

**Testimony of the New York City Department of Housing Preservation and Development
Regarding Introductions 163, 204, 243, 337, 434, 484 and 583**

December 6, 2022

Good afternoon, Chair Sanchez and members of the Housing and Buildings Committee. My name is AnnMarie Santiago, and I am the Deputy Commissioner of the Office of Enforcement and Neighborhood Services at the New York City Department of Housing Preservation and Development (HPD). I am accompanied today by the leadership of the enforcement team: Marti Weithman, Assistant Commissioner of the Housing Litigation Division; Grace Defina, Assistant Commissioner of the Division of Special Enforcement; Joshua Cucchiaro, Assistant Commissioner of the Emergency Operations Division; Renee Peay, Assistant Commissioner of the Division of Neighborhood Preservation; and Angela Robinson, Assistant Commissioner of Administration and Internal Compliance. Mario Ferrigno, Assistant Commissioner of the Division of Code Enforcement, unfortunately could not be with us today. Thank you for the invitation to testify today on our enforcement of the Housing Maintenance Code and several bills proposed by the City Council related to our enforcement of that code.

The mission of the Office of Enforcement and Neighborhood Services, which we share with the Council, is to protect the quality of housing for all New Yorkers. Each of us here today represent a dedicated team of field and office staff who worked throughout COVID to keep New Yorkers safe, conducting inspections in response to complaints, reinspecting open violations both to ensure that building records reflect repairs and to ensure that landlords who did not make repairs continue to be held responsible for those conditions, seeking enforcement of orders and educating owners. We continued to provide our basic services, such as restoring heat when property owners were unable to or refused to. At the same time, we implemented a number of new laws, rules and common sense procedures designed to improve the safety for our families and protect tenants from harassment. We continue to find new and innovative ways to fulfill our mission despite the challenges faced by all city agencies over the past three years.

I know that all of you have interacted with our services on behalf of your constituents over the past year, but I would like to share some important statistics and highlights from the past three years to bring some context to our work. In Fiscal Year 2022, Code Enforcement received 580,000 complaints and conducted over 700,000 inspections and reinspections of existing violations. For Code Enforcement activity specifically, almost \$1 million in inspection fees was assessed and billed to properties through their property taxes. We implemented multiple changes regarding lead-based paint that expanded the number of households protected by our lead-based paint laws, including more audits and the issuance of violations for lead-paint hazards at lower levels of lead in paint. We enhanced our work around fire safety, including implementing new laws, posting a new multi-language Notice whenever we issue a self-closing door violation in a building, sending more details about how to ensure that self-closing doors are working properly in owner and tenant notices that are mailed after a violation is issued, and educating owners on the need for fire safety notices in each apartment. Overall during FY22, we completed emergency repairs that affected

more than 42,000 apartments, restoring heat, addressing lead or mold, repairing self-closing doors and fixing collapsing ceilings.

We have used all of the tools at our disposal to enforce the code. This calendar year to date, we selected another 250 buildings for the Alternative Enforcement Program, we recently issued Underlying Conditions orders to more than 70 buildings where mold and leaks are systemic, we now have almost 100 buildings in the Heat Sensor Program, and our Anti-Harassment Unit conducted inspections in over 600 buildings. We continued to file cases seeking orders to correct violations and access warrants to the extent possible based on the court's capacity in FY21 and returned to court in person when they reopened last fall. In FY22 we closed cases which affected over 5500 dwelling units with orders to correct and civil penalties where warranted. Over 61,500 violations were closed through these our litigation action. We obtained orders and civil penalties in cases related to lead-based paint compliance and against owners who have harassed tenants through the deferral of maintenance and deprivation of essential services in buildings across the city. Our litigation activity additionally extends to seeking orders and penalties in heat and hot water cases, obtaining access warrants when property owners refuse our emergency repair teams and working on the Certification of No Harassment Program, including the Pilot Program which was renewed and expanded by the Council last year.

In our efforts to ensure that tenants know their rights and ensure that property owners comply with the law we have held 11 lead-based paint and mold webinars with almost 2000 participants. We also conducted over 50 outreach events with the Fire Department on fire safety issues and with 17 different Councilmembers in your districts. We have started using a new customer service technology that allows property owners and tenants to make appointments with our Property Registration Unit and our Borough Code Enforcement offices to discuss multiple topics; appointments can be in person, via telephone or via video conferencing.

We have done all of this while making every effort to address our significant staffing challenges, which I mentioned in testimony earlier this year. We have interviewed over 490 people for our housing inspector, technical field staff and attorney positions. We have a new class of inspectors starting next week and plan to hold another Job Fair early in the new year. We are still looking to fill a number of vacancies as well in our Housing Litigation Division and our Emergency Operations Division. Commissioner Carrion has personally trumpeted this need far and wide, at all types of events and interviews that he has participated in; HPD has continued to reach out to all types of constituencies who might be interested in working for us, including through expanded social media campaigns. As always, we ask for your support in these recruitment efforts and would be happy to share all job descriptions with you and your colleagues at the Council. We fully intend to take advantage of such opportunities in the future. Even given our limited resources at this time, we have plans to improve and expand some of our most important tools and services. In the Housing Blueprint, we committed to expanding the use of our Anti-Harassment Unit, improving our technology even further to make interacting with the agency easier for tenants and owners, and improving our training to ensure our inspections and repairs are conducted by

knowledgeable and professional staff. I would be happy to discuss all of these new initiatives with the Council as we implement them over the next several years.

Especially on the use of technology, I would like to take a minute to let the Council know about the implementation of our Real Time Field Force (RTFF) application which began in 2019 and which continues to expand to more types of inspections and more units within our Office. RTFF currently allows our Code Inspectors working in our Borough Offices to start their day in the field for complaint inspections, improving productivity and allowing us to respond more quickly and efficiently than when we had to create routes in the office. We have rolled it out slowly, making improvements as we go to streamline our inspection data collection and are planning to expand to certification reinspections sometime in 2023. We are planning to improve our public facing information portal, releasing a new on-line application to view HPD complaints and violations, improving HPDONLINE in ways we trust will improve our customers experience obtaining building information.

We have continued to expand our relationships with other city agencies, working more closely than ever with the Department of Health related to lead, pests and allergen hazards; as well as working closely with other agencies including the Department of Buildings, the Fire Department, the Law Department, the Department of Environmental Protection and, most recently related to the rat reduction initiatives, building stronger relationships with the Department of Sanitation. We continue to work with state partners as well, specifically the Attorney General's Office and Homes and Community Renewal, on the Tenant Harassment Task Force.

In terms of the bills before us today, I want to thank the Council for their continued commitment to the tenants and property owners of New York City. We commend and support the goal of targeting agency enforcement to bad actors, including those who repeatedly falsely certify the correction of violations or repeatedly fail to address conditions for which violations are issued. We appreciate legislation that seeks to educate owners or tenants about the dangers that could be present in their homes. And understanding that these are the goals of these bills, we look forward to working on the details of the proposed legislation to ensure they can be implemented in a real and meaningful way. We do have some concerns about the bills to share.

For Int. 204, we support the bill in concept, but are not able to charge inspection fees for more than the cost of the services we provide, so we are working to determine the current cost of this service.

Regarding Int. 243, we also support the goal of the bill and would look forward to discussing other ideas for more comprehensive and effective ways to communicate important safety information to tenants.

On Int. 337, we want to make sure that everyone knows about HPD Online, the mechanism in place to provide information quickly and easily to the public. We are certainly open to discussing with the Council how we can make that information more readily available for New Yorkers who don't have internet access.

For Int. 434, we want to ensure that the program continues to focus on only repeat offenders and does not have the unintended consequence of penalizing owners who address conditions that

sometimes arise. We also have concerns around both the increase in staff and technology resources the bill's implementation would require. In addition, issuing violations without first undertaking an inspection of the premises may raise other questions that are normally addressed when an inspector visits a dwelling, including a sensor's reading may not always accurately reflect an apartment's temperature, for example if a window is temporarily open. The Law Department is reviewing the bill for legal concerns. Starting to issue violations not based on an Inspector's observation is also a slippery slope, especially when we are relying instead on technology that can be tampered with by both owners and tenants. But as we evaluate the results of our current Heat Sensor pilot program, we look forward to further conversations with the Council about the most effective ways to address real issues around problem buildings.

In regard to Int. 583, we support increasing penalties and restricting the privilege of certifications and the deemed complied process, but we would need to work with the Public Advocate and the Council on ensuring the process is simple and straightforward. We would also like to discuss some additional amendments that would strengthen HPD's ability to hold bad actors accountable.

And finally, for Int. 163, HPD is opposed to this proposed legislation as it would require valuable technology resources and we are not aware of issues related to contesting HPD violations that would be addressed by this bill.

We hope to have further conversations around all of these efforts and to work collaboratively with the Council to address your concerns so that we can continue to work towards the goal of providing quality housing for all New Yorkers.

Thank you and we would be happy to answer any questions you might have.



Memorandum in Support

Int. 163 and Int. 484

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 Committee for giving us the opportunity to submit this Memorandum in Support of Intros. 163 and 484, both of which amend the New York City Administrative code by requiring photographic documentation to evidence housing maintenance and building codes violations and proof of cure. The RSA supports these bills.

Both Intros. 163 and 484 would help owners facilitate the repair of violations that are identified through City housing maintenance code and building code inspections. Often owners are notified of a code violation but the verbiage is unclear as to the specific problem and exact locations identified by the housing or buildings inspectors that need to be addressed. Providing photographs would offer additional information that would assist owners in expeditiously and accurately remedying the conditions. Further, the ability to document repair via photographs would be welcomed as photographic proof could conclusively demonstrate that violations have been remedied and cured.

This record of repair would also be useful should an issue later be raised or if department records are not updated accurately. Photographs will provide documentation if there is a recurrence of the same condition resulting in a subsequent violation. This can demonstrate that a repair was made and provide proof should a false certification violation be mistakenly levied against a landlord.

Owners navigate bureaucratic hurdles daily. These measures would be one small step in streamlining the complex compliance processes required by the agencies.

In conclusion, RSA supports Intros 163 and 484 and urges the City Council to adopt both measures.



Comments on Intros. 204, 243, 337, 434 and 583

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 Committee for giving us the opportunity to submit this Memorandum in Opposition to Int. 204 increasing certain inspection fees, Int. 243 regarding posting of space heater safety information, Int. 337 requiring HPD to distribute a list of unresolved violations annually to tenants, Int. 434 that would expand the heat sensor program, and Int. 583 increasing housing maintenance code penalties and creating a landlord watch list that would limit these owners' ability to self-certify violations.

Int. 204

Int. 204 would significantly increase the inspection fees when the department must conduct an inspection multiple times for the same dwelling-unit. The purpose of fees is to recoup the costs of government administration, not to raise revenue or serve as a penalty. Under state law, fees charged must not exceed the cost of service. This fee schedule seems designed to punish certain actors by charging more. In this case it would more than double the fee from \$200 to \$500 and give HPD the rulemaking authority to increase the fee to up to \$1,000. It is also worth noting that the specified period of 12 months can encompass two separate heating seasons, so subsequent violations may not be related.

Int. 243

Currently the city requires more than 20 separate notices to be posted in residential building's public spaces. Posting extensive space heater safety information, as proposed by Int. 243, would add yet one more posting requirement, increasing the visual clutter and minimizing its impact. More targeted information, such as the Fire Department publications such as the Fire and Emergency Preparedness Annual Bulletin or the NYC Apartment Building Emergency Preparedness Guides might be better forums in that they are sent directly to the tenant and are more apt to be read.

Int. 337

When an inspector writes a housing code violation, a copy of this violation is given to the tenant and sent to the landlord. In addition, the city maintains a public database of all buildings and every violation for every building is available for viewing by the public. To require an annual

mailing of open violations seems costly and duplicative in that the mailing would be sent to the people residing in the units, those who most aware of the outstanding issues. This might also be irrelevant and confusing in that there are many open historic violations for violations never removed of record for conditions or units that no longer exist.

Int. 434

This bill seeks to expand the heat sensors program from 50 buildings citywide to 150 buildings per borough. This current program requires owners to install monitoring devices that automatically tracks temperature data and for the city to conduct inspections every two weeks for compliance with the heat and monitoring requirements. The bill proposes to greatly increase the program, by 15-fold, and require special monitoring and inspection of this group of buildings. There is no clear evidence that this large a number of buildings require special attention, that those that do are evenly disbursed throughout the five boroughs, that the program would significantly improve heating conditions or that there is adequate staff to undertake this project. This is likely not the best expenditure of resources to target or solve heat-related problems.

Int. 583

This bill rewrites the monetary penalty provisions for violations of the housing maintenance code with increases up to ten times the current amounts while tacking on additional per diem penalties. We oppose this wide-scale modification imposing more onerous and higher penalties on buildings, many of which already are in financial difficulty only means there is less money available to correct critical safety issues. Then, in crafting a watch-list program, the bill seeks to have the department publish a list of owners who have a building that meets certain criteria such as being in the alternative enforcement program. This overly-broad program would mean conditions driven by any one building could result in inclusion on the watchlist and ignores the reality that unique building conditions may not be relevant elsewhere. Further, it creates new barriers to the removal of corrected violations for those on the watchlist by relying on the department and its staffing ability for owners to clear violations. HPD delays are currently rife. Owners are struggling to comply with filing deadlines due to HPD failing to process landlord submissions. Delay in processing the Multiple Dwelling Registrations impacts other mandated filings such as the Bed Bug Annual Disclosure and the filing of certifications of corrections. This inspection requirement would just cause inordinate delays and confusion and leave buildings in limbo.

Accordingly, the RSA opposes these bills.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS

DECEMBER 6, 2022

Good Morning.

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you very much Chair Sanchez and members of the Committee on Housing and Buildings for holding this hearing and allowing me the opportunity to provide a statement.

During today's hearing, I will be talking about [Int 0583-2022](#), which increases the penalties for various violations including self-certifications done by landlords or landlords that falsely claim their violations are fixed. These violations are issued by the Department of Housing Preservation and Development (HPD). The purpose of this bill is to make sure that the violations landlords receive are not persistently ignored. This will give them a sense of urgency to actually resolve it. The Department of Housing Preservation and Development is also required to post a certification of correction watchlist on their website every year before January 15. This provides additional monitoring on any violations, more accountability towards landlords, and further protection for tenants facing unsafe conditions. In order for landlords to have their violations rectified, HPD must conduct an inspection to verify that the violation has been corrected.

According to the data we found based on our Worst Landlord Watchlist from last year, many landlords further abandoned building repairs throughout the pandemic. Across the board, there was an overall increase in violations among landlords on the list. HPD even reported an increase as well. There continues to be a trend of abuse and neglect by bad landlords in New York City. As we soon move into the new year, it is critical that we take swift action to hold the worst landlords accountable. We need to invest the resources to stop them from handling these violations and fines as negligible, or the cost of doing business, and combat the notion that making profit is much more vital than their own tenants.

In alignment with this bill, my office and I are set to release our 2022 Worst Landlord Watchlist very soon. This bill will close the gaps of landlords getting away with not upholding the responsibilities that come with this title. I urge my colleagues to prioritize passing this bill in preparation for this release. We must choose the path that allows us to adequately invest and support New Yorkers who are living here.

Thank you.



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Testimony Before the New York City Council Housing and Buildings Committee Regarding Code Enforcement

December 6, 2022

Thank you to Committee Chair Sanchez and members of the Housing and Buildings Committee for the opportunity to testify today. My name is Emily Goldstein, and I am the Director of Organizing and Advocacy at the Association for Neighborhood and Housing Development (ANHD).

About the Association for Neighborhood and Housing Development (ANHD)

ANHD is one of the City's leading policy, advocacy, technical assistance, and capacity-building organizations. We maintain a membership of 80+ neighborhood-based and city-wide nonprofit organizations that have affordable housing and/or equitable economic development as a central component of their mission. We bridge the power and impact of our member groups to build community power and ensure the right to affordable housing and thriving, equitable neighborhoods for all New Yorkers. We value justice, equity and opportunity, and we believe in the importance of movement building that centers marginalized communities in our work. We believe housing justice is economic justice is racial justice.

About the Right to a Roof Coalition

ANHD is also a co-founder of the Right to a Roof coalition, which unites tenants, homeowners, homeless folks, and NYCHA residents who share the conviction that every New Yorker deserves a permanent, affordable, and safe roof over our heads. Our coalition consists of: advocates that together represent tens of thousands of primarily low-income New Yorkers living across the five boroughs in public and private housing; mission-driven, non-profit affordable housing developers who have together built, preserved, and managed thousands of units of affordable housing; and service providers who help New Yorkers access critical resources. We work every day to secure racial and economic justice for all New Yorkers. We and our members have organized communities facing displacement pressure in the face of City-driven neighborhood plans, built power with people experiencing homelessness and in public housing communities, and provided counseling to help thousands of New Yorkers stay in their homes.

Code Enforcement Background

Effective code enforcement is fundamental to ensuring safe, stable and affordable housing for all New Yorkers. Unfortunately, the City's code enforcement laws and processes often fall short. Far too many tenants live in unsafe conditions, with landlords who neglect their buildings, refuse to make repairs, deny essential services including heat and hot water, and allow health issues like mold and pests to run rampant.

According to HPD's Housing and Vacancy Survey, of all occupied units¹:

- In 2021 nearly 1 in 4 occupied units reported the presence of rodents in their building
- 18% reported leaks
- 17% reported cracks or holes in the ceiling or floors
- 16% reported additional heating needed during the prior winter
- 16% reported an elevator breakdown
- 10% reported a heating breakdown during the prior winter
- 9% reported mold in their unit the prior year
- 6% reported no functioning toilet for at least 5 hours

And experiences of failed code enforcement do not fall evenly across communities and populations. Black non-Hispanic and Hispanic renters live with maintenance deficiencies at drastically higher rates than White and other renters².

- 21% of Black and 20% of Hispanic tenants live in units with 3+ maintenance deficiencies compared to 7% of White tenants.
- On the flip side, 66% of White tenants have no maintenance deficiencies compared to 45% of Black and 47% of Hispanic tenants.
- The number of Black tenants of any income level with 3+ maintenance deficiencies was comparable or slightly higher than the number of tenants of any race making less than \$25,000 per year with 3+ maintenance deficiencies.

Our city must do better. That's why the Right to a Roof platform includes a demand to increase proactive enforcement and enact stronger penalties to ensure housing quality and safety.

Int. 583

We strongly support improvements to the civil penalties structure tied to code enforcement violations. Currently, many landlords see penalties for code violations as an insignificant cost of doing business - in part because the penalties are so low, and in part because even those that exist are routinely forgiven rather than collected by HPD and other city agencies. We firmly support increasing the dollar value of penalties for code violations, which this bill does.

