations with conscious redundancies in place to ensure the health and safety of the public. With the advent of new technologies and an ever-changing cityscape, it is essential these regulations are reviewed and updated to safeguard against any threats to the public's wellbeing. The City generally reassesses and updates the Fire Code on a three-year cycle and implements other regulatory changes in the interim as needed. With this said, the recent tragedy at Twin Parks demands a review of existing fire safety policies to understand what failures or gaps in the regulations or their enforcement allowed this tragedy to occur.

REBNY aims to ensure that the industry can serve as a useful partner and stakeholder in the policy decisions that must be made in support of greater public safety, fire prevention and building maintenance. In addition to the legislation under consideration at this hearing, there are additional steps the Council could take to further improve fire preventative measures. These include:

- Establishing an affirmative obligation for building owners and managers to annually inspect the operations of self-closing doors and maintain records to document proof of that inspection.

- Establishing a process in which tenants are provided with the right to request a building owner to inspect a self-closing door and to require that tenants are provided notice on how to request this right, like processes for stove knob covers or window guards.
- Requiring FDNY to distribute the emergency preparedness guide and planning checklist annually instead of on a three-year cycle.
- Replacing the ability for residents to certify the presence of the emergency preparedness notice on dwelling unit doors with a requirement that owners conduct an annual inspection.
- Updating the emergency preparedness notice to ensure it is consistent with *close the door* notices to call greater attention to closing the door upon exit in an emergency.
- Working with FDNY to partner with building owners to test the viability of a residential fire drill requirement.

REBNY stands ready to work with the Council on all these suggestions as well as the legislation being heard today. To that end, comments on the specific bills under consideration are below.

BILL: Intro 104-2022

TOPIC: Defining the term self-closing door.

SPONSORS: Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Brewer, Riley, Yeger, Krishnan, Brannan, Williams and Won by the request of the Bronx Borough President Gibson.

REBNY supports this bill. Intro 104 would add a definition for the term “self-closing door” as it is used within the Housing Maintenance Code. In the aftermath of the Twin Parks fire, investigations concluded that the cause of the fire was initiated by a space heater. More tragically, residents were unable to escape the burning building due to smoke percolating through paths of egress, making it impossible to exit. This, unfortunately, was due in large part to the failure of doors to self-close.

While the existing Housing Maintenance Code establishes requirements for self-closing doors, there is no definition of this term. Adding such a definition to the Administrative Code would solve for this issue and bring greater consistency to this obligation.

While REBNY supports codifying a definition, we believe that any definition should include that a door be required to cross a strike plate and latch. The definition in Intro 104 does not require that a door must latch. A failure for a door to latch would not establish a fire safe enclosure compared to a door that can self-close and latch. Therefore, a definition should include the requirement that a door be able to latch.

For reference, the National Fire Protection Association defines self-closing doors as, “*Doors that, when opened and released, return to the closed position.*”¹ This definition could provide a useful reference for the Council in further considering this measure. REBNY is ready to work with the Council to strengthen this worthwhile legislation.

BILL: Intro 105-2022

TOPIC: Housing and fire safety.

¹ <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=80>

SPONSORS: Council Members Feliz, Ariola, Sanchez, Abreu, Hanif, Hudson, Riley, Krishnan, Stevens, Williams and Won by the request of the Bronx Borough President Gibson.

Intro 105 would reduce the amount of time for a landlord to correct a violation to keep or maintain self-closing doors from 21 days to 10 days. Once the 10-day window has run, it also requires inspection by the Department of Housing Preservation and Development within 14 days, regardless of whether the owner has submitted a certification of correction. It would also increase civil penalties for willful false certification by landlords of completed repairs and for Class C Housing Maintenance Code violations, also known as immediately hazardous violations. Finally, this bill would clarify that all doors providing access to interior corridors or stairs in R-1 and R-2 occupancy groups must be self-closing or equipped with a device that will ensure such doors close shut and are latched.

REBNY supports this bill. Intro 105 identifies a more appropriate penalty schedule for non-compliance with self-closing door requirements, and in conjunction with T2022-0647 will help create a more rigorous enforcement regime for self-closing doors, which will ultimately save lives.

In addition, REBNY supports raising penalties to the amounts outlined in the bill for willfully failing to correct violations.

While REBNY supports this bill, the Council needs to ensure that HPD has the appropriate resources to facilitate inspections in the new timeline established under the legislation. As resources for inspectors are already limited at HPD, DOB and FDNY alike, this could be a considerable challenge.

In addition, currently it is not clear that self-closing door requirements apply to individual dwelling unit entry doors. While this is assumed, it is not defined in Code. REBNY believes that it may be beneficial to provide clarity around this ambiguity, and to work with HPD, owners and managers to ensure that there are clear procedures for inspections of individual dwelling unit entry doors, record keeping obligations, and owner liability should a tenant refuse access for the purposes of an inspection.

BILL: T2022-0647

TOPIC: Inspections of self-closing doors in residential buildings.

SPONSORS: Council Members Williams, Hudson, Salamanca, Feliz, Riley, and Stevens.

T2020-0647 would require the Department of Housing Preservation and Development (HPD) to inspect self-closing doors in a building's common areas at least once every two years. It would require HPD to notify the building owner immediately of any self-closing door violation and requires that a building owner immediately take action to correct such violation. If such inspection reveals any immediately hazardous violation, HPD would conduct a re-inspection of the building after the building owner notifies HPD that such violation has been corrected or after 90 days since the agency identified the violation, whichever occurs first. Where a tenant or occupant of a residential building requests an inspection for an alleged violation, this bill would require that HPD inspect the immediate floor for self-closing door violations. If HPD discovers a violation, the agency would inspect all other common areas in such building to confirm any additional self-closing door violations.

REBNY supports this bill. Codifying an inspection requirement and defining the scope of the inspection of self-closing doors in building common areas is an important step to prevent future tragedies like what happened at Twin Parks.

To make this inspection requirement more effective, REBNY encourages the Council to ensure that adequate resources are provided to HPD so that they can accommodate this additional requirement.

BILL: Intro 115-2022

TOPIC: Minimum temperatures required to be maintained in dwellings.

SPONSORS: Council Members Hudson, Powers, Feliz, Sanchez, Brewer, Hanif, Krishnan and Stevens.

Intro 115 would require that during heating season, between October 1 and May 31, building owners of residential buildings who are required to provide heat for their tenants maintain certain minimum temperatures in areas of dwelling units that are used or occupied for living purposes. The bill would increase the minimum daytime (between 6 a.m. and 10 p.m.) temperature during heating season from 68 degrees (Fahrenheit) to 70 degrees, and it would increase the nighttime (between 10 p.m. and 6 a.m.) temperature from 62 degrees to 66 degrees.

In 2017, the City Council enacted Local Law 86,² which raised the minimum nighttime (between 10 p.m. and 6 a.m.) temperature during heating season from 55 degrees to 62 degrees, regardless of the outdoor temperature. The law did not change requirements for daytime temperatures, which was and continues to be required to be maintained at 68 degrees when the outdoor temperature drops below 55 degrees.

Raising minimum temperature requirements may seem like a reasonable and pragmatic solution to reduce the use of space heaters that can pose fire risks. However, this legislation has significant unintended consequences that must be fully evaluated, including substantial additional energy use and related carbon emissions and costs. In addition, evidence demonstrates that raising the temperature as outlined in the bill may not actually increase indoor comfort in many buildings.

As the real estate industry and New York City overall continue to work collectively to lower greenhouse gas emissions, including through Local Law 97 and other measures, the increases in minimum indoor temperatures mandated by this bill unfortunately would undoubtedly increase greenhouse gas emissions. With natural gas and fuel oil still the most common types of heating sources for residential buildings, this legislation would lead to greater fossil fuel use and make it even harder for buildings to comply with local emissions reduction mandates.

Heating and cooling constitute a significant portion of a building's total energy consumption. It is not uncommon for a multi-family building of 100-200 units to have over half of its total energy consumption dedicated to heating and up to 10% of its total operating costs on heating alone. Requiring higher temperatures be maintained could severely exacerbate these costs, and cause significant strain for small building owners, including cooperative shareholders. Such additional costs could be passed on to tenants which could impact the city's affordable housing stock.

Finally, this legislation may not make a material difference in indoor comfort in certain buildings unless substantial steps are taken to improve the thermal performance of the entire building. In poorly insulated buildings, raising indoor temperatures will not prevent heat from escaping and will not solve the underlying issue.

² <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2240508&GUID=4731360D-AB3E-4C20-BC89-B194AE40F6AD>

REBNY strongly encourages the Council to take a more holistic approach that considers the significant capital disparities facing much of our housing stock due to inferior insulation, windows and heating and cooling systems. This could best be accomplished by creating a suite of tools to help residential owners retrofit properties to increase heat retention in dwelling units. This could include financing and incentives, such as the programs established along with Local Law 97. In addition, the New York State Energy, Research and Development Authority (NYSERDA) offers a range of residential programs designed to help New York State residents identify areas where their homes are driving up energy costs and can aid in completing energy efficiency improvements for a healthier, more comfortable home. REBNY encourages the Council to consider and improve upon these resources.

BILL: Intro 106-2022

TOPIC: Sale of electric space heaters.

SPONSORS: Council Members Hanif, Sanchez, Powers, Feliz, Riley, Yeger, Krishnan, Brannan, Williams and Won as well as Public Advocate Williams.

Intro 106 would prohibit the sale of electric space heaters without automatic shut-off and thermostat functionality and electric space heaters which have not been certified by a testing and certification body recognized and approved by the United States Consumer Product Safety Commission.

REBNY members understand the dangers that faulty space heaters can bring to residential buildings. As a result, it is sensible for the Council to examine ways to ensure more stringent requirements for space heaters sold in New York City.

With this said, the crux of the issue and the need for a space heater in the first place relates to dwelling units being inadequately heated in the winter months. Specific comments on how to approach the root problem are addressed in relation to Intro 115.

BILL: Intro 131-2022

TOPIC: Requiring the fire dept to conduct residential education and outreach regarding the safe operation of electric space heaters.

SPONSORS: Council Members Sanchez, Hanif, Riley, Williams, Won and Ariola.

REBNY supports this bill. Intro 131 would amend current requirements relating to the Fire Department's efforts to conduct fire safety education and outreach for residential buildings, by requiring that such activities include dissemination of relevant information pertaining to the safe operations of electric space heaters in residential settings. REBNY and its members value the longstanding relationship between FDNY and the real estate industry and stand ready to assist on outreach, education, and fire prevention efforts.

BILL: T2020-6552

TOPIC: Requiring the commissioner of buildings to waive filing fees for permits to alter family dwellings to conform to the NYC fire code.

SPONSORS: Council Members Carr, Borelli and Ariola.

T2020-6552 would require the Commissioner of Buildings to waive the filing fee for a permit to alter a one-, two- or three-family homes when the applicant self-certifies that the alteration is to conform the home to the City Fire Code. The bill would also require the Department of Buildings to conduct outreach on the waiver in the designated citywide languages.

REBNY supports this bill. While most of the assets of REBNY members are larger than the buildings that this bill would apply to, any initiative to help streamline and eliminate additional barriers to reach greater fire prevention are worthwhile. REBNY encourages the Council to examine additional opportunities to eliminate similar barriers for larger buildings to a reasonable extent.

BILL: T2022-0084

TOPIC: Requiring carbon monoxide detecting devices in the basements of certain dwellings.

SPONSORS: Council Members Carr, Borelli and Ariola.

T2022-0084 would require that all multi-family apartment buildings install carbon monoxide detecting devices in basement common areas of such buildings, except those areas regularly used for access to or egress from a dwelling unit. Such requirement would not apply to private dwellings.

Just like all aspects of fire prevention, REBNY and its members take requirements surrounding carbon monoxide detectors and the need to prevent potential carbon monoxide poisoning extremely seriously. Currently, it is required that in Class A Multiple Dwellings at least one carbon monoxide detector is installed within fifteen feet of the primary entrance to each room lawfully used for sleeping purposes. In Class B Dwellings, at least one detector is required within each dwelling unit, or a line-operated zoned carbon monoxide and smoke detector system can be used throughout the multiple dwelling in accordance with rules and regulations promulgated by the New York City Department of Buildings. In one- and two-family homes (non-owner-occupied units), at least one approved and operational detector is required within each dwelling unit, including at least one carbon monoxide detector within fifteen feet of the primary entrance to each room lawfully used for sleeping purposes.

REBNY appreciates the intent of the bill to create further requirements that could alert tenants or occupants of potential risks surrounding carbon monoxide. Basement detectors could be sensible as many basements house boilers, furnaces, hot water heaters and clothes dryers – all of which often require an exhaust that emits carbon monoxide. REBNY encourages the Council to consider how this bill would overlap with existing requirements, and the additional costs that could be incurred by building owners.

Thank you for the consideration of these points.

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Comments on Intros. 104, 105 and 106

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. We thank the Committees for giving us the opportunity to submit these comments on Intros. 104, 105 and 106, all of which are at least in-part related to fire safety matters and improving tenant safety. Over the past few years, there have been a significant number of measures adopted to enhance safety and these proposals attempt to advance these aims.

Int. 104

Int. 104 modifies the housing maintenance code to include a definition of self-closing doors. It requires that the door be fireproof and equipped with a device that will ensure closing after having been opened. It includes an additional proviso that the door not require a key to open it from inside a dwelling. However, it is worth noting that double cylinder locks already are prohibited by the Housing Maintenance Code. §27-2043 requires that locks in dwelling unit doors be equipped “with a heavy-duty dead bolt operable by a key from the outside and a thumb turn from the inside.” When these types of locks are installed, it is generally done by the tenant with the belief it will provide added security. As tenants generally lack awareness of the danger of such locks, tenant education on this issue may be a better approach. This could be a topic included in the next Fire and Emergency Preparedness Annual Bulletin or the NYC Apartment Building Emergency Preparedness Guide. Int. 104 should be amended to delete the reference to double cylinder locks.

Int. 105

In addressing the time to cure a violation for the failing to keep and maintain self-closing doors, Int. 105 establishes that the correction must be completed in 10 days, rather than 21, and requires the department of housing preservation and development to conduct an inspection within 14 days of the 10-day correction period, even when the violation is certified as corrected. The issue with the bill is that it goes well beyond fire safety and rewrites the monetary penalty provisions for all immediately hazardous violations of the housing maintenance code with increases up to ten times the original amount. We oppose this wide-scale modification that is being inserted into a fire safety bill. Imposing higher penalties across the board for buildings already in financial difficulty only means there is less money available to correct critical safety issues.