However, the impact of increasing civil penalty amounts will be muted if they are never enforced and collected. Therefore, we recommend adding language to this legislation to limit the situations in which the city forgives civil penalties accrued due to code violations. Tenants, organizers, and lawyers are constantly frustrated by the tendency of HPD lawyers to forgive civil penalties for code violations as a matter of routine. It makes the already difficult process of bringing housing court cases feel futile for many tenants, and undermines the purpose of the penalties, which is to act as a deterrent to landlords violating the law.

Instead, penalties should only be forgiven in limited situations - for example, in the event of a sale to a preservation purchaser, or as part of a broader preservation plan with additional regulatory requirements. Landlords who repeatedly incur penalties due to code violations, and particularly due to failing to correct violations in a timely manner, should not have those penalties wiped away so that they can simply continue to violate the law with impunity and put

¹ [HVS 2021 Selected Initial Findings](#), p.39

² Ibid., p.51

their tenants at risk. ANHD and the Right to a Roof coalition would like to work with the bill sponsors and with HPD to develop appropriate language addressing this issue.

We also support creating a certification of correction watch list as described in the legislation. ANHD has found that watch lists compiled by government agencies can be powerful deterring factors for bad behavior.

In order for the list to fully serve the intended purpose of public disclosure, language around inclusion on the NYC Open Data portal should be included in the legislation. We have found that despite open data requirements, agencies do not always publish lists in an open data format that facilitates use by the public nor include all the information needed to make the watch lists transparent. We encourage the Council to add to Int. 583:

- No later than January 15 of each year, the department shall post on its website and on the New York City open data portal the certification of correction watch list, with the criteria for inclusion on the list and the date of qualification.
- The list should include data that qualified the landlord for inclusion on the list (i.e. the number and severity of violations occurring in any multiple dwelling owned by such person and any other factors used by HPD to determine inclusion on the watch list)
- HPD should make public on its website and in metadata on the Open Data portal the schedule and sources it uses to classify persons eligible for the watch list.

Finally, we also encourage the City to use all tools at its disposal to prevent landlords from hiding behind LLCs in order to avoid having the consequences of placement on the watch list apply across their portfolios. We believe additional measures could be taken to make the watch list as effective as possible, such as:

- Enforcing owner registration requirements so that individuals and their contact information is on file
- Requiring individuals to declare what other buildings they are agents for upon registration
- Requiring individuals to declare what LLCs they own

Improving the structure and impact of civil penalties for code enforcement is a priority for both ANHD and the Right to a Roof coalition, and we hope to work with you to strengthen and pass this important bill quickly.

Int. 434

According to State Comptroller Thomas DiNapoli's 2020 report, HPD received hundreds of thousands of heat and hot water complaints between 2017 and 2019.³ However, only 7% of those complaints resulted in a violation. We know 93% of tenants are not arbitrarily complaining that they have no heat or hot water. Rather, this statistic shows the inspection and enforcement system is not working, and there is a dire need for improvements to City enforcement of widespread lack of heat and hot water.

Even with prompt responses to complaints, point-in-time follow up visits are an inherently flawed way to verify lack of proper heat. If your toilet is broken, it stays broken, but if the landlord turns heat on before an inspector arrives, HPD cannot verify it was ever off. That is

³ www.osc.state.ny.us/state-agencies/audits/2020/09/24/heat-and-hot-water-complaints

why real-time sensor data is a valuable tool to better enforce heating requirements, and why we support an expanded and effective heat sensors program.

ANHD supports our partners at Heat Seek, who are experts at working alongside affected tenants to use real-time temperature monitoring to collect accurate data on lack of heat and on what solutions are needed to fix the problem. We encourage the Council to work closely with them and impacted tenants to best design this program and future expansions to achieve the intended impact.

We want to highlight some of Heat Seek's recommendations:

- HPD must commit to using tenant's automatically transmitted data to inform when they send inspectors to the building. When data indicates a failure to provide sufficient heat, HPD should send an inspector that day or the following day at the latest.
- HPD should provide more information to tenants about how to participate in the heat sensors program and how their data will be used.
- HPD needs sufficient resources to properly implement the program.

Conclusion

Beyond the specific comments listed above, ANHD very much appreciates the committee's attention to issues of code enforcement, and the various bill sponsors' proposals to improve the transparency, accessibility, and effectiveness of the code enforcement process for the thousands of tenants who fight daily to have their homes brought into compliance with the law and into a state of healthy and safe habitability.

If you have any questions or for more information on this testimony, please contact Emily Goldstein at emily.g@anhd.org.



Testimony Concerning:

The Preliminary Budget for Fiscal Year 2023

Presented Before:

"Committee on Housing & Buildings"
Dec 6, 2022 01:00 PM

NYC Council Speaker Adrienne Adams
NYC Council Housing & Buildings Chair Peirina Sanchez

Presented By:

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Good Afternoon, My name is Rima Begum, I am the Associate director of Housing stability program at Chhaya CDC and a rent stabilized tenant. We are a non-profit organization that builds the power, housing stability, and economic well-being of South Asian and Indo-Caribbean communities in New York City. We work with hundreds of rent stabilized tenants in Queens and because of our language capacity we service many Bangladeshi tenants in Queens facing overcharge, repair issues, and landlord harassment. In my years as a tenant organizer, I have been in hundreds of apartments in Queens and talked to thousands of low income immigrant tenants. Every winter, my team braces itself for the onslaught of calls, texts and walk-ins from tenants complaining about the lack of heat in their apartments. I worry most about our aging, limited mobility South Asian community who are stuck in cold apartments with less ability to advocate for themselves because of language barriers and unfamiliarity with the city bureaucracy. For too long, abusive and negligent landlords have been able to skimp on providing heat and safe apartments because enforcement of the housing code has been inadequate. We applaud the city's efforts to refine the enforcement mechanisms and would like to call on the city to take it a step further.

There are a number of bills that I would like to add to my comments and suggestions.

- [Int. No. 163](#) (Holden), *requiring photographic documentation evidencing certain violations enforced by the department of housing preservation and development*
- [Int. No. 484](#) (Marte), *requiring photographic documentation evidencing certain violations enforced by the department of buildings*

I am really concerned about these two bills, I understand the need to use technology to be more efficient as a city. In my years of experience as an organizer, some of our housing inspectors don't do quality inspections because they are overworked and the agency is severely underfunded. I repeatedly hear reports from tenants that inspectors only spend a few minutes in the apartment and/or ignore prompts to look in certain rooms or places. A general 15-20 min inspection is probably now going to be 5 mins? If photos are to be used there should be no impact to our regular standard inspection and I do not see that explicitly written into these bills. Photos also won't provide any information on the quality of work, which is exactly where the Housing Maintenance Code fails New Yorkers and the bill sponsors need to think about this.

- [Proposed Int. No. 243-A](#) (Hanif), *requiring multiple dwelling owners to post notices regarding electric space heater safety*

We are in support of this bill and ask that the bill to go further by requiring the landlords to mail tenants a copy of this notice regarding space heater safety. An alternative option is to make this

a required notice during lease renewal like the ones we currently have for window guard and lead poisoning. These notices should be translated into the spoken language in NYC.

- [Int. No. 337](#) (Hudson), *requiring the department of housing preservation and development to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants*

We are in support of this and ask that this be done in the top 10 languages spoken in NYC.

- [Int. No. 434](#) (Sanchez), *expanding the heat sensors program*

We are in support of expanding the heat sensor program and ask that a program like this be independent of landlord intervention. For example, HPD often gives Landlords the heads up about inspection, landlords should not have access to these sensors. We encourage you all to check out Heat Seek as a model to do this program. Heat Seek helps tenants resolve their home heating issues by providing the objective, reliable temperature data they need to expose the problem and hold their landlords accountable. Working closely with tenants, tenant organizers, public interest attorneys, and city officials, we install proprietary temperature sensors and offer technical expertise to assist tenants in documenting when their landlords fail to provide adequate heat during the wintertime.

- [Int. No. 583](#) (Public Advocate Williams), *increasing penalties for violations issued by the department of housing preservation and requiring the department of housing preservation and development to maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection*

- [Int. No. 204](#) (Sanchez), *raising the inspection fees for certain housing inspections*

In terms of increasing penalties for violations issued by HPD or DOB, this is a good step but it does not do enough. For example, when an individual with a car gets a number of tickets and they don't pay, the city uses all of its resources to collect those funds, even to the point of booting the car or removing the property. This is a revenue generator for the city. However, when landlords have dozens of violations and fees, the city does not do due diligence to collect. How do we know that? Because landlords get to keep their property. Because I've seen dozens of HPD attorneys in Housing Court settle civil penalties in HP actions for a few cents on the dollar. Increased fines alone are simply the cost of doing business for the landlords, costs that they will figure out how to pass on to the tenants through MCI's or withholding services.

It is clear that HPD leaves millions of dollars on the table when they fail to collect from landlords. I would love to see HPD produce a report of how much money the city is owed in building violations fines and how much of that they have actually collected. The findings won't shock tenants and advocates but it might shock the council.



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December 6, 2022

via Email: NYC Council Housing Committee:

To: Councilmember [Pierina Ana Sanchez](#) (Chair)

cc: Council Committee on Housing and Building Members; [Eric Dinowit](#); [Oswald Feliz](#); [Tiffany Cabán](#); [Crystal Hudson](#); [Alexa Avilés](#); [Charles Barron](#); [Ari Kagan](#); [David Carr](#)

NYC Council Members not on Housing and BUilding Committee: [Bob Holden](#); [Christopher Marte](#); [Kalman Yeger](#); [Joann Ariola](#); [Joseph C. Borelli](#), [Justin L. Brannan](#), [Sandy Nurse](#), [Shaun Abreu](#),

NYC Council staff

Ref 12/6/22 NYC Council Committee on Buildings and Housing Hearing on Oversight - Examining the City's Tools for Enforcing the Housing Maintenance Code:

Dear Chair [Pierina Ana Sanchez](#):

Councilmember [Pierina Ana Sanchez](#); Housing and Buildings Committee members and Council Members: thank you for allowing me to speak today and to submit my written testimony. I am Kelly Grace Price, founder of the Close Rosie's organization (www.CloseRosies.org). I don't usually come before this committee to speak. Today I appear to address the new legislation calendered with this hearing but also to urge this committee to not silo itself and to begin partnering with the Criminal Justice and Public Safety Committee to work on issues of housing people after we are entangled with the criminal legal system and to to grapple directly with how this committee can contribute to

decarcerating our City jails and to adjusting this committee's priorities to include decarceration. I don't want to abrade this committee sharply for not having already done so but in a year's time if this committee hasn't adjusted its focus to try to decarcerate our city death camps I may have another posture. I have submitted my written testimony already which discusses:

I [Int 0163-2022](#) *Holden and [Int 0484-2022](#) *Marte Requiring photographic documentation evidencing certain violations enforced by the DOB;

II [Int 0204-2022](#) *Pierina Ana Sanchez Raising the inspection fees for certain housing inspections;

III [Int 0243-2022](#) *Shahana K. Hanif Proposed Int. No. 243-A Requiring multiple dwelling owners to post notices regarding electric space heater safety;

IV [Int 0337-2022](#) *Crystal Hudson Requiring the department of housing preservation and development to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants.

V [Int 0434-2022](#) *Pierina Ana Sanchez Expanding the heat sensors program and;

[IV Int 0583-2022](#) *Public Advocate Jumaane Williams Increasing penalties for violations issued by HPD and requiring HPD maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection.

- AS CONTEXT: I live in a Class B building at 534 w 187th in Manhattan that currently has [50 open Violations](#). Arranged by category: A class: 10 B class: 26 C class: 13 I class: 1. Many of these violations are repeat mold and lack of heat/hot water violations that should have been cured when my building was in the 7A program in 2018-2019.
- The complaints are repeat complaints that track the violation history as far back as DOB publishes violations. The 7A repairs done were cheap and inexpensive and the monitor didn't certify that many of the repairs had been done before allowing the landlord to exit the program.
- The landlord is a slumlord who practices constructive eviction/lack of basic services to convert Class B housing stock into Class A after snatching up SRO buildings on the cheap. [My building is in a portfolio of 4,807 other small dilapidated buildings in NYC with a total apartment portfolio of ~90k apartments](#). Over the past ten years the portfolio has lost 10,487 rent-stabalized or Class B apartments—representing over 10% of its portfolio! The portfolio owners don't care about fees and fines: they care about maximizing profit by harassing tenants with unsafe and unsanitary living conditions.
- Tenants in other buildings in my landlord/building manager's portfolio have reported a total of 230,616 complaints to 311 over the past five years: 70,606 of which were reported in the last three years. The most common issues reported in this portfolio over the last three years are HEAT/HOT WATER (19277), PESTS (7507), and PLUMBING (7087).
- There is a strong case to be made for eliminating fee caps for fines and violations: landlords literally consider these fees and fines just the costs of doing business and the caps allow them to continuously harass tenants without consequence.

I. [Int 0163-2022](#) *Holden and [Int 0484-2022](#) *Marte **Requiring photographic documentation evidencing certain violations enforced by the DOB;**

I'm confused as to why this seemingly identical concept expressed virtually word-for-word in the same manner has two different Intro numbers, two different sponsors and two completely different co-sponsors?

This bill is a terrible idea for so many reasons:

- **In general the language of both pieces of legislation is too terse and ill thought out.** The DOB has full decision making power over the parameters of this program and the rule-making process for the DOB has historically been dominated by REBNY and other powerful landlord groups. The committee needs to flush out much of the details of this legislation before handing all decision making entirely over to the DOB.
- For example: *It is not clear if the legislation intends for violations not documented with photography to be invalidated:* opening up a potential loophole for landlords to elude enforcement if corrupt files are uploaded; if files are unreadable; if they mysteriously disappear from the storage system; etc.
- I've worked as a photography professional in this city for over three decades and **creating and maintaining photographic archives/databases** and controlling who has access to the media; the media specifications; verifying truthfulness of the media (i.e. when landlords try to certify repairs and send photos of fixes who will verify those photos were actually taken on the date/time claimed and at the specific GPS location claimed?) etc is a behemoth undertaking and a very costly one to maintain. Eventually the DOB will have to have a server farm the size of Yankee stadium to house and store all the media. Who is going to pay for the physical and personal costs associated with this project?
- **Who will be responsible for submitting photos?** Individuals? HPD Inspectors? Landlords? Attorneys for Landlords? What will be the process for contesting submitted photos? Who will own these processes and provide public access and transparency?

- **What about Video?** Some violations can only be captured on video (i.e. leaks!--sound violations- et al).
- **Captioning and storing the media** is a behemoth undertaking: who will standardize these requirements and monitor for compliance? (i.e. file sizes, dimensions and color matching compliance?)
- **Privacy:** *who will have access to the photos? Will ACS troll the database looking for evidence of child neglect? Will probation and parole use the photos against clients of those agencies? Will the public have access and thus stalkers will gain access inside of our homes and know we are waiting for workers to come and use this information to gain access to us? Will real estate agents use the photos in listings?*
- There are also **copyright concerns:** under all buildings constructed after January 1, 1990 allow architects to copyright their exteriors and interiors, prohibiting other photography of their work. Unscrupulous landlords may use this caveat to prevent photos to be taken thus invalidating violations without photos. Under [17 U.S. Code § 102\(8\)](#) building architects can copyright their building exteriors and interiors if constructed after January 1, 1990. How will the program accommodate for this?

II. **[Int 0204-2022](#) *Pierina Ana Sanchez Raising the inspection fees for certain housing inspections;**

- Increasing fees for repeat violations is always a great idea but why cap them? (ref: “the department may by rule increase the fee for inspections performed to no more than one thousand dollars.”)
- Does the DOB already have data on approximately how many buildings are already incurring three or more heat/hot water related violations in a calendar year or between October 15 and May 15th already? Do we have an idea of the revenue increase this change will bring? Where will this money go into the NYC General Fund or be kept/spent by DOB?

III. **[Int 0243-2022](#) *Shahana K. Hanif Proposed Int. No. 243-A Requiring multiple dwelling owners to post notices regarding electric space heater safety;**

- Always nice to have recommendations posted but this may confuse tenants whose heat supply is supplanted by portable space heaters. Article 8 - HEAT AND HOT WATER Section 27-2032 REQUIRES landlords to provide space heaters certified by a qualified testing laboratory, such as Underwriters Laboratories, Inc.; but the posting only recommends tenants purchase such electric heaters for themselves. This discrepancy in language may confuse tenants into incorrectly thinking that an uncertified heater provided by a landlord IN PLACE of central heat is sufficient.

IV [Int 0337-2022](#) *Crystal Hudson Requiring the department of housing preservation and development to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants.

- Ok: an annual list of open codes could be helpful. It would be helpful if this included all open complaints in the building, not just individual units.

V [Int 0434-2022](#) *Pierina Ana Sanchez Expanding the heat sensors program

- *Why is this only for Class A housing stock? What about poor people living in Class B housing stock? It is a dangerous precedent to not include both classes of housing stock in legislation of any kind.*
- *Why only 150 buildings per borough? Shouldn't the program be for any building that fits criteria?*

VI [Int 0583-2022](#) *Public Advocate Jumaane Williams Increasing penalties for violations issued by HPD and requiring HPD maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection.

- The watchlist seems like a great idea but the council needs to define the process for removal from the list: Is it five years after the beginning of the open violations? The end of the violations? The date placed on the list? WHEN does the five-year inclusion on the list begin and end?
- The process for appealing addition to the list needs to be defined by the Council and not defined by a byzantine rule-making process within the DOB.

Thank you for taking the time to read my testimony and to consider my input.

Yours,

Kelly Grace Price

Ft. George Manhattan



Thank you to the New York City Council's Committee on Housing and Buildings for holding an oversight hearing examining the City's tools for enforcing the housing maintenance code. Our names are Samuel Stein and Oksana Mironova and we are senior policy analysts at the Community Service Society of New York (CSS), a leading nonprofit that promotes economic opportunity for all New Yorkers. CSS uses research, advocacy, and direct services to champion a more equitable city and state. We are also a member of the Right to a Roof coalition.

Snapshot of Housing Conditions from the 2021 Housing and Vacancy Survey and 2022 Mayor's Management Report

The 2021 Housing and Vacancy Survey (HVS) showed a disturbing trend: the city's housing stock is becoming both more expensive and more rundown. Almost all the markers of maintenance deficiencies tracked by the survey got worse since 2017 (with the exception of heating problems and broken toilets). This could signal landlord disinvestment and neglect, but it could also be a result of the survey's timing, as building maintenance may have been deferred due to pandemic-related safety and supply chain issues.

24 percent of New York City buildings had rodent infestations in 2021. 18 percent of apartments had leaks, and 17 percent had cracks in their ceilings or floors. Perhaps relatedly, 16 percent need more heat in the winter and 10 percent saw their heat shut off in the winter, which can lead to a dangerous reliance on space heaters or open ovens. 16 percent of buildings with elevators had elevator breakdowns. 9 percent of apartments had mold issues.

While we will have to wait for the 2021 HVS microdata to do a historical analysis of conditions by housing type, New York City's public housing stock showed the greatest levels of disrepair. Only one fifth of the New York City Housing Authority's stock had no maintenance issues, whereas 43 percent had more than three issues. Public housing is the only housing type in New York City where more tenants have three or more maintenance deficiencies than had one or two deficiencies.

Meanwhile, the 2022 Mayor's Management Report states that Fiscal Year 2022 saw a record 583,230 housing complaints, including a record 362,180 emergency complaints. These numbers were steadily rising before Covid, then dipped in 2020 and 2021, and are now well above pre-pandemic numbers. The incidences of heat and hot water and lead paint complaints (131,579 and 39,787 respectively) were higher than any previous year reported. That said, HPD also closed a record number of complaints (577,325) and maintained a stable ratio of completed inspections to attempted inspections (82%). But the average time required for HPD to close emergency complaints rose to 16.4 days (six days longer than the average in Fiscal Year 19), and the average time for non-emergency complaints rose to 28.6 days (11 days longer than Fiscal year 2019).



At the same time, the percentage of violations corrected by owners dropped from 50% in Fiscal Year 2021 to 47% in Fiscal Year 2022, even as emergency violations corrected by HPD also declined from 9% to 8%. This suggests a growing number of violations are not being corrected by either the owner or the agency.

The numbers of units subject to proactive enforcement programs – Alternative Enforcement Program (AEP), Underlying Conditions Program, and 7A receivership – were more erratic. At 4,135 units, fewer units were subject to AEP than the previous year (6,484), but more than in Fiscal Year 2020 (1,256). A similar pattern holds for 7A, with 34 cases discharged or compliant, compared to 40 in Fiscal Year 2020 and 23 in Fiscal Year 2021. Far fewer units were discharged from the Underlying Conditions program, however, with 223 units this year compared to 602 in Fiscal Year 2020 and 1,488 in Fiscal Year 2021. All of this suggests that there is much more room for greater use of the city’s proactive building code enforcement tools.

The Need for Stronger Code Enforcement

Like expanded tenant protections, strong code enforcement can lay the groundwork for social housing by making housing less attractive to investors seeking lucrative short-term returns. These investment strategies are often predicated on tenants living in decrepit conditions. Laws that force landlords to reinvest rental income in their portfolios can both address long-neglected physical conditions, and reduce speculative real estate activity, opening up the possibility of social housing conversions.

Despite the statewide standard of Warranty of Habitability, tools for tenants and public agencies to address substandard conditions typically exist in only the most extreme scenarios. In New York City, the more detailed Housing Maintenance Code is systematically under-enforced. Changing this system requires a shift in the way public agencies and court systems regard landlords of substandard housing who are too often given the benefit of the doubt, allowing dangerous conditions to linger.

Stronger codes help tenants organize against visibly poor conditions — like the presence of vermin, mold, and leaks — and against more hidden concerns — like exposure to lead and allergens, unreliable heat and hot water, and more. Additionally, universal standards create a broad constituency of tenants who can continue to organize for the resources needed for proper enforcement.

Housing agencies and courts must actively enforce maintenance codes, instituting severe minimum penalties for lack of compliance. Proactive and well-funded enforcement programs compel landlords to spend money on ongoing maintenance and repairs, and address capital needs, such as replacing a boiler or a roof, or updating the electrical wiring. Too often, existing programs address only surface-level concerns, and tenants have little recourse when poor building conditions inevitably resurface, a product of lax or even nonexistent enforcement.



Tenants must be given the tools with which to demand safe housing conditions, including ways to take action and demand proper oversight by experts, if code enforcement regimes fall short.

Recommendation 1: Increase Civil and Financial Penalties

Appropriately heavy civil and financial penalties can disincentivize landlords from maintaining their properties at substandard levels. Under New York’s existing laws and programs, many landlords regard code enforcement programs and city and tenant- initiated lawsuits as little more than the cost of doing business. Increased fines, penalties, and interest rates for landlords who own buildings with significant and persistent violations can change this dynamic, making it unprofitable to maintain unsafe conditions or by triggering municipal foreclosure.

New York City has the most robust code enforcement system in the state. The city agencies tasked with enforcing building codes can levy and collect fines either through administrative proceedings or by suing landlords who fail to follow the Housing Maintenance Code. However, large portions of these fines and penalties sit unpaid for years, or are forgiven in exchange for agreements that the repairs be made over time.

As of the end of 2020, in each of New York City’s five boroughs, between 65% and 85% of open housing code violations in rent stabilized buildings have remained unresolved for a year or more. This translates into over 550,000 housing code violations that NYC tenants dealt with over the course of 2020. The sheer number of outstanding violations illustrates that New York City’s maintenance code and the financial penalties associated with it (which are the strongest in the state) is not enough to incentivize all landlords to maintain their buildings.

Tenants often find that reporting poor conditions does not lead to meaningful building improvements. Even when repairs are made, they are often done on the surface level, leaving underlying problems to fester. This cycle, where tenants continually file complaints about issues that are never truly resolved, is demoralizing. Tenants are forced to adjust to unsafe living conditions, and lose hope in the potential for collective change. The lack of serious financial consequences undermines the overall code enforcement system.

The City must escalate enforcement against landlords who repeatedly fail to make repairs, and push to recover 100% of levied fines and penalties, including the costs of repairs under proactive enforcement programs. For landlords who refuse to pay, public agencies must establish and proactively implement a transparent process to either force collection or initiate municipal foreclosure, and to transfer foreclosed properties to social housing entities.

Two of the bills under consideration today move us in this direction: [Intro 204 \(Sanchez\)](#), which raises the inspection fees for complaint-based housing inspections where multiple heat and hot water or immediately hazardous violations, and authorize HPD to raise them even higher; and [Intro 583 \(Public Advocate Williams\)](#), which raises the penalties for many violations and creates a “correction watch list” for multiple offenders that would add greater city oversight.



Recommendation 2: Expand Proactive Enforcement

To create a robust code enforcement system, municipalities must proactively assess rental housing, and intervene in issues as they arise. In New York State, municipalities largely only rely on tenant-initiated complaints to identify dangerous living conditions. The City of New York has several proactive enforcement programs — including the Alternative Enforcement Program (AEP), Certificate of No Harassment (CONH), Proactive Preservation Initiative (PPI) and the Emergency Repair Program (ERP) — which either trigger active monitoring of a building’s conditions or allow the City to directly make repairs in long-decrepit buildings, at the owner’s expense. Outside of New York City, proactive enforcement is rare. One example is Albany’s Residential Occupancy Permit (ROP) system, which requires an inspection of all rental units in the city every 24 months. Based on the successful campaign in Albany, tenants in Syracuse won a similar program. There are also Emergency Repair Ordinances that local tenant organizations fought to pass in both Rochester and Albany, which allow code enforcement officers to bid out the work to repair building violations when a landlord refuses to comply.

While these programs are a start, they do not go nearly far enough. Though New York City has more than two million renter households, CONH covers around 1,100 rental properties, while the AEP program targets 250 properties annually. While AEP is an effective enforcement mechanism that should be expanded to additional buildings each year, a significant percentage of buildings remain in the program year after year, indicating that New York City lacks an escalation strategy for landlords refusing to comply with increased enforcement. While the ERP program is used more frequently, it often leads to shoddy and surface-level repairs.

Throughout 2019, New York City spent close to \$48 million across more than 10,000 properties to correct dangerous issues in rental buildings through proactive enforcement programs. A year later, by the end of 2020, one data source estimated that landlords had paid back less than \$8 million of those costs.

In order to compel landlords to reinvest in their properties, the government should take a proactive enforcement role. Code enforcement agencies must implement clear timelines for the resolution of violations and transparent processes by which proactive enforcement is triggered, rather than leaving the decision-making to individual code inspectors. Further, proactive enforcement must be accompanied by heavier financial penalties, which create points of leverage to convert long-neglected and distressed properties into social housing. And most importantly, agencies proactively enforcing housing codes must work collaboratively with tenants and community groups, who have intimate knowledge of the history of building neglect and past efforts to force the owner to behave responsibly. When landlords continually refuse to keep their buildings in habitable conditions, these enforcement agencies must rely on tenants to drive escalation strategies, up to and including transfer of ownership or conversion to social housing.

Two more bills under consideration today move us in this direction: [Intro 434 \(Sanchez\)](#) expands the city’s heat sensor program, through which the city actively monitors heating conditions in



buildings with repeat violations; and [Intro 337 \(Hudson\)](#) requires HPD to inform tenants of the status of open housing maintenance code violations, increasing the opportunity for tenants and community groups to collaborate with HPD on code enforcement.

Recommendation 3: Expand and Reform 7A Administration

If a landlord allows their building to become physically distressed, Article 7A of New York's Real Property Actions and Proceedings Law provides tenants in New York City, as well as Nassau, Suffolk, Rockland, and Westchester counties, with the right to petition the court to take away operational control of their buildings from their landlord and hand it over to an administrator for management and rehabilitation.

In the 1970s and 1980s, 7A administrators were common in disinvested neighborhoods, facilitating transitions to nonprofits or limited equity coops. Today, 7A cases are far more rare, and serve as a cudgel to temporarily force building repairs, just for the duration of the case. Landlords often let 7A cases drag on for long enough to remedy just enough unsafe conditions to exit the program, immediately letting the property deteriorate again after dismissal or settlement.

Between 2016 and 2019, an annual average of 23 7A cases were filed in New York City housing courts. In contrast, we estimate that there are currently close to 10,000 chronically distressed buildings in NYC, representing over 115,000 units. (Chronic distress defined as: more than 2.5 B or C Housing Code violations per unit during at least 6 quarters since 2008).

Article 7A can once again serve as a crucial tool for tenants fighting for safe and habitable conditions. The program should be used to rehabilitate neglected buildings and transfer them to responsible, long-term stewardship by social housing operators. The 7A administrator appointment process must be reformed to be quicker and more accessible to tenants. Further, Article 7A should be available to all tenants across New York State.

Recommendation 4: Better Integrate NYCHA Into the Mainstream Code Enforcement System

Private tenants can register complaints about conditions by calling 311, where the complaint is recorded and assigned a number, then referred to HPD for follow-up. As appropriate, HPD inspectors from the Code Enforcement Unit are sent to inspect the units and, if confirmed, the violation will be classified, A, B, or C in terms of severity, and recorded, pending further action. The complaints and violations are public records and can be viewed online. Violations can be used to obtain repairs in housing court and allow HPD to repair conditions at the owner's expense.

By contrast, the NYCHA system is opaque. Residents call the Customer Contact Center (CCC) to report conditions and request repairs and obtain a work ticket number. The inspectors who



investigate the complaints are NYCHA employees and there are no penalties for failure to correct the conditions. None of the information recorded by CCC concerning complaints, work orders and responses, or potential violations is available outside of NYCHA. Unless a NYCHA resident brings an action in Housing Court and an HPD inspection is requested by the Court, there is no independent, external confirmation of the reported deficiency.

In an attempt to address these inequities, last November the Council moved forward a bill, successfully enacted as [Local Law 127](#), which amended the City's administrative code to require the 311-customer service center to receive complaints or requests for service by NYCHA residents. The law also required that the 311 center route complaints and service requests to NYCHA, as well as publish an annual report on all the NYCHA complaints and requests for service it receives.

Unfortunately, Local Law 127 is not being implemented. Nothing has changed at the 311 center or at NYCHA. If a NYCHA resident calls the 311 Citizen Service Center to register a complaint, the complaint is automatically forwarded NYCHA call center. The name of the complainant, the nature, date, and location of the complaint are not recorded in the 311 system. Needless to say, the complaint is not referred to HPD code enforcement for follow-up enforcement.

NYCHA residents should have the same rights and protections other tenants can access under our local code enforcement system: the right to HPD code enforcement and, and as necessary, inspections; the leverage to get code violations cited and have repairs completed. NYCHA residents need to be recognized as an integral part of our city—they should have parity with the rights and protections other tenants have under the law.

The Authority, like any owner or landlord of a multiple dwelling, is required to comply with the city's housing maintenance and building codes. However, NYCHA's relative immunity from city enforcement and exposure serves to mask the way in which resident complaints and demands for decent conditions in public housing are handled, giving the city a pass to look the other way.

Ending NYCHA's exemption would give greater public transparency and accountability for resident conditions in our public housing. It would also provide NYCHA residents with access to public databases—access that private tenants have—where they could determine the extent of violations in their apartments and buildings, and whether violations have been cured or are still outstanding.

Recommendation 5: Bring CityFHEPS Inspection Standards in Line with Section 8

Substandard housing conditions are all too commonplace in New York, especially for low-income renters, who are predominantly people of color. According to a study by the organizations Neighbors Together and Unlock NYC, [An Illusion of Choice](#), voucher holders facing persistent source of income discrimination and a limited pool of available apartments end



up applying to live in apartments with an average of 1.3 open violation, compared to the citywide average of 0.8 open violations per unit. As a member-leader of Neighbors Together put it in their report, “voucher holders only have access to buildings with a lot of violations.”

When a shelter resident with a CityFHEPS “shopping letter” finds an apartment that they are interested in renting, it is inspected by a NYC Human Resource Administration case worker. The criteria that case worker uses to determine whether the apartment is in good enough condition are often unclear to voucher holders and advocates alike, and can vary wildly between case workers, some of whom may rush to approve any apartment and another while others deny apartments on grounds the voucher-holder may contest.

After a CityFHEPS voucher holder moves into an apartment, there are no regular inspections, only tenant complaint-triggered checks. Under Section 8, however, inspections occur at least every other year in order to ensure that publicly subsidized apartments are maintained in working order and that the rental subsidies are used to reinvest in housing.

The City should reform the CityFHEPS voucher program to make bi-annual inspections standard and ensure that city dollars are not being pocketed by unscrupulous landlords who do not maintain healthy and safe living conditions. Voucher tenants should be able to easily transfer to different housing if their landlord is not meeting maintenance standards, and if the government stops payment to a landlord that is failing to meet quality standards, voucher-holding tenants should never be held responsible for the subsidy amount.

Thank you for the opportunity to testify. If you have any questions about our testimony or CSS’s research, please contact us at sstein@cssny.org and omironova@cssny.org.



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TESTIMONY OF NOELLE FRANCOIS BEFORE THE NEW YORK CITY COUNCIL REGARDING THE EXPANSION OF THE HEAT SENSORS PROGRAM

December 6, 2022

I want to begin my testimony by thanking the Chair, Councilmember Pierina Sanchez, the members of the Committee on Housing and Buildings, and the co-sponsors of Intro 434 for recognizing the opportunity to make our city safer by ensuring that all New York City tenants have access to adequate heat in their homes.

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. I have spent the past 8 years of my professional career using web-connected temperature sensors to help tenants document violations of NYC's heat law and have unique insight into Int 434.

Resolving Heat Complaints in NYC

Last winter, NYC tenants called 311 over 222,000 times to make heat complaints. Heat is consistently the #1 complaint made to 311 in the winter months, but according to a 2020 NY State Comptroller's report¹, only around 7% of those complaints result in a violation being issued to the building owner. This is a distressingly low number and demonstrates that HPD needs additional tools and processes to adequately respond to and resolve heat violations.

As the report notes, the agency fails to respond to a significant number of complaints in a timely manner, and although heat complaints are considered to be immediately hazardous, HPD does not have a formal timeframe for responding to heat complaints. Furthermore, HPD routinely misidentifies heat complaints as duplicates and fails to respond to those complaints. Finally, as Deputy Commissioner AnnMarie

¹ <https://www.osc.state.ny.us/state-agencies/audits/2020/09/24/heat-and-hot-water-complaints>

Santiago noted in her testimony during the December 6, 2022 hearing, HPD takes the position that an inspection in any apartment in the building is sufficient to investigate a heat complaint, regardless of which apartment submitted the original complaint. This defies logic and suggests that HPD does not have an adequate understanding of how heat issues may play out differently across different apartments within the same building.

Tenants have described attempting to get a heat violation placed as a full time job, requiring a perfect alchemy of the HPD inspector showing up when they happen to be home, when the outdoor temperature is cold enough to trigger the heat law, and at the exact time of day when their indoor temperature is below the legal limit. Layer in HPD's process of notifying landlords when an inspection is about to take place, giving unscrupulous landlords time to temporarily turn up the heat, and it can be incredibly very difficult for tenants to get relief. Heat seek works with many tenants who have spent years trying to resolve their heating issues, due in part to how difficult it is to receive a violation for heat.

Heat Seek's work to document insufficient heat

Last winter Heat Seek provided our own temperature sensors to 58 families across New York City who were struggling to get adequate heat. During the heat season, the temperature sensors documented over 17,000 where the temperature was below the legal limit - from just those 58 apartments. **It is clear from our own analysis that a low number of heat violations does not equate to a warm apartment.** Real time temperature monitoring gives us a much more complete picture of what's actually happening inside a tenant's apartment, and we strongly urge HPD to make real time temperature monitoring a more prominent component of their enforcement strategy for heat.

Real time temperature monitoring would help address a situation we see play out far too often – tenants struggling for years to get relief for their heating issues without ever receiving an HPD violation for heat. We saw the tragic consequences of a poorly heated apartment during last year's Twin Parks fire. We know that ongoing heat problems are a life or death issue. The city must do everything in its power to make sure that never happens again.

Support for Int. 434: Expanding the Heat Sensors Program

We believe HPD needs every tool at their disposal – including 21st century technology – to hold bad landlords accountable, and we strongly support the Heat Sensors program and. Real time temperature monitoring offers a much more complete picture of what is happening inside tenants' apartments over time.

Heat Seek supports the expansion of the heat sensors program, along with an expansion of resources and staff to allow HPD to adequately carry out the program and ensure 100% participation. With this expansion, Heat Seek would like to see the following improvements to the Heat Sensors Program:

Recommendations

- HPD should commit to using real time data

First, we believe the ability for tenants to opt in to automatic data transmission is a critically important new addition to the Heat Sensors program and we applaud the bill sponsors for including it in the proposed legislation. However, the impact of having real time data will be minimal if HPD does not commit to reviewing and acting on that data in real time as well. HPD should commit to using real time data to inform when they send inspectors to a building. Agency staff should review the data as it comes in, and when the data shows insufficient heat, they should send an inspector to the building that same day to confirm the temperature and issue a violation.

- HPD should educate tenants about the Heat Sensors program

Next, we believe additional tenant education is needed to make the program a success. Tenants need to know that their building has been selected for the program, what participation in the program means for them, and how the program is intended to resolve their heating issues. We know that a significant portion of building owners in the first cohort of the Heat Sensors program did not participate in any way. We don't believe HPD should rely on building owners to adequately educate tenants about a punitive program that they have been enrolled in. We would like to see HPD provide a detailed description of the program to tenants, along with a way for tenants to take action if their building owner is not complying.