Int. 106

RSA supports Int. 106, which would ban the sale of space heaters that lack a thermostat or an automatic shut-off or are not certified by an approved testing and certification body.

In conclusion, RSA supports Int. 106 and urges the council to amend Int. 104 and 105.

MEMORANDUM IN OPPOSITION

Intro. 115

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. Int. 115 would increase the minimum building temperatures for residential buildings. Not only would this bill increase the fuel costs, this proposal would severely hamper buildings owners attempts to comply with and is in direct contradiction to the premise of Local law 97, New York City's Climate Mobilization Act.

Local Law 97 of 2019 limits greenhouse gas emissions for buildings over 25,000 square feet. Buildings are required to hit emissions reduction targets of 40 percent by 2030 and 80 percent by 2050, based on 2005 emission levels, with the caps beginning in 2024. Success is tracked each year as buildings must conduct annual benchmarking studies to assess energy usage and report and post results. Once caps come into play, if a building exceeds its target, then penalties accrue. The aim of the law is to reduce energy consumption and the failure to do so comes with stiff financial penalties. Yet Int. 155 would mandate increased energy usage. Int. 115 would prevent most buildings subject to LL 97 from achieving the reduction goals set out in the law. A corresponding amendment to LL 97 is necessary if Int. 115 is to be enacted.

Int. 115 would be a huge step backwards and hamstring owners in making progress towards these targets. This bill requires that the temperature of a building be raised significantly, from 68 to 70 degrees during the day when the outdoor temperature falls below 55 and at all times overnight during the heating season when the temperature would have to be 66 degrees, an increase from the current 62 degrees. It goes without saying that this change would greatly increase both emissions and fuel consumption in every residential building in New York City.

To provide some perspective, other cities in the north, including Boston, Philadelphia and Chicago, all rely on a 68-degree daytime standard. In addition, the federal government recommends setting thermostats to 68 degrees during the day and lower at night as a way to reduce carbon footprint. According to the US Department of Energy (<https://www.energy.gov/energysaver/programmable-thermostats>) it is recommended to set programmable thermostats at 68 degrees during the daytime, and lower at night. One rational for this 68-degree suggestion is because during winter months, setting a thermostat to a lower but still comfortable temperature means that the premises will lose heat more slowly (and therefore waste far less energy) than if the temperature is set higher, as setting to 68 degrees will help a home retain heat longer and reduce the amount of energy required to keep the home comfortable.

Just a few years ago, the council increased the minimum nighttime temperatures from 55 to 62 degrees. The environmental impact statement (EIS) that was prepared by the city in 2017 found this change would result in at least an extra 133,625 metric tons of carbon dioxide every heating season. Any increase in temperature required by Int. 115 for 16 hours per day from October 1 through May 31st would clearly exceed the increase that happened as a result of the 2017 legislation. This impact needs to be documented. An EIS for Int. 115 is required along with a thorough review.

Even if the environmental impacts were to be ignored, the financial ones are significant as well. There appears to be a general consensus that raising temperature one degree adds 2-3 percent to fuel costs. Fuel is one of the most significant building expenses. And for older buildings - the bulk of the city's rent regulated housing stock - this would be all but certain to financially strain the owners of these buildings who will have trouble meeting these increased requirements particularly because the buildings are old and not as well insulated as are newer buildings. At a time when rent collections have been severely hampered over the past two years and with the limited rental increases authorized for the last decade that have not kept up with costs, operating a building has become an increasingly challenging proposition. Burdening owners with these added costs would cause distress to many owners, small and large alike.

For the above reasons RSA is opposed to Int. 115 and urges the council to table this proposal.



Intro. 115, Minimum Temperatures Required in Dwellings

Testimony Submitted to the City Council Committee on Housing and Buildings April 6, 2022

The American Council of Engineering Companies of New York (ACEC New York) thanks the Committee for this opportunity to submit testimony on Intro 115, which would increase the required minimum daytime temperature during heating season from 68 degrees to 70 degrees, and would increase the nighttime temperature from 62 degrees to 66 degrees.

ACEC New York represents close to 300 consulting engineering and affiliate firms throughout New York, with a concentrated presence in New York City. Our members plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems for the buildings and infrastructure throughout the city.

ACEC New York's Metro Energy Code Committee provides the following observations in regard to Intro 115:

- We believe that enforcement of the existing requirements and maintenance of systems is the bigger concern; rather than the specific setpoints.
- The most common issue is that regulated setpoints are often not maintained; not that the required setpoints are too low.
- We are concerned that the legislation as written will not mitigate the use of unsafe space heaters, since the perception of temperature is subjective and they may remain widely in use.
- The industry standard for comfort conditions, ASHRAE 55, sets in place comfort criteria which are likely to satisfy most occupants. The current daytime (6am – 10pm) setpoint of 68F is well within the ASHRAE 55 comfort criteria and does not necessarily create an uncomfortable space. Even the current unoccupied setpoint is within possible comfort range depending on other factors.
- The increase of setpoints would be expected to increase energy and fossil fuel consumption across the city, in conflict with Local Law 97.
- ACEC New York recommends the problem be addressed in a different manner, with greater emphasis on enforcement of existing regulations.

If you have any questions or if our committee can be of assistance to you, we are happy to coordinate.

For further information please contact:

Bill Murray
Vice President of Metro Region, ACEC New York
bill@acecny.org
P: 212-682-6336



Council of New York Cooperatives & Condominiums

TESTIMONY TO THE SPECIAL COMMITTEE ON TWIN PARKS

CITYWIDE TASK FORCE ON FIRE PREVENTION

Proposing Alternatives to Int. 0115 Which Seeks to Raise Minimum Heating Requirements

April 6th, 2022

The Council of New York Cooperatives & Condominiums (CNYC Inc.) is a membership organization providing information, education, and advocacy for housing cooperatives and condominiums located throughout the five boroughs of New York City and beyond. More than 170,000 New York families make their homes in CNYC member buildings, which span the full economic spectrum from very modest, income-restricted housing to solid middle-class apartment complexes to upscale dwellings. New Yorkers who make their homes in housing cooperatives and condominiums are committed to this City and invested in its future.

For more than a decade, New York City has been recognized as a national leader in energy conservation by enacting groundbreaking laws and providing training and advice to New Yorkers on how to reduce their carbon footprint and make their homes energy-efficient. Currently, all residential building owners are required to maintain heating at 68 degrees between 6:00 am and 10:00 pm and 62 degrees between 10:00 pm and 6:00 am, regardless of outdoor temperatures. Abundant information attests to the fact that these levels are quite sufficient for tenant comfort.

Int. 0115 seeks to increase the daytime minimum heat required to 70 degrees and the nighttime minimum heat to 66 degrees. In addition to the burdensome costs associated with raising temperatures, this legislation is a giant step backward in our City's ongoing energy conservation and carbon control efforts. While we appreciate the bill's intent, we respectfully suggest improved and thorough inspections of apartments, and believe more follow-ups in response to heat complaints would go a long way towards resolving issues that lead residents to resort to using space heaters. We urge the City Council to refrain from the passage of this legislation.