- HPD should educate tenants about how their data will be used

HPD must also educate tenants on what it means to opt in to real time data transmission. HPD must explain how tenants' temperature data will be used, demonstrate why it benefits them to opt in to automatic data transmission, and proactively address any potential concerns about data privacy. Since building owners cannot speak to how HPD will use the data, the agency itself must provide educational materials to tenants to explain this piece of the program.

- HPD should verify sensor location and placement

We also believe that the Heat Sensors Program would be strengthened by having HPD inspectors review the location and placement of the sensor. This could be done during the bi-weekly inspections when HPD is already on premises to verify that the sensor has been installed. Because temperature can vary within a

room and be influenced by proximity to heat producing electronics like televisions, wifi modems, and even lamps, we believe HPD should develop guidance on where to place the sensor in order to avoid interference. Ensuring proper placement of the temperature sensors will ensure that the real time data transmissions accurately reflect the conditions inside the apartment.

- Sensors should be placed in the coldest room in the apartment

We also recommend that the legislation be updated to allow sensors to be placed in the coldest room in the apartment apart from a kitchen or a bathroom, rather than universally requiring that all sensors be placed in the living room. Especially in smaller apartments with combination kitchen/living room spaces, the living room may be significantly warmer than the rest of the apartment when the kitchen is in use. It is our understanding that when HPD is called to a building for a heat inspection, the inspector is instructed to take the temperature reading in the coldest room in the apartment that isn't the kitchen or bathroom. We believe this protocol could easily be carried through to the temperature sensor placement as well.

- HPD must have sufficient resources to fully implement out the program

Finally, we urge the Council to work to ensure that HPD has sufficient resources, including adequate staff, to properly implement the Heat Sensors Program and ensure 100% compliance with the heat laws on the part of the building owners included in the program.

Conclusion

Expanding the Heat Sensors program, while ensuring that HPD has adequate resources to carry it out, will protect tenants and allow the city to better enforce the existing heat laws. This legislation will expand and improve a tool that HPD already has at its disposal, allowing them to closely monitor the temperature in the buildings that have been identified as the worst offenders for heat violations. Heat Seek supports the expansion of the Heat Sensors program. Thank you.

If you have questions or require additional information, please contact noelle@heatseek.org



December 6th, 2022

Testimony Submitted to the New York City Council’s Committee on Housing and Buildings in Relation to Oversight – Examining the City’s Tools for Enforcing the Housing Maintenance Code.

Dear Committee on Housing and Buildings:

My name is Dannelly Rodriguez, and I am a staff attorney with the Tenants’ Rights Coalition (“TRC”) at Queens Legal Services—a borough office of Legal Services NYC (“LSNYC”). For over 50 years, LSNYC has fought poverty and sought racial, social, and economic justice for low-income New Yorkers. We are the largest civil legal services provider in the country, with over 700 staff across the five boroughs working to protect the rights of more than 110,000 low-income New Yorkers each year regarding housing, income security, high-quality education, health coverage, familial stability, and immigration stability.

At QLS we represent individual tenants and tenant groups in affirmative litigation and eviction defense. Our TRC, which is funded by the City’s Anti-Harassment and Tenant Protection Program (AHTP), works to ensure habitable and dignified living conditions for NYC tenants. Through our work in the TRC, we provide legal services to tenants who are seeking repairs in their apartments and buildings. Many of our clients live in Rent Stabilized units, Section 8 units, and NYCHA, all of which are subject to the Housing Maintenance Code.

I am here today to explain how the legislation to amend the Housing Maintenance Code will benefit our clients. For our clients, the Housing Maintenance Code is the main tool for enforcing their right to a safe and habitable home when landlords have neglected to adequately maintain and repair their buildings. Many of our clients live in buildings that are infamous for their decrepit conditions and their overwhelming load of open HPD and DOB violations – NYCHA, for example, consistently tops the Public Advocate’s “Worst Landlord” list based on the number of outstanding violations and maintenance issues. These open violations jeopardize the safety and dignity of our clients.

Furthermore, when landlords fail to cure these conditions, it can lead to the displacement of our clients from some of the most affordable housing stock in our city. There exists a scarcity of deeply affordable housing, and it is of the utmost importance to preserve these homes such that low- and moderate-income New Yorkers can continue to live with grace and the security of

staying in their homes and communities. These units are home to many impoverished black and brown communities. Thus, this is not just an issue of Housing Maintenance, it is also an issue of economic, social, and racial justice. It is about equity – equity for the people, equity for the most marginalized. I would be remiss if I did not mention that while LSNYC represents clients of every race, ethnicity, and background, throughout my time at QLS, every client that I have represented with respect to repair issues has been BIPOC. These bills will empower them.

I also want to take this opportunity to emphasize that meaningful HPD code enforcement in NYCHA buildings would greatly benefit hundreds of thousands of low-income New Yorkers. NYCHA is the largest landlord in the City, and at present, HPD does not publicly post violations, conduct inspections (unless ordered by a court), or issue fines against NYCHA for violations of the Housing Maintenance Code. Yet, as noted, NYCHA is consistently one of the landlords with the most outstanding repairs needed. The legislation proposed here today is a huge step towards promoting dignity and protecting the rights of some of our most vulnerable community members, but it would be even more powerful if these protections were explicitly extended to NYCHA residents.

I am here today speaking as more than a legal services staff attorney, but also as a former tenant in a Section 8 apartment with repair issues. My parents still live within Section 8 housing, so I have direct experience living with and addressing these conditions. I have personally utilized the Housing Maintenance Code to solicit repairs for me and my family. One of the most consistently pressing and unaddressed issues my family and clients face is the lack of adequate heating. This issue is even more urgent as we enter the brutally cold winter months where lack of heat is a chronic issue within our communities.

Here's how it often plays out in the current system. A tenant lacks heat, so they file a complaint with HPD. The landlord gets notified about the complaint, so they turn the heat up. Then HPD sends an inspector and confirms the heat is on and working. But after the inspection, the landlord turns the heat off or provides it intermittently, and no subsequent violation is issued. Because there is no record of lack of heat, no civil penalties can be assessed to incentivize the landlord to adequately heat the building and a tenant-initiated court action for lack of heat is unlikely to be successful. Here we see the lack of heat, oversight, and accountability all in one fell swoop.

As such, two of the most important bills being introduced are Int. No. 243, which requires landlords to post notices for tenants regarding how to safely use space heaters, and Int. No. 434, which seeks to expand the HPD's Heat Sensors Program. Specifically, Int. 434's requirement that HPD conduct heat inspections in identified buildings every two weeks and the addition of the tenant's ability to have heat-related data transmitted from the new sensors to HPD, is critical in quickly and adequately relaying the lack of heat so the problem can be corrected. This bill will allow for real time conveyance of heat data and will empower the HPD to prescribe rules for the automatic issuance of fines where violations of heat laws occur. It will also increase the number of buildings selected for this program threefold by borough and potentially help even more of our clients. Nonetheless, it should be noted that under the currently proposed legislation, heat sensors are only being provided to units where there are previously issued violations for heat. This means that the sensors will not be available to some of the tenants

who need them the most, for example in situations where a landlord is purposefully denying heat as a form of harassment (and then turns on the heat when an inspector comes to avoid a violation) or where the lack of heat only exists at night.

Regarding Int. No. 434, it is important to prioritize the adequate heating of buildings such that tenants do not have to rely on space heaters. Nevertheless, monitoring of space heaters for the purposes of informing their safe usage is a step in the right direction considering their inherent dangers.

In general, the proposed legislation greatly increases accountability for landlords to make certain that they adequately make repairs and provide essential services to tenants, instead of being able to merely certify they made repairs without any verification. Another important bill being considered today is Int. No. 583, which would require HPD to conduct final inspections of the property after a landlord asserts it has corrected a violation for certain identified properties. This would be much more effective than the current self-certification process, though which a landlord may claim to have made repairs that were not made or not made well. This final HPD inspection would help incentivize landlords to make proper repairs and would ensure that tenants' concerns are heard and addressed instead of ignored. Int. No. 583 increased penalties are also a step towards preventing landlords from treating outstanding violations as reasonable costs of doing business. Many violations do not get repaired because the cost to repair is more than the current penalties. Int. 583 will curtail this culture of doing business. This in tandem with Int. No. 204 which subject landlords to inspection fees for multiple complaints will help combat this culture and ensure landlords make the repairs timely and adequately.

In addition, Int. No. 337 which requires HPD to give a list of violations to tenants will be a valuable tool for both the tenants living in subpar conditions and in-building tenant organizers, as it will allow them to know about their neighbors' conditions. It will also inform them of potential rent impairing violations under Multiple Dwelling Law. Int. No. 163 and 484 will require photographic evidence of the HPD and DOB violations underlying conditions and photographic evidence of the subsequent cure. This is critical for litigation purposes when we, as attorneys, have to provide evidence for Housing Part Actions "HP Actions", a lawsuit for enforcing the Housing Maintenance Code and when litigating rent abatements when landlords breach the warranty of habitability. Many times, landlords will certify that they corrected a condition, and without any evidence to the contrary, HPD removes the violation and we have little recourse. Requiring photographic evidence of a cure will prevent this. However, it is important to consider language in the bill that will require HPD and DOB to take the photographs showing that the conditions have been cured, rather than allowing landlords to take the photographs, to ensure the accuracy of the photographs and that the cure is truly adequate under the laws.

For these reasons, we believe these bills are a major step towards ensuring the enforcement of the Housing Maintenance Code for all tenants. Thank you.



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Testimony of
THE LEGAL AID SOCIETY
on
Oversight – Examining the City’s Tools for Enforcing the
Housing Maintenance Code.

The New York City Council Committee on Housing and
Buildings

December 6, 2022

The Legal Aid Society appreciates the opportunity to present testimony regarding the enforcement of the Housing Maintenance Code and related legislation and thanks the Committee on Housing and Buildings for convening this oversight hearing.

WHO WE ARE

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems. The Legal Aid Society also provides law reform representation that benefits all two million low-income children and adults in New York City. The Legal Aid Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

INTRODUCTION

The legislative purposes of the Housing Maintenance Code (“HMC”)—to ensure that minimum health and safety standards are met and preserve decent housing¹—are just as important today as they were at the time of the HMC’s enactment, and effective enforcement of the HMC is essential to the well-being of the millions of renters in New York City. As recent tragic events make clear, the consequences of an owner’s noncompliance with these health and safety standards can be fatal.² Additionally, noncompliance with the HMC threatens the city’s affordable housing stock and is a common form of harassment designed

¹ NYC Admin. Code § 27-2002.

² E.g., Kelly McCleary, *All 17 victims of Bronx apartment fire, including 2-year-old, died of smoke inhalation, NYC medical examiner rules*, CNN.com, Jan. 13, 2022, <https://www.cnn.com/2022/01/11/us/new-york-bronx-apartment-fire-tuesday/index.html>.

to drive tenants from their homes. We frequently provide services to tenants who are forced to vacate their rent-stabilized apartments due to vacate orders based on dangerous conditions that have developed over many years or whose landlords have been deliberately indifferent to their pleas for repairs.

The HMC seeks to ensure “basic decencies and minimum standards of healthful living.”³ It is not an aspirational standard.⁴ Therefore, if the HMC were optimally enforced, the combination of enforcement and its deterrent effects would lead to there being very few violations. Instead, there have been over 800,000 violations issued so far this year alone,⁵ including over 180,000 class “C,” or immediately hazardous, violations⁶ and over 250,000 class “B,” or hazardous violations.⁷ Given the substantial underenforcement of the HMC, we commend the Committee for holding this oversight hearing and urge it to take prompt and significant action to make the HMC’s enforcement more effective. To that end, we support many of the related bills before the Committee and have recommendations for how they can be improved.

The Department of Housing Preservation and Development (HPD) is charged with implementing and enforcing the Housing Maintenance Code. We recognize that inspecting

³ NYC Admin. Code § 27-2002.

⁴ We welcome the opportunity to contribute to the ongoing efforts to amend the HMC. Amendments are needed to reflect modern realities and ensure that the HMC continues to adequately protect tenants’ health and safety and preserve decent housing. Given the topic of this oversight hearing, however, these comments will focus on the enforcement of the current HMC and the proposed pieces of legislation.

⁵ NYC Open Data (Nov. 30, 2022), *available at* <https://data.cityofnewyork.us/Housing-Development/Housing-Maintenance-Code-Violations/wvxf-dwi5>; *see also* HPD, *HPD Essential Workers Issue more than 9,300 Violations to Buildings for Inadequate Heat and Hot Water During 2020-2021 Pandemic “Heat Season”* (July 1, 2021), <https://www.nyc.gov/site/hpd/news/030-21/hpd-essential-workers-issue-more-9-300-violations-buildings-inadequate-heat-hot> (stating that HPD inspectors inspected 550,000 units and issued 650,000 violations between March 2020 and May 2021).

⁶ Examples of class “C” violations include inadequate heat and hot water, the lack of electricity or cooking gas, lead paint, and mice and cockroach infestations.

⁷ Examples of class “B” violations include many leaks and holes.

over two million rental units and bringing thousands of cases in housing courts across the city is a tall task, and we work with HPD attorneys toward our mutual goal of health and safe living conditions every day. However, we do have some suggestions for changes to HPD's enforcement practices.

Moreover, legal services providers such as The Legal Aid Society play a critical role in enforcing the HMC, especially through the City's Anti-Harassment Tenant Protection ("AHTP") program. Funding from the AHTP has allowed providers to represent more than 75,000 tenants and their families—this includes representing tenants in more than more than 40,000 tenant-initiated cases in housing court to combat harassment and demand repairs and nearly 2,400 tenants in administrative proceedings to protect housing affordability and fight discrimination. Without these efforts, many more tenants would be living in unsafe and unhealthy conditions. New York City must continue its commitment to funding AHTP programs to preserve affordable housing and keep tenants in safe and affordable homes.

OVERALL RECOMMENDATIONS

1. *HPD should take a more aggressive approach to enforcing the HMC and be given the tools to do so.*

As mentioned above, we appreciate HPD's effort to enforce the HMC and share the goal of promoting decent, safe, and healthy housing in New York City. We regularly collaborate with the agency on "HP" proceedings seeking repairs and "7A" proceedings seeking the appointment of an administrator to run neglected buildings.

The foremost concern of the HMC is to ensure the health and safety of tenants in New York. The HMC does this directly by setting standards and providing for fines for noncompliance. However, the HMC is also incorporated by reference into numerous other

statutes, regulations, and legal standards,⁸ which together provide additional incentives for owners to comply with the HMC. This means that effective enforcement of the HMC is essential not only to protecting tenants' health and safety, but also to promoting and protecting tenants' rights generally. It also means that nearly every housing case we handle implicates the HMC in some way, and we have a comprehensive view of the HMC's enforcement.

Issues with Enforcement

The enforcement process starts with the issuance of a notice of violation. Initially, the 800,000 violations so far this year are certainly an undercount compared to the actual number of violations present in the city. Tenants are generally not given advance notice of when HPD will inspect following a 311 complaint and may give up after unsuccessful attempts to schedule an inspection. Especially for complaints for heat and hot water, HPD may not inspect if anyone at the building tells the agency that the problem has been resolved. It also generally alerts the owner before the inspection, so the owner can briefly restore the heat to legal levels, only to cut it once the inspector leaves. Owners frequently paint over water damage and mold just before an inspection, so HPD certifies the leak and mold as corrected, but then the problems reemerge shortly thereafter. Disputing a certificate of correction requires a tenant to fill out a paper form; for example, there is no option to fill out an online

⁸ These include the warranty of habitability (Real Property Law § 235-b) (allowing tenants to withhold rent if an owner fails to correct violations within a reasonable amount of time and raise a defense to a nonpayment of rent claim that may reduce the amount owed); rent impairing violations (Multiple Dwelling Law § 302-a) (allowing tenants to completely withhold rent if serious violations are not corrected within six months); and individual apartment and major capital improvement rent increases in rent-stabilized apartments (NYC Admin. Code § 26-511.1(a)(4)-(5)) (which owners are not entitled to obtain if hazardous or immediately hazardous violations exist), prohibitions on tenant harassment (NYC Admin. Code § 27-2004(a)(48) (including prohibitions on failing to make repairs), and others.

form and attach a digital photograph of the condition. The result is that many problems are never cited as violations, and many violations are wrongly closed.

Then, the 800,000 notices of violation that have been issued this year are not self-executing; owners do not automatically receive fines if the correction deadline passes without the owner certifying that the violation has been corrected. A hearing on the violation is not automatically scheduled (like with Department of Buildings violations before the Environmental Control Board); instead, an HPD attorney must file a petition with the borough's housing court. There are dozens of such cases on the housing court's docket every day, but they still represent only a small fraction of the buildings with serious violations. Then, because obtaining a judgment for civil penalties would require an evidentiary hearing where the HPD attorney introduces evidence regarding the service of each notice of violation (which would strain the court's resources, not to mention HPD's), the general practice is for HPD and the owner to enter into a consent order (sometimes after several adjournments)⁹ which grants the owner additional time to correct the violations and sets civil penalties in the event of noncompliance. If the owner will not consent, HPD can obtain an order to correct that has the same effect. In either case, the owner is given more time to correct the violation, even though the statutory deadline for the correction of the violation has already passed.

Consequently, an owner is almost always given additional weeks, months, or even years to correct a serious HMC violation before facing any real penalties for noncompliance. Even with this additional time, owners often flout the deadlines set in the consent order or order to correct and so are subject to set civil penalties under the terms of the order. In our view, these penalties need to be collected to have the desired effect. However, we often

⁹ For the same reason, The Legal Aid Society and other legal services providers also attempt to obtain consent orders or orders to correct as an initial matter in such cases, and then

witness HPD attorneys settle civil penalties claims for a small fraction of the total. While we understand that there are circumstances in which such settlements are proper, we think that the general practice undercuts the goals of the HMC. Therefore, while we support proposals to increase fines for HMC violations, these fines must be collected for the increased fines to have any impact.

One of HPD's most effective programs is the Emergency Repair Program ("ERP"). Under the program, HPD can engage a contractor to effectuate needed repairs itself and then put a lien on the building for the cost, therefore cutting out a lengthy court process and providing an effective means for the collection of the cost. Currently, ERP does not cover some significant issues, such as the lack of cooking gas. It also only applies to class "C" violations, even though some class "B" violations also create serious threats to health and safety. For example, a client in Brooklyn had a leak through her kitchen ceiling from the shower above that occurred at least once per day. The condition caused part of her ceiling to collapse, created mold, and prevented her from fully using her kitchen. Nonetheless, it was classified as a class "B" violation by most HPD inspectors, and the tenant lived with the leak for over four years. Eventually, HPD placed a class "C" violation for the condition, and ERP engaged a contractor who fixed the issue within a few hours, at a cost of under \$500. We propose that funding be allocated to expand ERP, including its scope. This could be accomplished by allocating some percentage of collected civil penalties to ERP, and specifically to repairs in that building.