Mary Ann Rothman
Executive Director



Heat Seek Testimony in Support of Intro 115
Twin Parks Citywide Task Force on Fire Prevention Hearing
April 6, 2022

Noelle Francois
Executive Director
Heat Seek NYC

I want to begin my testimony by thanking Council Members Feliz, Sanchez, Ariola, Hudson and the many co-sponsors of Intro 115 for recognizing the opportunity to make our city safer and prevent horrible tragedies like the Twin Parks fire in the Bronx.

My name is Noelle Francois and I am the Executive Director of Heat Seek, a nonprofit that works with tenants experiencing insufficient heat in their apartments in the wintertime. We use smart temperature sensors to accurately and reliably document the indoor temperature during the winter months and help tenants prove when the temperature in their apartments is too low.

While many of the tenants we work with experience egregiously low apartment temperatures, far below the current thresholds, we have also come to understand, through our experience working with hundreds of tenants over the past seven years, that the thresholds themselves are too low.

The existing wintertime temperature thresholds of sixty-eight degrees during the day and sixty-two degrees at night are *cold*. They are not comfortable or safe temperatures for many people in the winter months, especially for the elderly and young children^{1 2}. According to the World Health Organization, cold indoor temperatures lead to significant negative health outcomes for vulnerable populations, contributing to respiratory and cardiovascular disease as well as excess winter mortality and morbidity³. Adequately heating residential apartments is not simply about comfort; it is a matter of life and death.

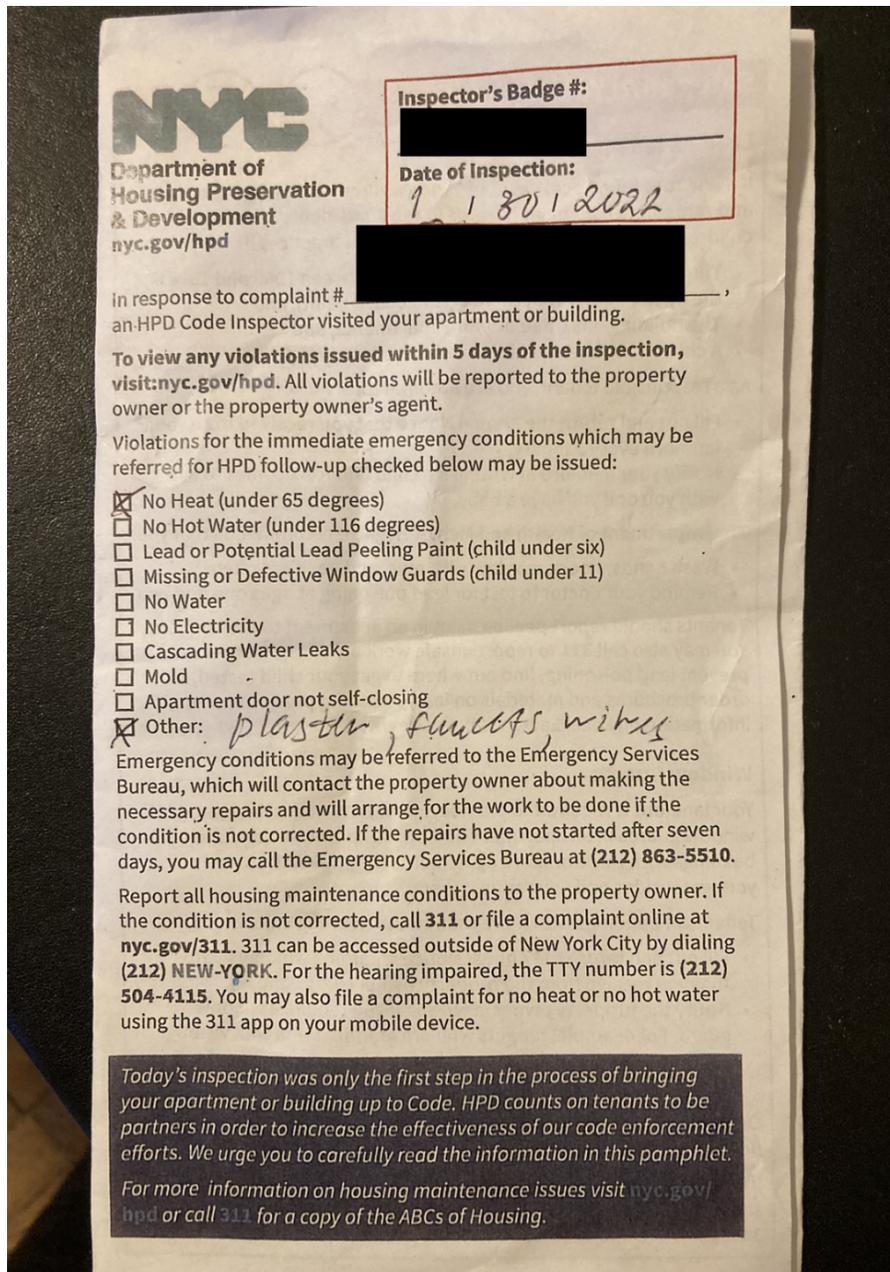
¹ "Hypothermia can happen both indoors and outdoors," Cleveland Clinic.
<https://health.clevelandclinic.org/hypothermia-can-happen-indoors-surprising-facts/#:~:text=Hypothermia%20can%20happen%20indoors%20in,Both%20can%20lead%20to%20hypothermia>

² Effect of cold indoor environment on physical performance of older women living in the community, Age and Ageing, Volume 43, Issue 4, July 2014, Pages 571–575.
<https://academic.oup.com/ageing/article/43/4/571/2812220?login=false>

³ WHO Housing and Health Guidelines. 2018. <https://www.ncbi.nlm.nih.gov/books/NBK535294/>

We know from our own data analysis of Heat Seek sensor data that many New York City landlords flout the existing temperature threshold laws by consistently straddling the line, heating their buildings to one or two degrees below the threshold in order to save money while knowing they are unlikely to get caught.

Landlords are able to get away with this because, even though the daytime threshold is currently set at sixty-eight degrees, based on conversations with inspectors from the Department of Housing Preservation and Development and written violation reports we have reviewed, we now know that HPD will not issue a heat violation unless the temperature in the apartment is sixty-four degrees or below. This buffer is unacceptable and counter to the law as it's currently written.



The above photo depicts the HPD brochure that is provided to tenants after an HPD inspector visits their apartment to conduct an inspection for housing code violations. Deputy Commissioner AnnMarie Santiago referenced this brochure as part of her testimony during the Twin Parks Citywide Task Force on Fire Prevention hearing on April 6, 2022. The brochure very clearly states that violations are only issued for temperatures under sixty-five degrees.

The tenant who received this brochure had an HPD inspection in their apartment on January 30, 2022, and subsequently received a violation for insufficient heat. When the landlord failed to take

action on the heat violation, HPD initiated the process to make repairs. However, more than two months later, a serious heat problem continues to persist in this tenant's apartment. On the morning of the Twin Parks hearing, the temperature in the tenant's apartment was sixty-three degrees, in clear violation of the law. This tenant has documented over 2000 hours of illegally cold temperatures in their apartment this winter alone, has called 311 and HPD directly on numerous occasions, has given access to the apartment when it is requested, and has stayed home multiple times to supervise inspections and repairs. This tenant has done everything right and taken all the appropriate steps, yet still cannot get a resolution to their heating problem. Unfortunately, this tenant's situation is far from unique, and illustrates that even when HPD's process works as it's supposed to, tenants cannot get a resolution to their heating issues in an acceptable time frame.