Specific Recommendations

- Implement text message notification system to alert tenants when a housing inspector is headed to their apartment.
- Require proof that source of leak or other hidden condition has been corrected before closing such violations.

- Expand number of reinspections in response to submitted certificates of correction, especially of class “C” violations and from owners that have submitted false certifications.
- Allow tenants to dispute certificates of correction online.
- Urge HPD to take more aggressive approach to collecting civil penalties and give the agency enough resources to do so.
- Expand Emergency Repair Program to cover all class “C” violations and serious class “B” violations; fund this expansion by allocating collected civil penalties to the program.

2. *New York City should permanently renew AHTP funding.*

The thousands of cases brought by HPD still only target a small percentage of the buildings with numerous and serious HMC violations. These cases also only involve buildings where HMC violations are already present—i.e., where tenants know that they can call 311 and report violations—and are limited to claims for civil penalties under the HMC and claims seeking the appointment of an administrator pursuant to Title 7A of the Real Property Actions and Proceedings Law.

Therefore, despite HPD’s efforts, there is still a significant gap in the enforcement of the HMC, both as to affected tenants and the methods by which the HMC’s goals can be accomplished. Tenants are left vulnerable to poor conditions and frequently accompanying harassment from their landlords. Yet, as the ones directly affected by HMC violations, tenants are well-positioned to guide advocacy efforts directed at forcing owners to comply with the HMC.

The Anti-Harassment Tenant Protection (“AHTP”) is a crucial component of the city’s HMC enforcement strategy. Through the AHTP program, The Legal Aid Society and other service providers provide free, affirmative, holistic legal help to low-income tenants facing unsafe living conditions and landlord harassment.

Poor conditions are rarely limited to one apartment in a building, but tenants may be unaware of problems faced by their neighbors or may be scared to take collective action. AHTP service providers organize and protect groups of tenants who organize, form associations, and take collective action against lawbreaking landlords. By harnessing the power of collective action, tenants served by AHTP providers may create wholesale and lasting changes to the conditions, affordability, and management of their buildings.

Through court cases, administrative complaints, and pre-litigation advocacy, AHTP service providers and their clients vindicate tenants' rights to safe and healthy housing, contest unlawful deregulation and rent increases, combat discrimination, and stand against tenant harassment. The AHTP program has allowed service providers to represent more than 75,000 tenants and their families, including the following:

- More than 40,000 tenant-initiated cases in housing court to combat harassment and demand repairs.
- Nearly 2,400 households in their complaints to administrative agencies to protect the affordability of their apartments and fight against discrimination.
- More than 7,000 tenants with pre-litigation representation which helped resolve complex legal issues before they wind up in court.

We urge the Council to recognize the importance of the AHTP program and permanently renew the AHTP funding.

3. *Expand HMC Enforcement by Bringing CityFHEPS Inspection Standards in Line with the HMC & Section 8*

Substandard housing conditions are all too commonplace in New York City, especially for low-income renters, who are predominantly people of color. According to a study by the organizations Neighbors Together and Unlock NYC, [An Illusion of Choice](#),

voucher holders facing persistent source of income discrimination and a limited pool of available apartments end up applying to live in apartments with an average of 1.3 open violation, compared to the citywide average of 0.8 open violations per unit.

When a shelter resident with a CityFHEPS “shopping letter” finds an apartment, they are interested in renting, it is inspected by a NYC Human Resource Administration case worker. The criteria that case worker uses to determine whether the apartment is in good enough condition for tenants to move into are often unclear to voucher holders and advocates alike, and can vary wildly between case workers, some of whom may rush to approve any apartment and another while others deny apartments on grounds the voucher-holder may contest. After a CityFHEPS voucher holder moves into an apartment, there are no regular inspections, only tenant complaint-triggered checks. Under Section 8, however, inspections occur at least every other year in order to ensure that publicly subsidized apartments are maintained in working order the rental subsidies are used to reinvest in housing.

The City should enforce the HMC in rental units that house low-income families by ensuring that HPD inspectors are inspecting the apartments before they are approved to house voucher recipients and require bi-annual inspections by HPD inspectors required under CityFHEPS in order for subsidy payments to be continued. These inspections will promote the maintenance of these units and ensure that city dollars are not being pocketed by unscrupulous landlords who do not maintain healthy and safe living conditions. Voucher tenants should be able to easily transfer to different housing if their landlord is not meeting maintenance standards, and if the government stops payment to a landlord that is failing to meet quality standards, voucher-holding tenants should never be held responsible for the subsidy amount.

COMMENTS ON SPECIFIC BILLS

We also have the following specific comments on the proposed legislation:

1. *Int 0163-2022 and Int 0484-2022, Requiring photographic documentation for certain HPD violations.*

While this bill is well-intentioned, we believe that it would, on the whole, adversely affect tenants. Under current law, the presence of an open violation in HPD's (or another agency's) system is prima facie evidence that the violation exists.¹⁰ This means that the owner has the burden to show that the violation has been corrected or did not exist in the first place. This burden is not only appropriate (because it is the owner's duty to comply with the HMC)—it is essential for the enforcement of the HMC and efficient functioning of the housing court. If inspectors are required to take photographs of violations, and notices of violations must include the photograph, this would allow owners to insist on the chance to review these photographs and that they be introduced into evidence in any HMC enforcement case. The reason why the MDL Section 328(3) presumption exists is to avoid such proof requirements. It would also give owners another basis to challenge the validity of a notice of violation and any imposition of civil penalties for their failure to correct or late correction of a violation. The result would likely be a significant slowdown of the HMC enforcement docket.

In addition, taking photographs of tenants' units implicates privacy concerns and may discourage some tenants from having housing inspections or providing access to certain spaces where violations are present. The bills also do not specify who will have access to these photographs and indeed, how the photographs will be used, so we are unable to comment on other potential concerns.

¹⁰ Multiple Dwelling Law § 328(3).

These bills may be a response to tenants' complaints that HPD certifies violations as corrected when the condition still exists. We see this happen often in our cases, but we do not think these bills would meaningfully solve the problem. Many of the issues that give rise to such disputes (such as leaks) are not capable of being clearly captured in a two-dimensional image, especially when an untrained person is photographing a wall or ceiling in a room with poor lighting. It is unlikely that HPD inspectors would obtain enough training in photography to be effective.

A better approach would be for HPD's inspectors to 1) clearly identify violations using plain language so that the location and nature of each violation is readily identifiable; 2) require owners to provide proof of efforts taken to correct concealed conditions such as leaks before a violation can be closed; and 3) perform follow-up inspections and audits instead of accepting a certificate of correction, such as proposed in Int 0583-2022.

2. *Int 0204-2022, Raising the inspection fees for certain housing inspections.*

We support raising the inspection fees for apartments where multiple complaint-based inspections result in the issuance of hazardous or immediately hazardous violations or violations for inadequate heat or hot water. However, we do not think that this change will have a meaningful effect on enforcement.

Most tenants do not call 311 to report hazardous or immediately hazardous violations, let alone multiple times in a year. Once a violation is placed, a tenant can reasonably assume that enforcement will happen and that they do not need to call back to report the same problem. The category of complaint where tenants often do call 311 multiple times is for inadequate heat and hot water, both because these conditions are so serious and because they often evade meaningful review. During the 2021 heat season, HPD received over 114,000 complaints for inadequate heat and hot water but issued only 3,855 heat and 5,454 hot water

violations (representing less than ten percent of the total number of complaints).¹¹ Based on our experience, it is not the case that 90% of these tenants either had their problem resolved or were wrong about their being a violation. Instead, it is much more likely that a landlord or a single tenant told HPD that the problem was resolved or that a landlord briefly increased the level of heat or hot water before an inspection. Generally, we have found that the problem is either that landlords are purposefully not providing enough heat or that the boiler/heating system is not up to the task of providing heat and hot water for enough building, not that there is no heat at all. In either case, it is very difficult for the time that the inspector visits to line up with a time where the apartment or hot water temperature dips below legal levels (especially when the landlord knows that the inspector is coming), even if tenants are living with substandard temperatures most of the time.

3. *Int 0243-2022, Requiring multiple dwelling owners to post notices regarding electric space heater safety.*

We oppose this bill in its current form. While space heater safety is indisputably an important issue, we believe that requiring such a notice would have the effect of normalizing the use of space heaters and reinforce the idea that tenants should not expect their landlords to provide adequate heat.

Any notice regarding space heaters should first state that it is the responsibility of the owner to provide heat and hot water as required by law, provide the minimum heat requirements set by the HMC, and inform tenants that they should notify the owner and call 311 if legally adequate heat is not being provided.

Some tenants may continue to use space heaters even if minimum heat requirements are met. But that is because the HMC heat requirements do not provide a comfortable

¹¹*HPD Essential Workers Issue more than 9,300 Violations, supra.*

temperature. There is no requirement to maintain a minimum temperature during the day if the outside temperature is more than 55 degrees.¹² If there are multiple 56-degree days in a row, the indoor temperature can become unbearably cold. This is especially true for those tenants who spend the entire day at home. Moreover, the nighttime temperature requirement of 62 degrees is also very cold. These requirements should be changed to require the maintenance of a temperature of at least 68 degrees during the day and 65 degrees at night during heat season, irrespective of the outdoor temperature.

4. *Int 0337-2022, Requiring HPD to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants.*

We support the idea behind this bill, as tenants receiving a list of violations at the same time may spur organizing efforts and collective action by the tenants. However, we are concerned whether HPD can manage the administrative burden of mailing lists of violations to two million households each year. The problem with shifting the burden to the landlord to perform this duty is that the landlord may not comply, but it should be considered. However, landlords should at least be required to provide the list of violations mailed each year to any tenant who moves in during the year following the mailing date.

In addition to the list of violations, the mailing should include a short list of examples of conditions that may violate the HMC and instructions for 1) how to report HMC violations by phone or online and 2) how to view the current open violations report on HPD's website.

5. *Int 0434-2022, Expanding the heat sensors program.*

We support the idea behind this bill. As discussed above, it is exceptionally difficult for a tenant to obtain a heat violation during the day, and it is impossible at night, when

¹² The 55-degree requirement also creates the absurd situation in which a tenant seeking to prove a heat violation must first establish the weather conditions for each day when a heat violation is claimed.

inspectors do not visit apartments. One difficulty will be that tenants turn to other methods to heat their apartments out of necessity (i.e., by space heaters, the oven, or boiling water), so the sensors may not accurately convey the temperature maintained by the building's heating system. Still, the sensors will play a valuable role in enforcing the HMC's heating requirements.

Regarding the specific language of the bill:

For paragraph (b)(2), we recommend that instead of discontinuing the inspections completely if the sensors do not find violations by January 31, that HPD inspect again at least in February or April, and that it restart the biweekly inspections if the sensors display a violation of heating requirements after January 31.

For paragraph (b)(3)(d), we recommend that the device be replaced within fifteen (15) days.

For paragraph (b)(4)(b), the tenant should not be charged if the device is stolen. Tenants should not bear the cost for a loss for which they are not culpable.

For paragraph (d), the language should be changed to indicate that the failure to install the device shall result in the issuance of a hazardous violation.

6. *Int 0583-2022, Increasing penalties for violations issued by HPD and requiring HPD maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection.*

We support both provisions of this bill: increasing civil penalties for violations and creating the "certificate of correction watch list."

With respect to the increased civil penalties, the most important thing is for HPD to seek and collect these civil penalties. Otherwise, even increased civil penalties will have little effect. There are significant reasons why HPD should increase its civil penalties. First, taking the example of the 2021 heat season, HPD spent nearly three times more on ERP efforts

(\$1.3 million) than it collected in civil penalties (\$450,000).¹³ If civil penalties were allocated to repairs, the case for increased civil penalties as a remedial measure would be strong.

Second, the vast number of violations that are not timely corrected—which in our experience frequently occur in large buildings where there is no question that the landlords have resources to correct the violations should they choose to do so—demonstrate that the current civil penalties are not an adequate deterrent.

Increased civil penalties should not run afoul of the Eighth Amendment prohibition on excessive fines and fees.¹⁴ First, it is the daily fine that should be considered, not the total amount of fines that a landlord may face, because a landlord has the power to stop the fine’s accrual by correcting the violation.¹⁵ Second, a fine is only unconstitutional if it is “grossly disproportional” to the gravity of an offense.¹⁶ The civil penalties contemplated by the Council should not be considered to be “grossly disproportional.”

To determine the proportionality of the fine, courts will consider factors such as “as the seriousness of the offense, the severity of the harm caused and of the potential harm had the defendant not been caught, the relative value of the forfeited property and the maximum

¹³ *HPD Essential Workers Issue more than 9,300 Violations, supra.*

¹⁴ Because the purpose of civil penalties is at least partially to deter landlords from violating the HMC (in other words, they are not purely remedial), they are likely subject to challenges under the Eighth Amendment. *County of Nassau v. Canavan*, 1 N.Y.3d 134, 140 (2003) (citing *United States v. Bajakajian*, 524 U.S. 321, 328-29 (1998); *Austin v. United States*, 509 U.S. 602, 619-22 (1993)).

¹⁵ See, e.g., *Seril v. New York State Div. of Hous. & Community Renewal*, 205 A.D.2d 347 (1st Dep’t 1994) (“We reject petitioners’ excessive fine claim, since it was, and continues to be, a matter of their own choice to do what is necessary to correct the conditions that led to the findings of harassment and thereby lift the restrictions imposed.”); *Krax Perapatie Apanu Stu Krokodrilos Tus Platos, Ltd. v. New York City Loft Bd.*, 157 A.D.2d 611 (1st Dep’t 1990); see also *Robson 200, LLC v. City of Lakeland*, 2022 U.S. Dist. LEXIS 53746 (M.D. Fla. Mar. 24, 2022) (citation omitted) (“[T]he ‘refusal to comply’ with a fine over a long period, such that the fine accrues to a substantial amount, does not give the defendant the ability to turn around and argue that the large total fine has become excessive Otherwise, there would be an incentive to not comply with fines for lengthy periods until they eventually grow to an unconstitutional amount.”).

¹⁶ *Canavan*, 1 N.Y.3d at 140 (quoting *Bajakajian*, 524 U.S. at 334).

punishment to which defendant could have been subject for the crimes charged, and the economic circumstances of the defendant.”¹⁷

First, a violation of the HMC, particularly a hazardous or immediately hazardous violation, is a serious offense that causes serious harm to those living in the unit or building. While we could find no reported cases involving a daily fine of \$625 or more, the 11th Circuit upheld a total fine of over \$700,000 (accruing at \$150 per day), for the violation of a building ordinance.¹⁸ Immediately hazardous violations of the HMC can have significantly deleterious or even fatal effects, and hazardous and even nonhazardous violations threaten occupants’ health and safety and impair their quality of life. The harm caused by HMC violations is not ephemeral or intangible (like the failure to report the transport of currency at issue in *Bajakajian*)—each has a direct effect on the tenants and occupants who must live with the violation.

Second, for the daily fine for nonhazardous (\$25) and hazardous violations (\$100), there should be no issue when considering the amount of the fine and the maximum punishment which a landlord could face. For the immediately hazardous violations, the Council should consider setting a range of civil penalties (for example, \$400 to \$1,000), in recognition that there is a range of severity among immediately hazardous violations. This would allow the worst offenders to be fined the most and help to insulate the civil penalties scheme from an 8th Amendment challenge. All three types of violations provide a range for the fixed portion of the fine, which also gives the agency or court the discretion to impose a different amount based on the severity of the offense.

¹⁷ *Id.*; see also *United States v. Viloski*, 814 F.3d 104, 110 (2d Cir. 2016) (prescribing similar factors, including “whether the defendant fits into the class of persons for whom the statute was principally designed”).

¹⁸ *Moustakis v. City of Fort Lauderdale*, 338 Fed. Appx. 820 (11th Cir. 2009).

Third, while the “the touchstone [of an 8th Amendment excessive fine analysis] is value of the fine in relation to the offense,”¹⁹ courts may also consider the economic circumstances of the defendant in determining whether a fine is excessive. (Still, this does not prevent the total of a daily fine from exceeding the value of a property).²⁰ The bill takes a landlord’s likely economic circumstances into account by maintaining a lower daily fine (\$150) for an immediately hazardous violation in a building with five or fewer units.

For these reasons, we believe that increased civil penalties as proposed in the bill would likely be found to be constitutional.

Regarding the “certificate of correction watch list,” we support the bill in its current form. We also recommend that HPD be required to offer tenants the ability to contest a certificate of correction online (including having the ability to upload photographs). Currently, landlords can certify that violations have been corrected online, but tenants must mail in a form or call to contest that the violation has been corrected, creating an imbalance.

CONCLUSION

Thank you for the opportunity to testify at this oversight hearing. We welcome the opportunity to further share our ideas on effective enforcement of the HMC, including the proposed legislation.

Please contact The Legal Aid Society’s Housing Justice Unit - Group Advocacy with any questions:

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¹⁹ *Austin*, 509 U.S. at 627 (Scalia, J., concurring).

²⁰ *E.g.*, *Moustakis*, 338 Fed. Appx. 820.



**Testimony of Jennie Stephens-Romero
Make the Road New York**

Committee on Housing and Buildings

December 8, 2022

My name is Jennie Stephens-Romero and I am a supervising attorney at Make the Road New York (MRNY), a non-profit organization based in the communities of Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; and Brentwood, Long Island. MRNY builds the power of immigrant and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services, which includes legal services. Our organization consists of more than 25,000 members, many of whom live in substandard housing. Our legal services department routinely represents low-income tenants facing harassment and chronic conditions of disrepair. I submit this testimony on behalf of MRNY in support of Intro 0583-2022.

MRNY is also one of the organizations involved in preparing “[Right to a Roof](#),” a report outlining an integrated housing plan to end homelessness and promote racial equity. In it, we promote increasing penalties for violations of housing standards in New York City based on the type of condition and the timing of repairs, among other things.

We promote increasing penalties because of our unfortunate and repeated experience in representing tenants who face unsafe and unhealthy conditions in their homes, and whose landlords have enjoyed impunity, knowing that they will face little to no punishment for failing to provide habitable housing for their tenants. Below are just a few examples of circumstances that thousands of tenants in this city face every day.

Ms. M is a tenant in Ocean Hill, Brooklyn who has had a chronic leak in her son’s bedroom for years. Her son suffers from asthma, which is exacerbated by the mold that has developed as a result of the repeated leaks in his bedroom. Multiple landlords refused to repair the underlying leak, despite numerous violations placed by the Department of Housing Preservation & Development (“HPD”). MRNY brought an HP proceeding against the landlord, who still refused to repair the leak until after two contempt motions.

Mr. R is a tenant in Bushwick, Brooklyn who has lived in his rent-stabilized property for decades. In the past five years, three different landlords have owned the building in which he lives. Each one has refused to make repairs despite numerous violations for lead, leaks, pests, and a crumbling kitchen in Mr. R’s apartment. The current landlord is now pressuring Mr. R to

leave his long-time home so that they can renovate the entire building.