We believe that increasing the temperature threshold *and* providing a mechanism for ensuring adequate enforcement of the law should both happen in order to keep New Yorkers safe. We wholeheartedly agree with the comments made by Council Member Krishnan during the Twin Parks hearing that the entire HPD enforcement system is broken and needs to be radically reimagined.

When people cannot stay warm, they turn to space heaters, stovetops, and ovens to heat their homes. The recent tragedy in the Bronx illustrated yet again how dangerous this can be.

If the City is serious about taking action to reduce the likelihood of tragic outcomes from alternative heating sources, the Council should increase the threshold temperatures so that a truly warm temperature is maintained using the building's existing heating system. Increasing the temperature thresholds will keep thousands of New Yorkers safe and truly warm in their homes.

Thank you,

Noelle Francois



**NYSFAH Testimony before the Committee on Housing and Buildings, the
Committee on Fire and Emergency Management, and the Twin Parks Citywide
Task Force on Fire Prevention**

6 April 2022

Thank you, Chair Feliz, Chair Sanchez, and Chair Ariola for the opportunity to participate in today's hearing.

NYSFAH is the trade association for New York's affordable housing industry statewide. Its 400 members include developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSFAH's members are responsible for the vast majority of subsidized housing built across the City and State. Founded in 1998, NYSFAH is the nation's largest affordable housing trade group.

The Twin Parks fire was a terrible tragedy and NYSFAH strongly supports fire prevention measures to prevent such fires in the future:

NYSFAH supports Intro. No. 131 regarding residential education and outreach regarding the operation of electric space heaters. Furthermore, we encourage the Council to work with the Fire Department to educate tenants as to what actions to take in the event of fire, given that it varies dramatically depending on building type.

NYSFAH supports Intro. No. 106, which would establish standards for the sale of electric space heaters. Space heaters were the proximate cause of the fire, and they need to be manufactured to a high standard and operated according to specification to avoid electrical fires.

NYSFAH supports T2020-6552, which would waive filing fees for permits to alter one, two, and three family homes to bring them into compliance with the City Fire Code. Property owners should not be disincentivized from bringing their buildings into compliance with code.

NYSFAH supports Intro 104-2022, Intro 105-2022, and T2022-0647. Self-closing doors are a critical fire-safety mechanism, and they should be appropriately regulated and inspected to prevent the spread of fire. NYSFAH also urges the Council to work with HPD to ensure that the agency has adequate resources to enforce these measures. At present HPD is suffering from extremely high vacancy rates, and additional enforcement mandates may come at the expense of enforcing existing code if the agency does not see an increase in personnel.

However, NYSFAH opposes Intro. No. 115, which would increase the minimum indoor temperature in buildings with central heating. In 2017, the Council recently increased the nighttime temperature requirement from 55 degrees to 62 degrees.

- **Increasing interior temperatures will dramatically impair the ability of the City to meet Local Law 97 goals and could result in the City actually increasing its carbon emissions as opposed to reducing them:**
 - We are witnessing accelerating climate change, which has resulted in severe weather events and rising sea levels that are threatening NYC's coastal areas.
 - Buildings are responsible for 2/3rds of NYC's carbon emissions.
 - Increasing interior temperatures in the wintertime will require still greater amounts of fossil fuels to heat buildings.
- **Most residential buildings in the city are heated by burning either natural gas or fuel oil:**
 - Natural gas (methane) is one of the most potent greenhouse gases, with a planet-warming effect 25 times that of carbon dioxide. While cleaner at point of combustion, the huge number of leaks in pipelines and at wellheads means that it has an outsized impact on global warming. Furthermore, energy companies routinely vent many tons of methane into the atmosphere before conducting pipeline maintenance.
 - Fuel oil used for heating in NYC, typically No. 2 oil, is chemically identical to diesel fuel.
- **Burning more fuel oil and methane will increase asthma rates:**
 - Burning fuel oil produces large quantities of sulfur dioxide and nitrogen oxides.
 - Burning methane produces large quantities of nitrogen oxides.
 - Both pollutants are associated with increased rates and symptoms of asthma.
- **Rising costs of building operation:**
 - Residential heating can already consume as much as 10% of a building's budget. Affordable housing runs on tight margins with maintenance and operation costs budgeted for during initial financing. An unexpected increase in operating expenses obviously cannot be offset through increased rents. Given that fuel costs and other operating costs are already spiking, buying more fuel would eat into already dwindling building reserves.
- **Human rights and fossil fuels:**
 - The fossil fuels industry is often associated with dictatorships and conflicts around the world. Russia, for instance, has used income from the sale of natural gas and oil to build its war machine. Given that oil and gas have global markets, in which our actions here affect worldwide demand, we strongly urge the Council to instead focus on policy that reduces demand for these commodities.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

- **Work on enforcement and energy efficiency:**
 - We urge the Council to focus on ways in which the existing law can be better enforced to ensure adequate heat, as 62 F / 68 F is a reasonable standard of comfort during winter months.
 - We also urge the Council to explore how buildings can be better insulated and retrofitted to make temperatures consistent throughout while diminishing the need to burn fossil fuels.

Thank you again for the opportunity to testify today. I welcome any questions or comments you may have.

Contact: Jolie Milstein, NYSFAH President and CEO, at jmilstein@nysafah.org and (646) 473-1208.

TESTIMONY OF QUEENS & BRONX BUILDING ASSOCIATION BEFORE THE COMMITTEE ON HOUSING &
BUILDINGS

April 6, 2022

Good morning. My name is Robert Altman and I am the legislative consultant to the Queens & Bronx Building Association. I am here to testify in opposition to Intro. No. 115.

It is ironic that the Council is now going to go against what much energy experts try to make people do. Use less energy. The Council has recently passed a bill seeking to decrease carbon emissions, and it has passed other such bills in the past. So now it will reverse this trend for an increase in heating in apartments which is not even necessary. This increase will no doubt drastically increase carbon emissions. It is the anti-thesis of what the Council has been passing the past few years.

Sixty-eight degrees is certainly sufficient heat for an apartment winter-time. If someone is cold at 68 degrees during the day there is nothing preventing that person from putting on a sweater. Similarly at night, there is nothing that prevents adding another blanket in the evening. Neither 68 degrees in the day or 62 degrees at night is dangerous or life-threatening. In fact, it is not even close.

Moreover, is the City paying for the increase in fuel costs? Can it be included in the rent stabilization increases? Eventually, this gets passed along to the tenant even if after it is considered in rent stabilization increases. Would the tenant rather pay more rent or put on a sweater and save the money? I think most tenants would rather save money, especially since more and more having difficulty paying the rent.

In a City where everyone is crying out to lower carbon emissions and for more affordable housing, this well-intentioned bill does the exact opposite of what we as a City need. There is no free lunch. Similarly, there is no free heat as the user will always eventually pay.

FDNY Uniformed Fire Protection Inspectors

The New York City Fire Department's Bureau of Fire Prevention is a life safety and revenue producing Bureau, generating approximately **72 million dollars** annually for the Department.