Ms. Z is one of five households in a Ridgewood, Queens building that is just now seeing the beginning of repairs after years of litigation in which MRNY worked with the tenants to bring multiple suits against the landlord. HPD had issued numerous violations for countless conditions throughout the building, but the landlord failed to make repairs. It was only after more than five years of fighting the landlord in court that they began to address anything. In that process, the landlord wasted court resources and caused the tenants to endure terrible conditions in their homes.

Increasing penalties for landlords who fail to make repairs and creating a certification of correction watchlist will send a message that New York City takes housing standards seriously. While it is a step in the right direction, HPD must also make good on collecting those penalties to ensure that landlords do not continue to benefit from impunity for failing to maintain their properties in habitable condition.

We support the Council in making this change and hope that we continue to see more action to hold bad landlords accountable.



**NEW YORK CITY SPECIAL
RIGGERS ASSOCIATION**

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PO Box 220533
Brooklyn, NY 11222

Hon. Adrienne Adams
Speaker, NYC Council
250 Broadway, 18th Floor
New York, NY 10007

December 8, 2022

Dear Speaker Adams, Chair Sanchez and Councilmembers Christopher Marte, Justin L. Brannan, Sandy Nurse, Shaun Abreu, Pierina Ana Sanchez, and Farah N. Louis,

The NYC Special Riggers Association commends the NYC Council for introducing [Intro 0484-2022](#), which would require that the Department of Buildings to submit photographic documentation when issuing a notice of violation for violations where the underlying condition is visual and capable of being captured by photograph. The Department would be tasked with promulgating and publishing rules regarding which violations will be subject to the photograph requirement.

Ensuring that photographic documentation is available when a violation is issued provides more certainty that the Building Code will be adhered to, and creates a visual record of the worked deemed to be in violation of the Code. It will also allow for submission of a visual record and actual proof once a violation is remedied. All in all, should this bill be passed and become law, it will make the inspection process more transparent.

On behalf of the licensed Special Rigger industry, we welcome the opportunity to discuss this common-sense change with you at your earliest convenience. Please let us know if you have any questions.

Thank you for your time and consideration.

Regards,

Veronika Sikorski, President
New York City Special Riggers Association.

Cc: Hon. Pierina Ana Sanchez
Hon. Christopher Marte
Hon. Justin L. Brannan
Hon. Sandy Nurse
Hon. Shaun Abreu
Hon. Farah N. Louis
Audrey Son, Senior Legislative Counsel, Housing & Buildings Committee

**New York City Council
Committee on Housing and Buildings
NYSFAH Testimony**

6 Dec 2022

NYSFAH is the trade association for New York's affordable housing industry statewide. Its 400 members include for-profit and nonprofit 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 the affordable housing built across the City and State that uses federal, state and local subsidies and incentives. Founded in 1998, NYSFAH is the nation's largest affordable housing trade group.

Intro 163 – Photographic evidence for HPD violations

Intro 484 – Photographic evidence for DOB violations

- NYSFAH supports Intros 163 and 484. In an age in which delivery workers routinely photograph packages to demonstrate delivery, requiring photographic evidence for violations and for corrections thereof is entirely reasonable. Requiring photography ensures that the violation was warranted and also that the condition was cured.

Intro 204 – Raises fees for complaint-based housing inspections

This bill would raise the fees for certain complaint-based housing inspections where multiple heat and hot water or immediately hazardous violations have been issued from \$200 to \$500. It would also provide the New York City Department of Housing Preservation and Development the authority to raise the fees to a maximum of \$1,000.

Intro 583 – Increases violation penalties, creates a watchlist

This bill increases penalties for violations issued by HPD and requires the department to maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection

- NYSFAH opposes both these pieces of legislation.
- The affordable housing portfolio is in the midst of an operating expense crisis due to a extensive rent arrears stemming from abuse of the Emergency Rental Assistance Program and also because of insurance rates that have dramatically increased in a short

period of time. Some buildings are unable to pay their vendors and have requested mortgage forbearance.

- Often affordable housing operators will take over buildings that need substantial rehabilitation, but there are long timelines involved in getting funding for repairs via HPD. An increase in fines or inspection fees, where there is inadequate rental revenue to effect repairs, can discourage companies from engaging in important housing preservation work.
- A prohibition on self-certification means that if HPD cannot send an inspector for a month, the daily fines add up continuously, as the law prohibits the violation from being cured until the inspector actually records the cure.
- While well-intentioned, both of these pieces of legislation may further put distressed properties underwater, while not providing any assistance to the operator to rectify the conditions.
- NYSFAH recommends that Council exempt buildings with regulatory agreements with city, state, or federal housing agencies from the provisions of these bills.

Prop. Intro 243-A – This legislation would require postings regarding electric space heater safety in common areas of apartment buildings.

- NYSFAH opposes this legislation. Such messaging inadvertently condones space heater usage, when in fact we should be moving to limit their use for demonstrated safety problems. Additionally, this type of legislation increases the compliance costs associated with operating rental housing. Messaging regarding consumer safety is a responsibility of the public sector, and it should not be placed onto housing operators instead.

Intro 337 – This legislation requires HPD to provide annual lists of open housing maintenance code violations to all multiple dwelling occupants and tenants in the city.

- NYSFAH opposes this legislation. This bill would require HPD to send out 2.5 million pieces of mail per year. Postage alone will cost \$1,500,000, at a time when HPD's must subject itself to a PEG. This is equivalent to eliminating 10 project managers, who could be working to build more affordable housing. Additionally, there will be a vast carbon footprint from the 2.5 million envelopes and 5,000 reams of paper necessary for this requirement, assuming HPD can use just a single sheet of paper per mailing.
- This legislation is an unfunded mandate, which will require HPD to rob Peter to pay Paul during a time of serious fiscal headwinds.

Intro 434 – Heat inspection program

This bill would require the Department of Housing Preservation and Development (HPD) to identify 150 class A multiple dwellings per borough based on factors including the number of temperature violations and heat-related complaints every two years. Such identified buildings would then be required to install internet-capable temperature reporting devices for up to four years. HPD would be required to conduct dedicated heat inspections of these buildings at least once every two weeks, and tenants would be able to opt in to providing automatic heat data transmission to HPD.

- NYSFAH opposes this legislation. This bill would increase the number of buildings in this program from 50 to 750, a factor of 15. This would force HPD to dedicate a large volume of inspection resources to a pre-set number of buildings. This will result in worse inspection results elsewhere as resources are directed towards these buildings.
- HPD should be able to direct its inspection resources where it sees fit. Otherwise, it will have no resources remaining to respond to emergent situations, such as tenant complaints in buildings not already in such a program.

Testimony of the Queens & Bronx Building Association
Committee on Housing & Buildings
December 6, 2023

Good morning, my name is Robert Altman, and I represent the Queens & Bronx Building Association and I am testifying on today's bills.

With respect to Introductory numbers 163 and 484, we support these bills, but remember there should be a time and date stamp to any photographic evidence.

We oppose Intro. No. 204. The increases in the fine will not prevent bad actors from denying heat. For the good actors, if something in the building goes wrong and the heat goes down before a correction can be made, a violation may issue. Paying more can just lead to more rent increases in the long run in non-rent stabilized buildings.

We oppose Intro. No. 243. Our reason is that there are so many notices that must be posted, that the posting of notices is beginning to become meaningless. May we, in the alternative, suggest that the Council look at all the required notices that must be posted and determine which five or six make the most sense. Otherwise, in an attempt to provide messages to the tenants, no message will be received by the tenants.

With respect to Intro. No. 434 on the heat-sensing program and its expansion, we neither oppose nor support. We would request a copy of any reports on the initial program and then we will tell the Council our position. If no report has been done, then we suggest that one be written.

Finally, we oppose Intro. No. 583. The fines are generally increased ten-fold, which is a bit excessive for one jump. Next, the watch list is somewhat too inclusive. For example, the it includes any landlord that has been found to have submitted a false certification of correction to the department within the previous five years, even if it is just once. There is an interpretation that goes into determining a false certification, so at least a pattern of false certification should be found not just one within the past five years. The watch list also includes a landlord who "owns

Testimony of the Queens & Bronx Building Association
Committee on Housing & Buildings
December 6, 2023

a multiple dwelling that is subject to the alternative enforcement program pursuant to section 27-2153 *or has been discharged from such program within the previous two years.*” Why would a landlord who has been discharged from the program be included? They have shown efforts to clean up their act.



TAKEROOT JUSTICE

TakeRoot Justice provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression.



*fighting predatory equity and tenant harassment
organizing nyc tenants for the right to stay in our homes and communities*

Testimony Concerning:

The Preliminary Budget for Fiscal Year 2023

May 25, 2022

Presented Before:

"Committee on Housing & Buildings"

Dec 6, 2022 01:00 PM

NYC Council Speaker Adrienne Adams

NYC Council Housing & Buildings Chair Peirina Sanchez

Presented By:

Jackie Del Valle

Stabilizing NYC Coordinator

TakeRoot Justice

123 William Street 16th Floor New York, NY 10038

Cell: 718-877-6689 • Fax: (212) 533-4598

Good afternoon and hello to Council Member and Housing & Buildings Pierina Sanchez and esteemed colleagues. My name is Jackie Del Valle from TakeRoot Justice and the Stabilizing NYC Coalition. I am testifying in support of the pro-tenant bills being heard today.

TakeRoot Justice fights with tenants and community groups to demand better living conditions, affordable rents, and a voice in the policies that shape their neighborhoods. We help hundreds of tenants and dozens of tenants associations file lawsuits for repairs in housing, including buildings damaged by fire. Stabilizing NYC is a Council funded coalition to organize tenants against predatory equity, harassment and displacement. We hold speculative landlords accountable for unsafe building conditions and neglect.

We strongly support Intro 204 and 583 to increase the fines for owners for multiple, multi-year, uncured violations resulting in multi- inspections. The current fines, and the inability of HPD to collect them, renders the fines negligible, allowing landlords to flout the law. These increases, and the enforcement of them, constitute a bare minimum of what is needed to meaningfully enforce NYC habitability law.

We strongly support Intro 337 which, by sending tenants the list of violations, will help address those violations, especially in buildings which have a long backlog. Tenants have the right to know about the health and safety conditions of their homes. As the pandemic made clear, not every HH has access to their buildings' violations and this info will help tenants fighting for repairs and fair rents. It's criminal how much of a family's income goes to a landlord unwilling to make repairs.

We ask that the Council pass Intro 434. The Heat Seek program which uses technology to monitor heating must be expanded and properly administered. Winter is here. As the reality is that many landlords don't provide adequate heat, leading many tenants to use costly, and often unsafe space heaters. Intro 243 must be passed to ensure electric heaters are used safely.

The City of New York, through HPD, has a responsibility to ensure tenants have safe housing through the oversight of private landlords. It's clear that landlords are not keeping buildings safe and are not providing adequate heat; and HPD is not doing enough about it. Buildings should not be allowed to rack up dozens of hazardous conditions, year after year, with little to no consequence. HPD must use and expand the code enforcement tools they have. They need to empower tenants, giving them access to the violations they find.

In closing, I would also like to thank this Council for the on-going support of Stabilizing NYC and TakeRoot Justice. Funding tenant organizing and tenant-led legal work is a fundamental part of holding landlords accountable to the safety of their buildings.



**Oversight Hearing: Enforcing the NYC Housing Maintenance Code
New York City Council Committee on Housing and Buildings
December 6, 2022**

Testimony of Michael McKee, Treasurer, Tenants PAC

We commend the Housing and Buildings Committee for conducting this oversight hearing.

Weak enforcement of this code has been a problem for the 52 years I have worked as a tenant organizer and advocate, and it has come to be expected that the City will do a half-hearted job. Many tenants don't complain of bad conditions, and there can be many reasons for this including fear, but in my experience many tenants have made code enforcement complaints and then give up on the system when there is no positive result.

We can't settle for this. Some landlords deliberately ignore their obligations to maintain their property in a habitable state to pressure tenants to vacate their homes. In extreme cases, tenants lose their lives because of landlord malfeasance.

I want to comment on two of the bills on today's agenda: Intro No. 163 and Intro No. 484, which would require inspectors from the Department of Housing Preservation and Development and the Department of Buildings to take photographs of violations.

No doubt these bills are well-intentioned, but I frankly think this is a bad approach. Some tenants will be reluctant to complain, or to give access for a photo on privacy grounds. In addition, there is the well-known problem that many violations cannot be adequately photographed – I and other organizers have tried this in the past – leaks being a prime example.

Above all, this new procedure would give landlords another opportunity to contest violations, and would no doubt slow down the work of inspectors. Our code enforcement system is slow enough as it is.

We need proactive enforcement of the Housing Maintenance Code. Making the Anti-Harassment Tenant Protection program permanent, and instituting a permanent fund for its implementation would be a positive step.

Years ago, HPD had a pro-active 7-A program. The agency sought out experienced and competent 7-A administrators to take over neglected buildings, and had a capital grant program that administrators could tap into for important building upgrades such as installing a new heating and hot water system. Let's bring it back. HPD could recruit and train people to become effective 7-A managers. The 7-A program will not work in all cases, but where the City is dealing with the worst landlords it is literally the last hope for these buildings and the tenants who call them home.

Thanks for the opportunity to testify and thanks for taking this issue seriously. More oversight!

179 East 93rd Street Tenants Association
179e93tenantsassociation@gmail.com

December 9, 2022

NYC Council Member, Pierina Sanchez
Chair, NYC Council Committee on Housing & Buildings

Re: HPD Oversight Hearing - Improving the Systems for Enforcing the NYC Housing Maintenance Code

Thank you for convening the oversight hearing of HPD and the department's systems and protocols for effecting enforcement of the NYC Housing Maintenance Code. As NYC continues to be destabilized by a critical housing crisis, oversight of the department charged with the duty to enforce the code and hold accountable irresponsible landlords who neglect their residential properties is paramount to tenant safety and neighborhood stability.

The TA's experience with landlord who continues to neglect our building is vast. But for the purposes of this testimony, the TA will limit our comments to the following.

LAX AND INCONSISTENT ENFORCEMENT

Because our Rent Stabilized Building, 179 East 93rd Street Tenants Association, has been so grossly neglected by our landlord, Slavik Gofman, HPD initiated comprehensive litigation against Landlord Gofman on June 15, 2021 for the more than 100 Open violations at that time. And while Housing Court Judge Francis A. Ortiz issued an order, dated August 2, 2022, directing Landlord Gofman to make the myriad repairs required by law, the Committee should know that, to date, Landlord Gofman has failed to comply with Judge Ortiz' order. And yet, despite Landlord Gofman failing to comply with the Housing Court Order, HPD settled the case for a mere \$6,500 and has failed to pursue Contempt of Court penalties against Landlord Gofman.

This sort of lax enforcement incentivizes landlord neglect. For, when HPD shows no appetite to engage in serious enforcement actions, landlords ignore orders, even those issued by a court. In other words, the problem with lax and inconsistent enforcement is not the Housing Maintenance Code, but the lack of political will and commitment to enforce it.

LANDLORD SELF-CERTIFICATION

The current protocol of allowing landlords to self-certify that they have cured violations and made the attendant repairs is the housing equivalent of the proverbial fox watching the henhouse.

Using our building as an example again, it has been well documented that Landlord Slavik Gofman routinely falsely certifies that he has made repairs when he has not. That fraudulent business practice not only enables a negligent landlord to continue to ignore making necessary repairs, but it puts the burden on the tenant, who filed the Service Request in the first place, to notify HPD of the landlord's false certification and then schedule yet another round of

inspections to verify the fact that the landlord did not make the repairs the landlord falsely claims to have done.

Whether the solution is to discontinue the self-certification practice or to require an added layer of certification checks and balances – one that does not put the burden on the tenant who is already enduring the violative condition – the self-certification process should be critically reviewed and dramatically reformed.

THE INEFFICIENT INSPECTION LOOP SHOULD BE CURED WITH AN APP

Sending inspectors out to addresses without a scheduled appointment is a waste of everyone's time and public resources that building defects cannot sustain, and New Yorkers deserve better.

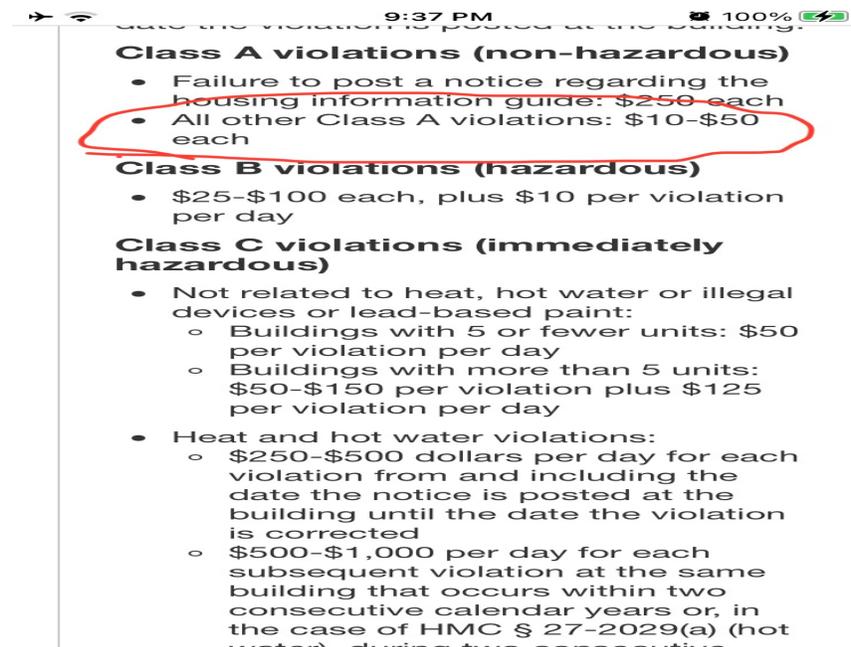
A multi-billion-dollar public budget, funded with tax dollars, should be able to support the development of an App that can be used to schedule HPD inspections.

Rather than inspectors making multiple visits to buildings without being able to actually conduct the requested inspection – because HPD has failed to ascertain the tenant's schedule and availability – this App can be used to organize inspections in an efficient and convenient manner.

DE MINIMUS PENALTIES ENCOURAGE NEGLECT

The premise of penalties is to cause an offending landlord to be sufficiently penalized in order to deter repeat building negligence. So, because many landlords have very deep pockets, any penalties imposed must also be significant in order to be effective.

The fact that some NYC HPD penalties start at \$10 illustrates that the current HPD menu of penalties for violations is insufficient to realistically change bad landlord conduct.



Couple *de minimus* penalties with HPD's lack of political will or commitment to actually collect the scheduled penalties, it is inescapable that penalties should be increased to levels that will, as a practical matter, realistically affect and rehabilitate bad landlord conduct.