The Bureau of Fire Prevention members consists of **414** Fire Protection Inspectors in inspectional units which check for compliance of all Fire and Building Code regulations directly related to fire safety. Fire Protection Inspectors are tasked to inspect and witness testing of safety equipment in buildings for firefighting operations, such as standpipe systems, sprinkler systems, etc. at various locations throughout NYC, including our bridges, tunnels, piers, roof top ladders, subways, constructions sites, restaurants and basements in commercial and residential hi-rise buildings. Fire Protection Inspectors make sure the systems used for firefighting operations on premises are in working order, plus protecting the lives and property of City residents, employees and visitors. The effort of the Fire Protection Inspectors over the past several years has resulted in a significant reduction of fires and deaths related to fires at a record low in the history of the fire department within the five boroughs of the City of New York.

The FDNY Headquarters Unit is staffed with Uniformed Fire Inspectors conducting life safety code inspections that include, but are not limited to the following:

- Conduct fire code safety inspections for any premise(s) throughout New York City that store, handle, or use flammable, combustible mixture and/or liquids,
- Conduct fire code safety inspections for any premise(s) throughout New York City that store, handle, or use flammable, combustible compress gases.
- Conduct the Annual fire safety maintenance inspection on all approved fire suppressions systems installed in commercial kitchens in the City of New York.
- Conduct life safety inspections at street fairs and places of special events to ensure that entities comply with all city regulations in regards to the storage of flammable gases and liquid; storage of combustible mixtures/liquids located at street fairs or places of special events.

The Headquarters Inspection Group is divided into several units within the Bureau including Fire Suppression, Rangehood, Bulk Fuel Safety, High Rise, Public Buildings, License Public Place of Assembly, Construction Demolition and Abatement, Explosives, Fire Alarm Inspection, Fireworks Safety, Hazardous Cargo, Central Station Signal and Field Public Operations, respectively.

1. **Fire Suppression Unit** – This unit conducts inspections and check for code compliance of the installation and maintenance of Sprinkler and Standpipe systems and/or similar type fire suppression system. Additionally, since the fire on the Queens Borough Bridge, the Bureau of Fire Prevention, Fire Suppression Unit has inherited the task of testing bridges and tunnels in New York City. To test fire suppression systems in tunnels and bridges, it coordinates with the local fire units and Post Fire safety Inspections during or after a fire, and the New York City Department of Transportation, New York City Transit Authority and AMTRAK.
2. **Range-Hood Unit** – This Unit conducts inspections and check for code compliance of the installation of fire suppression systems installed on commercial cooking equipment(s). Post Fire safety Inspections during or after a fire.

3. **Bulk Fuel Safety Unit** – Bulk Fuel Safety Unit – This unit conducts inspections and checks for code compliance of the installation of underground and aboveground storage tanks with associated piping systems containing flammable and or volatile inflammable motor fuels. Review approved plans on site for such installations including the installation and testing of Fire Suppression Systems at service stations and private filling stations. Conducts inspections, plan review, and testing of the following facilities Bulk Fuel Facilities, National Grid, Liquid National Gas, Compressed Natural Gas, Con Edison power Plants, Methane Recovery, Cogen Facilities, Witness the testing of all Foam Fire Protection systems, Loading Rack Sprinkler Systems. Conducts inspections, plan review, and testing of new pipelines, cut out replacement of pipelines. Conducts the annually Buckeye Pipeline Drills with Division and Fire Units. Conducts inspections of three pipeline companies which supply Jet Fuel, Gasoline and Fuel Oil to JFK Airport and LaGuardia Air Ports as well as patrolling these pipelines monthly. Conducts inspections at three pipeline companies control centers in New Jersey. Conduct a leak detection test at Breings ville Pennsylvania on the Buckeye Pipeline. Respond to pipeline leak emergencies, Power Plants, CNG, LNG, Methane Recovery, Con Ed, National Grid, Gasoline service stations and private filling stations.
4. **High Rise Unit** – This Unit conduct life safety inspections on all office and hotel occupancies in New York City that are requirements of Local Law 5, Local Law 16, Local Law 58, Fire Code and Building Code regulations. Since the unfortunate casualties of 9-11, the High Rise Unit will be testing certified Fire Safety Directors to certify them as Emergency Action Plan Directors pursuant to new regulations that was enacted, including active shooter.. The High Rise Unit will also be responsible for enforcing several new life safety code requirements that was enacted as a result of 9-11 currently known as Local Law 26 and the new (E.A.P) Emergency Action Plans.
5. **Public Building Unit** – This Unit conduct life safety inspections on building(s) classified as shelters for the homeless; closely monitors life safety inspections of schools conducted by the local field units and is a liaison to other City Agencies that may be in violation of any fire code violations.
6. **License Public Place of Assembly (LPPA)** – This Unit conduct life safety inspections on any premises that congregate more than 75 persons in one space and check for compliance numerous Fire and Building Code regulations pertaining to that premise(s). Additionally this unit also inspects places at of public gathering consisting of supervising fire inspectors and fire lieutenants enforcing code deficiencies during night time.
7. **Explosive Unit** – The Explosive Unit conducts life safety inspections and supervises any location(s) that use of explosive material. Also, this Unit supervises the display of special effects fireworks usually conducted inside of premises.
8. **Fireworks Safety Unit** – This Unit consist of specially trained Inspectors that conduct site safety inspections at any location that requires a permit for fireworks display in the City of New York such as the famous Macy's Fireworks and Coney Island Fireworks.
9. **Field Public Operations Support Unit** – This Unit enforces premises that has been vacated and/or vacated and sealed by the Fire Department. This Unit is also a complaint Unit and acts as a liaison between the public and Department field units (Fire Divisions and Firehouses) and City Wide S.R.O task force.

10. **Construction Demolition and Abatement Unit (CDA)** – This is a specialized unit initiated by the Mayors Office and the Department that conducts coordinated fire safety inspections on all buildings under construction or demolition stages in the City of New York including non-jurisdictional buildings.

Post 30-day inspections from the Fire Units, the CDA Unit is tasked with inspecting buildings 75' or more to ensure fire safety and building code requirements on premises that include, but is not limited to the following:

- Ensure all egress and exits are in place and unobstructed.
- Premises have all required permits.
- Ensure proper maintenance of the Sprinkler and/or Standpipe system for firefighting operations.
- Special Projects such as: The LaGuardia Airport, World Trade Center, Jacob Javits Convention Center, The Barclay Center, United Nations, Madison Square Garden, and the Hudson Yards Development Projects.
- Post Fire safety Inspections during or after a fire.

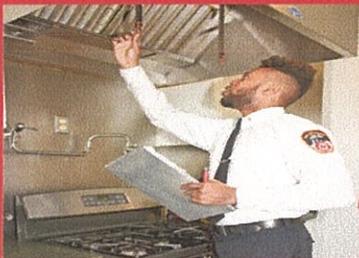
Special Inspection Unit , previously known as the Illegal Conversion Task Force, conducts fire and life safety inspections on various premises that includes but are not limited to: Automotive Salvage Yards, Metal Recycling Yards, Food Cart Commissaries, Board of Standards and Appeals variance and compliance requests, Illegally Converted Spaces both residential and commercial, full building inspections, Escape Room entertainment venues, post-fire assessments, Loft inspections via the Loft Board, and special inspections with the Department of Investigations

- The Three Quarter Housing Task Force is a Mayor's Office initiative, where we conduct scheduled weekly inspections, usually two days every week, to locations that is assigned directly by the Mayor's Office. This task force is comprised of the Mayor's Office of Operation, the Department of Social Services(DSS)/Human Resources Administration, Department of Housing Preservation and Development, Department of Buildings and FDNY. Weekly conferences are held to give an update on inspection activity conducted that same week. Pursuant to Local Law 13 of 2017, the Three Quarter Housing Task Force as also task with providing quarterly reports to City Council. This task force focuses on premises that house clients that are receiving funds from HRA, where the clients are more than 10 unrelated occupants living in the same premises.



FIRE PROTECTION INSPECTOR

FDNY Fire Protection Inspectors (FPIs) are tasked test and inspect safety equipment in buildings for Firefighters, such as Standpipes systems, sprinkler systems etc. at various locations throughout NYC, including our bridges, tunnels, subways, construction sites, basements in commercial and residential buildings . Fire Protection Inspectors make sure the systems used for Firefighting operations on premises are in working order. This includes the inspection of roof top access for fire fighting, and protecting the lives and property of City residents, employees and visitors.



John K. Carroll
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Chief Executive Officer*

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TESTIMONY OF THE LEGAL AID SOCIETY

Special Committee on Twin Parks Citywide Taskforce on Fire Prevention, Committee on Fire and
Emergency Management, and Committee on Housing and Buildings

April 6, 2022

Thank you, Chairperson Sanchez, Chairperson Ariolai and members of the Special
Committee for holding this important hearing.

The Legal Aid Society

Since 1876, The Legal Aid Society has provided direct legal services to low-income New Yorkers. Over the years, our organization has expanded to become the nation's largest and oldest legal services provider for low-income individuals and families. The Society's Civil Practice provides comprehensive legal assistance in legal matters involving housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law; consumer law; education law; community development opportunities to help

Justice in Every Borough.

clients move out of poverty; prisoners' rights, and reentry and reintegration matters for clients returning to the community from correctional facilities.

Our Housing Justice Unit – Group Advocacy is a citywide unit that provides legal assistance and representation through a combination of advocacy, affirmative litigation, eviction defense to stabilize housing conditions and prevent the harassment and displacement of low-income tenants. Group Advocacy emphasizes group and building-wide assistance as well as individual tenant assistance. We have represented tenants in every borough who are exposed to fire hazards due to the conditions of their buildings or who have been displaced from their homes after a fire or other emergency. We understand that the existing network of laws and program to ensure tenant safety has significant room for improvement. We approve of the proposed legislation before you but urge this commission, this council and this mayoral administration to go further to make meaningful changes to protect New Yorkers from fires in their homes and support them when their lives are completely disrupted by a fire.

Introduction

We represent low income tenants, the majority of whom are Black and Brown New Yorkers who live in housing where the owners have failed to maintain their buildings, allowing them to fall into disrepair. Our clients are often working long hours for low wages or have disabilities or family care obligations that leave them with low fixed incomes. When their housing conditions deteriorate, they don't have many better options; they have to stay and endure the poor conditions or stay and fight with their landlord and sometimes the city to fix their homes. Devastating residential fires occur in our clients' communities at much higher rates than in affluent parts of town. The trauma,

Justice in Every Borough.

upheaval, and homelessness that those fires cause is especially devastating to our clients because when they lose their homes due to a fire they often have no savings or ability to relocate quickly to someplace safe and affordable for their families.

We must do more to prevent residential fires from disrupting the lives of New Yorkers by focusing on meaningful enforcement of the housing maintenance, building, electrical, and fire codes to ensure that buildings are maintained, adequate heat and electricity are provided to enable tenants to live comfortably, and fire safety plans as required under (NYC Admin Code 28-109 et seq.) are implemented and enforced.

We must also do more to make the aftereffects of a residential fire less disruptive and traumatic for families by ensuring that relocation services are provided for families that enable them to be rehoused within their communities so that they can preserve their health, employment and their children's care and education.

Fire Prevention through Rigorous Enforcement

City agencies tasked with public health, safety and maintenance standards must take greater responsibility for inspecting and enforcing these standards by placing violations and regularly re-inspecting hazardous conditions.

Inadequate heat causes many tenants to heat their homes with space heaters, open ovens or pots of boiling water on their stove tops. These supplemental sources of heat increase the risk of fire or other dangerous household accidents. Raising the minimum indoor temperatures during heating season as propose in Int. No. 115 and making space heaters safer is as proposed in Int. No. 106 are

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both appropriate steps for the council to take as we also work to enforce the requirement that landlords provide adequate heat.

One of the perennial frustrations that our clients and my staff have is that it is incredibly difficult to address heat complaints. Tenants struggle to get violations for insufficient heat placed because when they call 311 to complain about inadequate heat, HPD, the agency tasked with addressing such complaints, doesn't immediately send an inspector to place a violation. Instead it reaches out to the landlord and asks them to turn the heat on. Often the landlord then turns the heat on briefly, sufficient to result in the closure of the complaint without the issuance of a violation, and then turns the heat back off. We also have tenants who are not getting sufficient heat at night, but have been told that currently HPD inspectors are not making inspections at night, so that getting a violation for that condition is very difficult. Without a violation for inadequate heat it can be impossible for tenants to improve the dangerous and unhealthy conditions in their homes. When tenants complain to HPD about inadequate heat building wide, their complaints are being closed after an inspector talks to a neighbor who indicates there is sufficient heat. While this may seem logical at first, what we have encountered is that different lines in a building have different sources of heat or different amounts of heat, so the agency cannot substitute one neighbor's assessment of the situation for another.

In order to address these issues we need HPD to enforce the Housing Maintenance Code and inspect heat complaints quickly without notice to the landlords first, so that a violation can be placed. HPD and Tenants can then seek to enforce the violation either through advocacy with the landlord or by filing a case for repairs in Housing Court. Furthermore, HPD needs to have the

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resources and a plan for re-inspecting hazardous conditions like inadequate heat, defective smoke alarms, self-closing and fire exits to ensure that the repairs have been made. The change to the Housing Maintenance Code proposed in Int. No. 105 that reduces the time to correct a defective self-closing door, and requires an HPD inspection of the door within 14 days after the expiration of the time to correct is a necessary change in the law, and there are many similar areas of the law where such changes should also be made.

Another reason tenants often have to live with inadequate heat year after year is that it can be impossible to resolve such conditions during the eight months of heating season, from October through May. The complaint, inspection and housing court process can take so long that unless you start early, the heating season is often over before you can get and enforce a court order to correct, meaning you have to start all over the next fall. These complaints need to be treated as urgent and addressed expeditiously by city agencies and the courts in order to ensure that the conditions don't linger due to the inertia and delay built into our administrative and legal processes.

Another source of fire hazard in our clients' apartments are the **antiquated electrical and plumbing systems** that exist in older buildings throughout low income communities. Electrical and other systems must be brought into compliance with current standards and usage to reduce the risk of fire posed by dangerous electrical systems. Many of our buildings are from late in the 19th and early in the 20th centuries when electrical usage was nothing like what we see today. Our clients live in the 21st century with appliances, cell phones, medical devices and personal electronic devices that they need for work and school that need to be plugged in or charged, yet their apartments are often not equipped to permit them to do so. Many clients report that they cannot use their air conditioner and

their microwave at the same time in the summer without losing power in their whole apartment or in a whole line of apartments. Tenants report that they regularly see sparks coming from their electrical sockets, or that they have leaks from their buildings that are letting water run into their electrical fixtures. All of these systems need to be upgraded and maintained but again tenants and their advocates struggle to get landlords and any city agency to address these dangerous building wide conditions that pose a grave risk to the public.