CONCLUSION

As the issues that prevent adequate enforcement of the Housing Code are historic and systemic, the TA hopes the Committee will continue to hold Oversight Hearings of HPD and the efficacy of its current systems and protocols.

Should the Committee have any questions regarding the 179E93 TA's testimony or wish to explore more fully these or any other issues related to improving city-wide enforcement of the Housing Code, please feel free to reach out at the above email address.

Thank you again for taking the time to convene the HPD Oversight Hearing and for providing the opportunity for input from our community.

Respectfully Submitted,



Susan Kathryn Hefti
Representative
179 East 93rd Street Tenants Association

TESTIMONY OF JUSTFIX INC.

NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
December 6, 2022

Introduction:

JustFix is a New York City-based civic technology nonprofit that creates tools to support the tenant movement. Our tools seek to advance housing justice and empower tenants to address housing conditions and obtain repairs. Since 2016, we have helped approximately 800,000 tenants through our various tools and products. Our team of 12 staff engages with tenants, housing organizers, and partner organizations to help level the playing field between landlords and tenants.

Since 2020, the housing landscape in New York City has changed dramatically. The Housing Stability and Tenant Protection Act of 2019 was just beginning to alter the balance of power between the landlords and tenants in favor of tenants. “Right to Counsel” was empowering tenants through legal representation in Housing Court. After COVID-19 hit, eviction moratoria and cessation of in-person proceedings in Housing Court again altered the balance.

However, during the pandemic period, poor housing conditions and harassment by landlords continued unchecked. Landlords neglected to make repairs, harassed tenants who were unable to pay rent, and sometimes took matters into their own hands to illegally evict tenants. Legal services lawyers (RTC) took on these cases as they arose and fought for tenants. JustFix adapted to the increase in harassment and repair issues by creating and implementing its Emergency Housing Part Action (EHPA) tool. We also deployed a tool to enable tenants to assert their rights to declare a “hardship” due to COVID (Eviction Free NY).

In January 2022, the final eviction moratorium expired and in-person court proceedings resumed. RTC lawyers quickly became overburdened and were forced to triage cases- leaving out repair and harassment cases. Also, the political climate turned against tenants, who were perceived as having had a “free ride” during the pandemic on nonpayment of rent. As a result, important tenant protections like “good cause eviction” failed to pass at the legislative level. More recently, the City’s Rent Guidelines Board approved the largest rent increases in history for rent stabilized tenants.

[The New York City Council - File #: Int 0163-2022](#)

A Local Law to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of housing preservation and development.

Photographic evidence can be compelling proof of housing conditions. Photos are useful in Housing Part actions in Housing Court and as proof in support of abatements in nonpayment proceedings. However, while a photo may support the existence of a violation and demonstrate its gravity, the absence of a photo should not be held up as proof that a violation does not exist. JustFix urges the Council to make sure that photographic evidence submitted by housing inspectors does not serve as a shield- conclusive evidence of the lack of violations.

[The New York City Council - File #: Int 0204-2022](#)

A Local Law to amend the administrative code of the city of New York, in relation to raising the inspection fees for certain housing inspections.

Repeat inspections are inefficient and often reflect uncorrected violations, which means tenants are exposed to unsafe or unhealthy housing. JustFix supports the increase of inspection fees in the situations covered by this bill- which include hazardous and immediately hazardous violations, such as lack of heat. Of the thousands of Letters of Complaint that have been sent on behalf of tenants across New York City, some of the top repairs include peeling paint, mold, water damage, cockroaches, and mice infestations. These conditions not only represent landlord neglect but are also repair issues that transcend mere cosmetic or nuisance. Repair issues such as these greatly impact health outcomes and pose serious dangers. We urge the council to consider graduated penalties, more punitive with each subsequent

violation. Doing so would increase the deterrent effect of these measures and progressively increase the cost of operating in violation of the law.

[The New York City Council - File #: Int 0243-2022](#)

A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to post notices regarding electric space heater safety.

The Twin Parks North fire in the Bronx resulted in the deaths of seventeen innocent people, including children. Fire safety should not be left in the hands of landlords who are incentivized by profit to ignore basic safety measures, like signage. JustFix supports this bill to provide clear, accurate information to tenants about their use of space heaters in their apartments. We also support higher penalties and enforcement against landlords with a history of heat-related violations; the underlying cause compels tenants to heat their homes with space heaters.

[The New York City Council - File #: Int 0337-2022](#)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to provide annual lists of open housing maintenance code violations to multiple dwelling occupants and tenants.

JustFix acts to ensure that tenants have accurate and current information about housing conditions, violations, and resources to address these issues. Our “Who Owns

What” platform was accessed by 300,000 users last year to research landlords. Information about open housing maintenance code violations is important for tenants who seek to address these conditions, tenants who need to be aware of dangerous conditions outside of their apartments but in their buildings, and by housing seekers who need to know about health and safety issues in their prospective homes. This bill attempts to address these issues by requiring a mailed notice of open violations to all tenants and occupants in a building on an annual basis.

However, twelve months is too long a time-frame for such notices to be helpful to tenants. And mail notice may not be a practical way to deliver such important information. Given that violation information is online and accessible in real time by anyone on HPD Online, tenants should be able to sign up for text alerts about new and existing violations in their buildings, or in any buildings. Text alerts would provide such relevant information to people when they need it and in a way that many people access information.

[Int. No. 583](#) (Public Advocate Williams)

Increasing penalties for violations issued by the department of housing preservation and requiring the department of housing preservation and development to maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection.

JustFix has engaged in compiling and disseminating data about landlords for six years. During that time, we have learned many lessons, including that some landlords

are aggressively and persistently evasive about complying with housing maintenance laws. We have helped produce a “worst evictors” list and demonstrated the links between entities who hide behind corporate veils. As such, we support the public advocate’s bill to add additional scrutiny in the form of inspections for landlords who have repeatedly violated housing maintenance laws. Such landlords should not be allowed to self certify corrections of housing conditions. Inspections will ensure actual compliance with the laws and better protect the health and safety of tenants.

Conclusion

In sum, tenants are now more vulnerable to landlord harassment and eviction by neglect. Tenants who face unsafe housing cannot expect free legal representation. There is a greater need for solutions to housing conditions and landlord harassment in the form of tenant empowerment and self-help. Several of the proposal on the table today have the potential to restore balance between landlords and tenants in the area of housing conditions. Some of the provisions allow for easier proof of housing conditions and violations. Others place burdens on landlords who are repeat violators.

JustFix believes in the human right to housing, and that an essential element of that right is healthy, safe, and habitable housing. We bring technology and data to help tenants in their fight for these goals. We support the City Council in its efforts to further protect the millions of tenants of New York City.

Testimony with Respect to the Proposed Housing Code Legislation before the NYC Council

December 6, 2022

Deborah Wallace, Ph.D.

Contact information: debwallace445@gmail.com,

My name is Deborah Wallace. I have a Ph.D. in ecology from Columbia University and a mini-residency certificate in epidemiology from Mount Sinai Department of Occupational and Environmental Medicine. Among the book that I have authored or co-authored are two that are used in fire academies and university courses in public health, political science, public administration, and environmental health: 1) *In the Mouth of the Dragon: Toxic Fires in the Age of Plastics* and 2) *A Plague on Your Houses: How New York City Was Burned Down and National Public Health Crumbled*. The first looks at how the addition of plastics in the fuel load changed the toxicity of fumes and smoke and how building codes have suffered from the influence of corporations. The second examines the 1970's fire epidemic in New York City, its origins, dynamics, and consequences. I have had a career in ecology, environmental science, urban studies, and epidemiology of over 50 years.

I am in favor of the package of proposed bills that this hearing covers. Each would contribute a small piece to the housing safety and health picture.

However, none of them addresses three major problems that give rise to housing-related health and safety threats, especially in poor communities of color. Problem #1 is the lack of proper management of the entire violation enforcement effort, ranging from need for personnel to the lack of will to enforce and to bring penalties. What does adequate enforcement require in staffing? Why are serious violations allowed to continue for years? None of the bills address these strategic and tactical issues. The mass fatal fire at Twin Parks Towers had its roots in long-term lack of heat and long-term failure to provide automatically closing doors. Those violations were on the books for a very long time, for such a long time that HPD and Dept. of Buildings share in the culpability for the deaths with the landlord corporation. By the way, the Fire Department is supposed to conduct inspections also, although it has not done much in many years. The failure of FDNY local units to do proper familiarization at Twin Parks Towers ensured a greatly hampered conduct of extinguishment and rescue on Jan 9, 2022: that building is most peculiarly designed.

I suggest that the Inspectors General of HPD, DoB, and FDNY be mandated to review the violations and their status monthly and write a report for the Deputy Mayor of Operations who would then take action on uncorrected serious violations. The Deputy Mayor of Operations would be accountable ultimately for the large picture of serious violations. Presently there is no accountability.

I want to state here that the number of serious violations per 1000 housing units within each community district associates strongly with the community districts' rates of premature mortality (deaths before age 65 per unit population). Housing quality is a major factor in public health. It is also associated with rates of low-weight births, an index of severe maternal stress during pregnancy.

Problem #2 revolves around the penalties. They are all financial. The imposition of health or safety threats should be criminal. There must be a schedule of violations and length of time that they are left uncorrected that would result in a criminal court case for the responsible party (or

parties). If the violations are a tactic that supports a many decades strategy aiming for a huge eventual windfall on a many-building scale, financial penalties even at the proposed increases would merely be another investment toward the windfall of hundreds of millions or of billions of dollars.

If a building manager punched a tenant in the nose, that manager could be arrested for assault. If a building manager fails to provide heat over entire winters and causes the deaths of some elderly tenants and illnesses among babies and small children, isn't that an even more serious assault? If the manager is carrying out the policy of the owner, isn't the owner criminally involved?

By the way, coops and condominiums can also ignore serious violations in order to keep monthly maintenance low and special assessments infrequent. The directors and managers can decide to balance budgets on the health and safety of the residents. I personally experienced such a dynamic when I lived in a postwar coop whose lower three floors had no bathroom ventilation, a situation that led to toxic mold. The postwar buildings now age and require proper maintenance and rehabbing, but are not perceived as vulnerable. Twin Parks Towers are two postwar buildings, although not coop or condo.

Problem #3 is a question of equity in inspections and code enforcement. The number of serious violations per 1000 housing units varies geographically. Somehow, by some alchemy, the poor community districts of color have very high rates of serious violations compared with other CDs. The situation in the Bronx is particularly awful, with many, many units having three or more serious violations. The website of Montefiore Medical Center's Office of Community Health lists these neighborhoods and the major types of violations from lack of heat, to major leaks, to vermin. Mirabile dictu, the CD with the mass fatal fire and with this Thanksgiving's fatal fire is the top of the list.

New York City has applied planned shrinkage to poor neighborhoods of color for decades. It is the city agency equivalent of redlining. Instead of denying mortgages and home improvement loans, agencies deny essential services. What you see is what you get in municipal services. If an area has many large, damaging, and often fatal fires, fire service has been choked off, as my book on the 1970's fire epidemic shows. If the same neighborhoods suffer from high rates of serious housing violations, they have been denied code enforcement services.

The changes to the city charter that New York City voters approved at the polls in November included a statement of values for justice. The residents of New York City deserve equity in housing code enforcement as a major foundation for their health, safety, and residential stability.

Thank you for the opportunity to submit testimony on these vital issues.

Oral Testimony for City Council Hearing on Building Codes: December 6, 2022

The Mayor's Office recently attempted to gut the 2019 law on buildings' greenhouse gas emissions in favor of big landlords, motivating me to depart from my submitted written testimony and dive deeper into the ancient marriage of the FIRE (finance, insurance, real estate) industry and Mayor's Office. This marriage has long flouted building code enforcement and its laws.

The Bronx suffered the most intense public policy abuse over decades. Slide 1 maps 1938 Bronx redlining. In the South and Central Bronx swath lived radical, unionized Jews, Italians, and Irish. Redlining formed part of New Deal elements devised to head off open revolution. Roosevelt feared socialists attaining power, fear stoked by election of such radicals as Vito Marcantonio. New York State adopted a 1938 constitution that provided for urban renewal long before the Federal program.

Slide 2 maps urban renewal and highway development in the Bronx. After 1950, African Americans replaced the white ethnics. In late 1960's-1970's, Blacks moved out and Latin Americans moved in, many of them evictees from Manhattan urban renewal. Urban renewal concentrated in the redlined zone.

Slide 3 maps planned shrinkage Bronx fire company closings and resulting 1970-1980 loss of housing. The targeted area was the South and Central Bronx. Loss of fire protection shredded Bronx social, economic, and political structure and caused public health and public order catastrophe. Citywide redlining, urban renewal, and planned shrinkage resulted in citywide housing famine. Roger Starr, the intellectual of the FIRE industry, created planned shrinkage.

Slide 4 maps planned shrinkage of sanitation in the 1992 Mayor's Budget. This round targeted the Latin American CDs with Bronx CDs 4 and 5 losing over 70% of street-cleaning and garbage collection slots. Even the Dinkins Administration applied planned shrinkage under Deputy Mayor of Operations Norman Stoessel, a staunch supporter of planned shrinkage.

Such laws as provision of heat in winter have been on the books a long time. The law on automatically closing doors was passed in 2014. These flouting of these laws led to the mass fatal fire on E. 233 St. New laws open up new opportunities for flouting, in the context of the long-standing corrupt relationship between the FIRE industry and city administration. Ending non-enforcement requires understanding and stifling the mechanics of FIRE industry control over city administrations and public policies. Perhaps, the appropriate City Council committees can collaborate with the Comptroller in an investigation.

Slide 5 shows the political outfall of decades of destabilization and degradation: the South and Central Bronx was the largest area of extremely low voting participation in the 2021 Mayoral election, an expression of severe disempowerment. How will the City Charter's new statement of equity values deal with this tragedy?

Testimony for City Council Hearing on Building Codes: December 6, 2022

Deborah Wallace, Ph.D.

Contact: debwallace445@gmail.com 718-548-0293

December 7, 2022

Power Relations between the FIRE Industry and New York City Residents: the Mayoral Agencies as the Mediators

My qualifications: almost 50 years of analyzing planned shrinkage of the FDNY and its effects on public health, public order, and the social, economic, and political structure of New York City. Early pioneer in environmental impact assessment and in social epidemiology. Large number of peer-reviewed publications.

The Mayor's Office recently attempted to provide a loophole for big landlords in regulations under the law on buildings' greenhouse gas emissions, motivating me to depart from my previous written testimony and dive deeper into the overwhelming influence of the FIRE (finance, insurance, real estate) industry over mayoral agencies and housing-related public policies.

The Bronx suffered the most intense housing-related public policy abuse for decades. Figure 1 maps 1938 Bronx redlining. In the South and Central Bronx red swath lived radical, unionized Jews, Italians, and Irish. I assume that the council members understand redlin-

ing as a financial tool to starve targeted communities of resources for maintaining housing. Also in 1938, New York State adopted a constitution with a new article on housing that provided for urban renewal long before the 1949 Federal program.

Figure 2 maps late 1950's-1960's urban renewal and highway development in the Bronx. After 1950, white ethnics moved out of the redlined zone, replaced by African Americans. In 1960's-1970's, Blacks moved out, replaced by Puerto Ricans, many of them evictees from Manhattan urban renewal. Urban renewal concentrated in the redlined zone.

Figure 3 maps planned shrinkage Bronx fire company closings and consequent 1970-1980 loss of housing. The targeted area was the South and Central Bronx, the redlined and urban renewed zone. Loss of fire protection shredded Bronx social, economic, and political structure and caused public health and public order catastrophe. Citywide redlining, urban renewal, and planned shrinkage resulted in citywide housing famine and the homelessness crisis.

Roger Starr, the intellectual of the FIRE industry, created planned shrinkage, a city agency version of redlining whereby adequate essential services are denied 'dying' neighborhoods and funneled to already 'healthy' neighborhoods. The 1969 Master Plan shows what the Administration and the FIRE industry decided was a 'dying' community and a 'healthy' community, mostly defined by race/ethnicity, immigrant status, and class. Planned shrinkage was implemented during the Lindsay Administration when urban renewal became politically toxic.

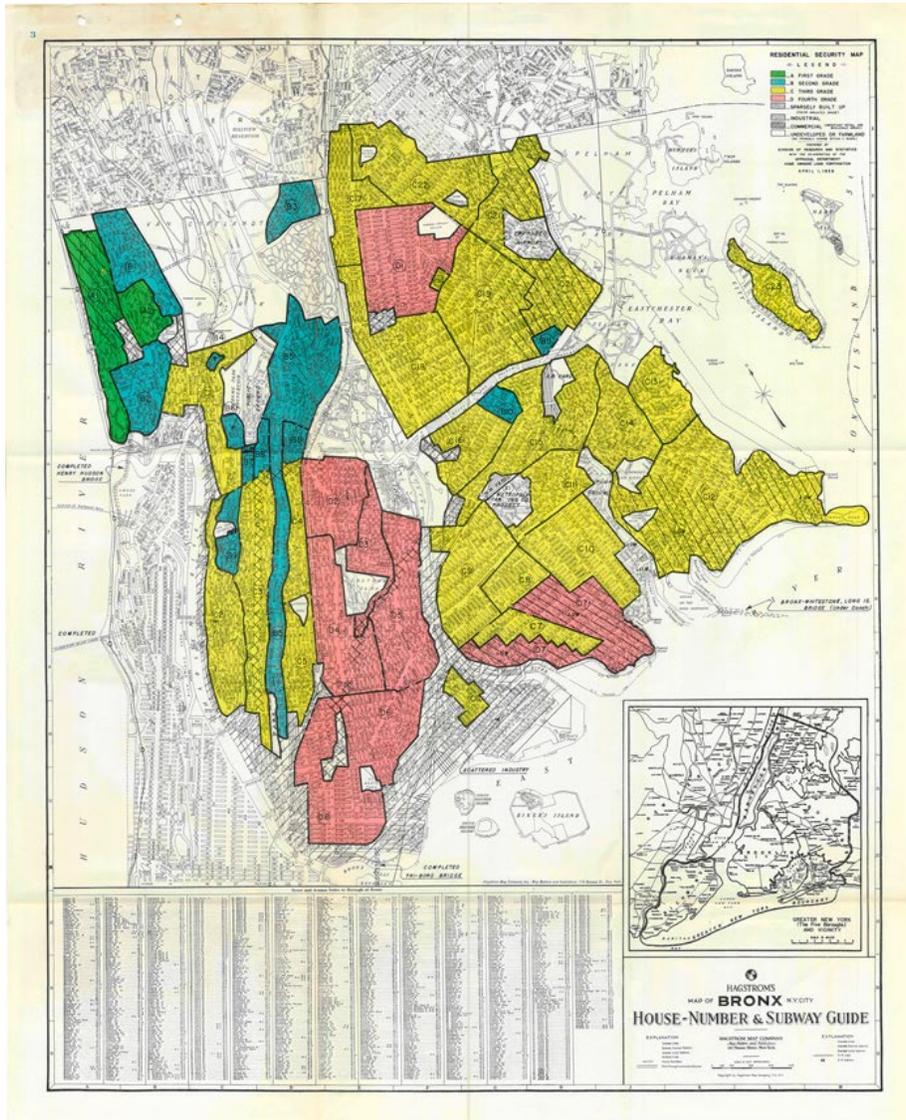


Figure 1: The 1938 FHA/Homeowners Loan Corporation redlining map of the Bronx. Red zones were labeled as 'hazardous' and taboo for mortgages and home-improvement loans. Yellow zones were seen as sliding toward red. Blue were generally ok, and green were strong.