Fire Safety Plans and Fire & Emergency Preparedness Guides

Chapter 4 of the NYC Fire Code requires landlords to have and post fire safety plans and distribute fire and emergency preparedness guides that inform building residents and staff about the building's construction, fire protection systems, voice communications systems, and means of egress; promote fire prevention and emergency preparedness; and set forth evacuation procedures and other guidance in the event of a fire or non-fire emergency. Legal Aid Society staff and our clients are in buildings all over the five boroughs and rarely see such plans or preparedness guides provided to tenants. Much more needs to be done by landlords to comply with their obligations to educate their tenants about the safety features of their buildings and how to best protect their families and their neighbors to prevent a fire and what to do in case of a fire.

Enhanced, Coordinated Support after a Fire

In the aftermath of a residential fire that results in displacement of tenants, we hear from clients that they feel abandoned and unsupported. Until we have made real progress in improving the heating and electrical systems, the city can expect annually that we will have fires that displace

families. There are also other devastating housing conditions that arise every year that leave tenants subject to vacate orders or in apartments that are uninhabitable for a period of time due to flooding or lead paint and mold remediation. In order to meet the temporary housing requirements of displaced families, the city needs a more robust plan for relocation services pursuant to NYC Admin Code 26-301 et seq., to provide families with habitable apartments or other appropriate accommodations near their neighborhoods, where their families can live, not simply endure, while they are excluded from their homes. As the Twin Parks tenants and many others will attest, hotel rooms without cooking facilities are not a sustainable plan.

Displaced families also struggle to access and safely remove their property including important family heirlooms or mementos which are often left unsecured in their apartments after a fire or issuance of a vacate order. Tenants who face losing everything have lamented the lack of a clear protocol for landlords, or the city to secure a building after a fire to protect tenant possessions from theft and provide access to those units that can be safely entered. Tenants who have been displaced and who cannot re-enter their units struggle to replace their important documents and medication and to complete the paperwork necessary to be eligible for any assistance that may be available. Ensuring that well-coordinated supportive services are available to assist displaced families to compile necessary documents and complete paperwork

Conclusion

Residential fires continue to displace low income tenants of color in communities across the city and it is appropriate for this committee to amend the laws before it to improve fire prevention

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and safety. We encourage you to go still further to expand enforcement to ensure that New Yorkers live in buildings with adequate heating, electrical and plumbing systems so that the fire hazards related to supplemental heat sources and dangerous electrical wiring are eliminated. The experiences of Twin Parks tenant should also spur the City to enhance its relocation plan for displaced families and to better coordinate the supportive services that tenants need when they are forced out of their homes due to fires or other emergency conditions.

Respectfully Submitted:

The Legal Aid Society
199 Water Street, 6th Floor
New York, NY 10038
212-577-3339

Testimony of Jacob Wexler, President & CEO, Legacy Manufacturing

City Council Hearing - Committee on Fire and Emergency Management Jointly with the Committee on Housing and Buildings and the Special Committee on Twin Parks Citywide Taskforce on Fire Prevention

April 6, 2022

Good morning members of the City Council. My name is Jacob Wexler and I'm the President & CEO of Legacy Manufacturing. Legacy Manufacturing is a manufacturer of acoustical and fire rated sealing systems for the commercial market. We manufacture automatic door bottoms, thresholds, and other acoustical and fire rated products. Legacy's headquarters is located in the Bronx, not far from where the tragic fire at Twin Parks occurred.

In addition to manufacturing life safety equipment, I'm also a certified inspector of fire doors and serve on several industry trade associations as an expert in fire door assemblies.

I appreciate that the City Council is making an effort to put laws into place to help ensure that a tragic fire like the one at Twin Parks never occurs again. However, the legislation being considered today does not go far enough to achieve that goal.

One distinction I want to make is that self-closing doors are not necessarily fire rated doors. Self-closing is only one element of a fire rated opening. Intro 104 seeks to correct this but doesn't go far enough. The language in Intro 104 should also include "fire rated" as one of its requirements. This is critical, particularly because self-closing doors can include metal components, which can melt during a fire.

Intro 105, which reduces the amount of time a landlord has to correct a violation of self-closing doors and would increase fees, does nothing if the fire rated doors are not being inspected. The violations would be self-reported.

The City Council should instead create an Office of Fire Door Assemblies that would be responsible for enforcing NFPA 80'S CODE 5.2.1 stating "Fire Door Assemblies shall be inspected and tested not less than annually, and a written record of the inspection shall be signed and kept for inspection by the Authority Having Jurisdiction". This office could work directly with the FDNY and DOB to report all malfunctioning fire doors. Similar to how buildings in New York City must have elevator inspections conducted by a technician, the same should be true of fire doors. The office will be pay for itself over time and New York will be a safer place.

Again, the legislation proposed today is well-intentioned, but it does not go far enough to prevent further tragedy and ensure life safety unless inspections of fire doors occur by trained professionals.

I look forward to working with the Council on this legislation. Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

Name: DANNY CHALMERS (PLEASE PRINT)

Address: _____

I represent: LOCAL 2507 FIRE PROTECTION INSP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

Name: OREN BARZEL (PLEASE PRINT)

Address: _____

I represent: PRESIDENT LOCAL 2507

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 104, 5, 6 Res. No. 115, 131
 in favor in opposition

Date: 4.6.22

Name: STEVEN LIPINSKY (PLEASE PRINT)

Address: 315 RIVERSIDE DRIVE

I represent: AIA NEW YORK

Address: LAGUARDIA PLACE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/6/2022

(PLEASE PRINT)

Name: Jessica Bellinder

Address: 260 E. 161ST. 8th Fl, Bx, NY 10451

I represent: The Legal Aid Society

Address: 199 Water St., 3rd Fl, NY, NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 104, 105 Res. No. 45, 131

in favor in opposition

Date: 4-6-2022

(PLEASE PRINT)

Name: RYAN MONELL

Address: 570 LEXINGTON AVE, NY

I represent: REBNY

Address: 570 LEXINGTON AVE, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 104/105 Res. No. _____

in favor in opposition

Date: 04/06/2022

(PLEASE PRINT)

Name: Jacob Wexler

Address: _____

I represent: Legacy Manufacturing

Address: Brant, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 04/06/22

(PLEASE PRINT)

Name: Acting Commissioner Laura Kavanagh

Address: _____

I represent: FDNY

Address: 9 Metrotech Center, Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 115 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Frank Ricci / Kelley Farrell

Address: _____

I represent: Rent Stabilization Assoc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 04/06/2022

(PLEASE PRINT)

Name: Chief John Hodgens

Address: _____

I represent: FDNY

Address: 9 Metrotech Center BK, NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/6/2022

(PLEASE PRINT)

Name: Anne-Marie A Hendrickson

Address: 100 Gold Street

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/6/2022

(PLEASE PRINT)

Name: Ann Marie SANTIAGO Housing Preservation

Address: 100 Gold St And Development

I represent: HPD

Address: 100 Gold St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 04/06/2022

(PLEASE PRINT)

Name: MICHAEL REARDON

Address: _____

I represent: Local 2507 Bureau of Fire Prevention

Address: _____

Please complete this card and return to the Sergeant-at-Arms