Figure 2: Urban renewal sites and freeways in the Bronx. Clearly urban renewal was concentrated in the redlined zone, and Robert Moses' freeways segregated it. Urban renewal destroyed more housing than it produced and unraveled its target communities.

**Percent Occupied Housing Loss
1970-1980**



Figure 3: The map on the right displays the fire companies that were closed after 1970. E=engine, L=ladder, S=squad, B=battalion chief. Most companies were closed 1972-1976 and had served the redlined, urban-renewed South and Central Bronx swath. The map on the left shows the 1970-1980 percent housing losses of the Bronx health areas, which largely resulted from the fire company closings and concentrated in the redlined, 'urban renewed' zone.

It was implemented for FDNY by the Rand Corporation pseudoscientific mathematical models for siting fire houses. For details of the technical flaws of these models, see *A Plague on Your Houses: How New York City Was Burned Down and National Public Health Crumbled* by Wallace and Wallace (Verso Books, 1998).

Figure 4 maps planned shrinkage of sanitation in the 1992 Mayors Budget. This implementation targeted the Latin American CDs. Bronx CDs 4 and 5 lost over 70% of street-cleaning and garbage collection slots. The other Bronx losing CDs lost over 50%. Spanish Harlem and Loisaida in Manhattan lost over 60%. Norman Stoessel, a staunch supporter of planned shrinkage, was Dinkins's Deputy Mayor of Operations. Planned shrinkage was not limited to FDNY and targets the redlined zone of the Bronx repeatedly.

Provision of heat in winter has been law a long time. The law on automatically closing doors was passed in 2014. Long uncorrected violations of these laws led to the mass fatal fire on E. 233 St. No one went on criminal trial after 17 people died. Landlords commit crimes against tenants and against the communities in which their property is embedded with impunity. Very few criminal landlords see the inside of a prison although they are responsible for individual and public health erosion. If a landlord punched a tenant in the nose, they would stand trial for assault. If a landlord caused a fatal asthma attack of a tenant because of mold from long-term leaks, they would never stand trial.

The new laws proposed now to bolster code enforcement would probably make some difference, but new laws

**Community Districts
in New York City**



Figure 4: How planned shrinkage was applied to sanitation service in the 1992 Mayor's Budget. The community districts with stripes were the ten top for percent loss between 1989 and 1992, the year of deepest cuts. Bronx CDs 4 and 5 lost over 70% of street-cleaning and garbage-collecting slots. The other big losing Bronx CDs lost over 50%. Other Latinx CDs that were targeted were East Harlem and the Lower Eastside. Manhattan CD 9 had a population of about one-third non-Latinx white, one-third non-Latinx Black, and one-third Latinx. The ten CDs with little plus signs gained sanitation slots.

open up new opportunities for non-enforcement, in the context of the long-standing power of the FIRE industry over city administration. Ending non-enforcement requires understanding and stifling the mechanics of FIRE industry control over city administrations, public policies, and agency practices. The Office of the Mayor determines the resources available for code enforcement and the actual practice of code enforcement. It is the mediator between the FIRE industry and the residents of New York City. Perhaps, the City Council can collaborate with the Comptroller in an investigation.

Figure 5, a map of voting participation in the 2021 Mayoral election shows the political outfall of decades of destabilization and degradation: the South and Central Bronx was the largest area of extremely low voting participation, an expression of severe disempowerment. The basic power of poor communities as funneled through voting has been strangled whereas the power of the FIRE industry has grown. How will the City Charters new statement of equity values deal with this tragedy?



Figure 5: Voting participation of the election districts in the 2021 mayoral election. The paler the area, the lower the participation. The South and Central Bronx formed the largest area of extremely low participation (less than 19%). Participation is the percent of registered voters who cast ballots and reflects the political engagement and power of the district.

December 6, 2022

Thank you for this opportunity to testify regarding the Heat Sensors Program.

I am a rent stabilized tenant in West Harlem, two blocks away from the new Columbia University expansion campus. Our building was purchased in 2008 by a speculative landlord. The heat was set far below the legal minimum immediately upon changing hands to the new owner, and remained so until last year when compliance with the Heat Sensors Program was reached.

Obtaining help from the city for inadequate heat is a monumental, nearly impossible task. Just to receive a heat violation requires many steps.

1. Tenants must call 311, then be home for an inspection at an unannounced time, usually during business hours, several days after reporting.
2. Tenants must close off a portion of living space from any space heaters for this entire period, awaiting inspection.
3. Landlords receive notice of the complaint, and may turn heating on until the inspection is completed, then turn heating back off.
4. Housing court hearings require a half day, but several repeat hearings might only result in a \$1K fine for very severe cases.

No tenant wants HPD inspectors in our homes, measuring temperatures several days after reporting a problem. No tenant wants to give up portions of living space so HPD can accurately measure the temperature. An HPD employee at the Manhattan Code Enforcement office recently told me that there are currently only 16 housing inspectors for the whole borough. Inspection occurs weeks later in some cases.

Prior to the current technology of remote boiler control devices, landlords were issued a violation for changing the boiler settings more than twice per year. Since the early 2000s landlords may change boiler settings using an app on a mobile device, at will. HPD has refused to employ appropriate technology to enforce heating regulations. This allows landlords to harass and endanger tenants easily with very few legal consequences.

In our building, in December 2020 an 86 year old resident died from a cold that progressed to pneumonia (she tested negative for Covid) in her unheated apartment. During lockdown 2020-21, our building collected over 30 heat and hot water violations.

The Heat Sensors Program is the first attempt by the city to address a glaring loophole that endangers people who simply don't have the time and extra living space needed to reach an unrealistic HPD standard for heat violations.

Our landlord, working with his "violation removal" consultant, has worked to attack the program. He did not comply at all with HSP requirements after being chosen to participate. Tenants found out about the program from visits by its dedicated inspector. HPD had to pressure the owner with threats of a

\$50K fine to get him to comply. The program is still an “honor system” for landlords, because landlords provide the documents of the sensor readings. HPD should receive access to live data, and should verify the accuracy of every installed sensor.

Our landlord has falsified heat records in housing court proceedings. He works with Entech, who markets a “boiler monitoring device” called The Stealth. It allows some portions of a building to be heated while others are not. A cottage industry for evading heat regulation exists, which deserves investigation by the Attorney General.

Additionally, there appears to be some influence by landlord groups to thwart the program. Our building has not received its unannounced inspections every two weeks, not since 2021. The dedicated program inspector does not come to the building, and none of our tenants have received these inspections. When the program Supervisor was notified of this, she said they have data from those visits. Our residents say the inspections have not occurred, after many inquiries in the building email group.

This program deserves to be strengthened, given a very high degree of visibility to the public, and should exist city-wide, not just for 150 buildings. Inspections should be immediately triggered by Heat Sensor data. Heat sensors are inexpensive. Lack of heat is a deadly condition that has not been adequately enforced by the city for decades.

-Jeffery Radford

New York City Council
Committee Housing & Buildings

Testimony
Lyric Thompson
Decatur St
Brooklyn NY 11237

12-7-2022

Housing Preservation And Development is tasked with the enforcement of our minimum standards for health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy in dwellings which is necessary to protect the people of the city against the consequences of urban blight. The sound enforcement of minimum housing standards is essential:

HPD has failed in this endeavor endangering tenants via unsafe conditions, unworkable systems and a lack of overall accountability for bad players. HPD's failure in this regard creates a toxic abusive cycle of inspections, revolving violations, and court actions. Tenants are forced to endure years of this abusive dysfunctional system simply to ensure that their homes are safe and repairs are conducted properly.

My dealings with HPD began in the summer of 2015 when our landlord tried to clear the building. Our area is gentrifying and our landlord's plan was to get the current occupants out, renovate the units and raise the rent \$1000. Alen Paknoush sadly was able to evict tenant Olga Ortiz via a holdover prior to my learning that our buildings were subject to stabilization due to the 421a tax exemption that Paknoush had been collecting for 5 years & 3 years post construction benefits.

I was stumped as to how our buildings could be new 421a construction as a large percentage of the buildings were incomplete. It was also concerning that HPD had not ensured proper registration with DHCR NOR did HPD pick up the legal status of the building while providing section 8 benefits to tenants, had they, the hold over eviction of Ms Ortiz would have been prevented.

I later learned that our buildings were signed off by two corrupt DOB inspectors who were arrested during a sting operation by DOI February 2015 for taking bribes to sign off non code compliant buildings. After foil requesting the 421a file I realized that not only was the building not completed but the 421a file was incomplete and rife with forgeries. The first of which was the FCE. It was a notarized statement from Sonia Lugo dated April of 2010. Sonia Lugo died in the summer of 2007.

I informed both DOI & HPD. DOI along with HPD allowed Paknoush to remove the forged FCE and ignored our complaint regarding the fraudulent sign off for our C OF O. They told us nothing to find, call 311.

For the next 8 years we would be forced to endure hundreds of inspections . Hundreds of violations have been written, many of which are repeat violations that have been removed without the repair being done.

In addition there is also HPD's refusal to write violations for damaged appurtenances such as window or door screens, cracked windows, damaged floors, black mold, leaks , bathroom fixtures, our common area heating which HPD told our landlord he could hack out, the plumbing issues, black mold and gas leaks that resulted from said hacking and building entrance and vestibule doors that have never been code complaint.

Citizens shouldn't have to grovel with HPD to enforce our basic safety standards .

HPD's lack of enforcement is abusive and deadly for both tenants and first responders.

11 months ago 17 people died in the Twin Park fire of smoke inhalation in the common areas of their building while fleeing for their lives. This was in part due to non code compliant doors. Doors that HPD is tasked to enforce the standards for..

In our case, we had 4 ½ years of revolving violations on our entrance and vestibule doors. 30 + violations written and removed without repairs ever been done. It wasn't until Jan 1st 2019 that I learned that said doors weren't fire rated as required by code.

We'd had hundreds of inspections at that point.. How did not one HPD inspector pick up on the fact that these doors were not code compliant?

HPD refused to write a violation for the non fire rated nature of the doors until I got DOB involved. Even so, HPD did not take our non code compliant door seriously. May 13, 2019 once again HPD removed the violations for these doors without the repair being done.

May 20, 2019 the FDNY had to remove said defective door hardware from the building before it started a fire.. 7 days after HPD said our doors were fine.

One would have thought that would have been a wake up call for HPD.. No, sadly not. It wasn't till June 2019 that we got fire rated doors installed at both the entrance and vestibule. Unfortunately , said doors were 2 inches too short and had excessive gaps between the door jamb and frame. We also had a plastic vent in our smoke stopping wall.

The next for 4 years Ive have had to fight with HPD regarding these violating conditions. It got to the point where I called the FDNY who inspected the doors and wrote violations for the excessive gaps as well as the non fire rated door hardware HPD thought was fine.

Even still, HPD refuses to address their lack of knowledge of the standards for doors. HPD does not train their inspectors in the NFPA codes that govern doors.

How is HPD to enforce a standard they've not been trained in? I cant help but think that if HPD inspectors were trained in codes that govern doors I wouldn't have had to endure years of inspections, 311 calls, revolving violations, and our building nearly catching fire.

Since the Twin Park Fire I have called each and every one of your offices to bring this to your attention. I have emailed, tweeted and groveled with you to address this as not doing so results in my fellow citizens dying of smoke inhalation while fleeing for their lives.

To date the response from this committee has been to gaslight me, make promises to address this issue then ghost me or just ignore the issue all together.

I am asking that this committee call for an oversight hearing regarding HPDs training or lack thereof in the NFPA standards that govern doors. Ive done my job as a citizen which is to bring it to YOUR ATTENTION. Now I'm asking that you do your job to ensure HPD is properly trained to prevent further loss of life.

As for the bills put forward..

1 } Int 0163-2022 Requiring photographic documentation evidencing certain violations enforced by the dept of HPD.

2} Int 0484-2022 Version: * Name:Requiring photographic documentation evidencing certain violations enforced by the DOB.

Both of these bills ignore the tenants. A tenant should be able to submit a video demonstrating a violation . HPD & DOB currently relies on what they themselves witness. This prevents many violating conditions from being documented. Our broken gutters are the perfect example. There are holes that cause the water to flow directly into our basement. Every time it rains, our basement floods. This has been an ongoing issue for years. YET HPD says that just looking at the gutter isn't enough for them leaving issue unresolved. Our building is rotting due to this policy.

Or the tenants who had an ongoing leak for 6 years. It rained in their unit for 6 years.. HPD would write violations to repair the drywall or even find the leak. Then they would remove the violation even though the leak was unaddressed . Call 311 when it happens again was the response for years.

Finally I contacted HPD Commissioner Forrigno who told me to have the guys take off work the next time it rained.. THEN when it started coming through their ceiling to call him and he would send someone right out to witness the leak. So we have to take off work, hope that the forecast was correct and that he actually answers the phone? WHAT? This ridiculousness could be avoided if HPD accepted time stamped videos . If video can be used to file an idling complaint, it should be good enough for HPD.

3} 0434-2022 Expanding the heat sensors program.

The heat sensor program is a failure due to several reasons.

1} There is no penalty for non compliance.. HPD will perhaps write a B violation which does nothing. The equivalent is the broken gasketing on your fridge.

2} HPD doesn't speak or deal with tenants. How are tenants supposed to know that an HPD inspection is happening?

If I was knocking on your door right now , how many of you would be home to allow my entry to inspect your heating?

3} HPD does not inspect heating equipment but rather relies on a thermometer resulting in many violations not being written.

As for HPD's contention that making appointments with people would be too daunting.. The following cities ALL make appointments with tenants PRIOR to code enforcement showing up to ensure that someone is there. HPD just showing up is ridiculous.

1. Boston MA,
2. Las Vegas NV,
3. Philadelphia PA
4. Little Rock AR
5. Jacksonville FL
6. Atlanta GA
7. Chicago IL
8. Montgomery AL

Am I expected to believe that Montgomery Alabama code enforcement can make appointments with people and New York is unable to do so?

We must do better. We are entering into a climate cycle that promises stronger storms.. HPD not enforcing our safety codes can no longer be ignored.

I am a member of the 117/127 W 141 St Tenant Association. We are currently in a battle with our slumlord Guardian Realty who has for decades left residents with unaddressed leaks, mold, rats and mice in residents homes and their racist employees have consistently made inadequate repairs in tenants apartments so mold comes back and leaks persist. Currently there are:

40 open C violations at 117 W. 141 St 53 open C violations at 127 W. 141 St, both owned by Chaim Simkowitz, owner of Guardian Realty. There is a clear pattern to not provide heat, intentionally leave piles of garbage out uncovered in our courtyard, and not do repairs by certified mold professionals or certified plumbers.

NYCHPD code enforcement practices are institutional procedures that create structural violence in the lives of tenants while continuing to let property owners avoid carrying out repairs by certified professionals. For example, NYCHPD do not provide tenants with advance notice of inspections, as cited by the New York State Comptroller in a September 24, 2020 audit. How could any business function if they just showed up not knowing if the customer is home?!

NYCHPD's Housing Maintenance Code clearly states that "The term "indoor mold hazard" means any condition of mold growth on an indoor surface, building structure or ventilation system, **including mold that is within wall cavities**, that is likely to cause harm to a person or that has been cited as a violation by the department." This means ANY mold violation should be remediated by a licensed mold contractor regardless of what class NYCHPD 'decides' to put it in. HPD fees for violations are way too low and are mainly seen as the cost of extracting tenants hard-earned money.

This was part of a statement sent to an aide to CM Kristin Richardson Jordan after an inquiry into 117 W 141 St. Apt 31, "our Alternative Enforcement Program for which this property does not reach the threshold for. Please note that the aforementioned mold issues would not be referred to our Emergency Repair" because they were only Violation class A.

Simply put, HPD Housing Maintenance Code does not live up to New York State's warranty of habitability and our slumlord is abusing the system.

I hold Adolfo Carrión Jr. and AnnMarie Santiago responsible for the clearly broken code enforcement system that keep tenants in a cycle of violence that consists of closing out complaints without any real solutions that get to the root of the problem, including true mold remediation and system-wide plumbing replacement. Then tenants must go through the excruciating process again and again inflicting psychological and emotional abuse by both HPD and the landlord.

Robert Thibault
member of 117/127 W 141 St Tenant Association
December 6, 2022

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Corey O'Hess

Address: 513 W 134 St

I represent: H2Q Consulting

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: _____

(PLEASE PRINT)

Name: Renee S. Peay

Address: Asst. Commissioner Division 9

I represent: Neighborhood Preservation

Address: HPD

**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: 12/6/2022

(PLEASE PRINT)

Name: Marta Weithman, Assistant Commissioner

Address: 100 Gold Street

I represent: HPD

Address: 100 Gold St.

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Grace Defina HPD Assistant Commissioner
Address: 100 Gold Street

I represent: _____

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: 12/1/2022

(PLEASE PRINT)

Name: AnnMarie SANTIAGO
Address: 100 Gold Street 10038

I represent: HPD

Address: 100 Gold St 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Guillermo Patino
Address: Deputy Commissioner, External Affairs

I represent: Department of Buildings.

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: 12/7/2022

(PLEASE PRINT)

Name: Jessica Bellinder The Legal Aid Society

Address: 260 E. 161st St. 8th Fl Bronx, NY 10451

I represent: The Legal Aid Society

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: _____

(PLEASE PRINT)

Name: EMILY GOLDSTEIN

Address: _____

I represent: ASSOCIATION FOR NEIGHBORHOOD

Address: & HOUSING DEVELOPMENT.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 163,204,434,337,583,484 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dannelly Rodriguez

Address: 89-00 Sutphin BLVD 5th flr

I represent: Queens Legal Service

Address: 89-00 Sutphin BLVD 5th flr

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: LYRIC THOMPSON

Address: DECATUR ST.

I represent: _____

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Susan Berkowitz

Address: Ocean Pkwy Bklyn NY 11225

I represent: Building

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 163/488 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Frank Riccio

Address: _____

I represent: Rent Stabilization Assoc

Address: _____

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

**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: 12/6/72

(PLEASE PRINT)

Name: Josh Curchiavo

Address: Assistant Commissioner Emergency Operations

I represent: HPD

Address: _____

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