

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS, JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

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February 26, 2018
Start: 10:19 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: ROBERT E. CORNEGY, JR.
Chairperson

JOSEPH C. BORELLI
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Margaret S. Chin
Rafael L. Espinal, Jr.
Mark Gjonaj
Barry S. Grodenchik
Bill Perkins
Carlina Rivera
Helen K. Rosenthal
Ritchie J. Torres
Jumaane D. Williams
Alicka Ampry-Samuel
Justin L. Brannan
Alan N. Maisel

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

John Sudnik, Chief of Operations
Fire Department of New York, FDNY

Edward Ferrier, Deputy Assistant Chief
Bureau of Fire Prevention
Fire Department of New York, FDNY

Julian Bazel, Fire Code Counsel
Fire Department of New York, FDNY

Fabicio Caro, Director of Community Affairs
Fire Department of New York, FDNY

Carmen Mendez Mirage, Tenant

Ganache Mirage, Tenant

Amy Binkoff, Tenant

Lyric Thompson, Tenant

Thomas Lucania, Bronx Borough President's Office

Frank Ricci, Director of Government Affairs Rent
Stabilization Association

Melissa Barber, New York Fire Sprinkler Council,
Division of Mechanical Contractors Assoc. of NY

Robert Unger, Uniformed Firefighters Association,
Uniformed EMTs, Paramedics and Fire Inspectors

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

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[sound check, pause] [gavel]

CHAIRPERSON CORNEGY: Good morning.

Happy Monday. I'm Council Member Robert Cornegy,
Chair of the Committee on Housing and Buildings, and
I'm joined today by Council Member Joe Borelli, Chair
of the Committee on Fire and Emergency Management as
well as Council Members Maisel, Grodenchik, Deutsch,
Ampry-Samuel, Rivera, Chin and Maisel, and Mark
Gjonaj. We're here to hold the hearing on several
bills. In addition to an oversight topic on issues
related to recent residential fires, jointly with the
Committee on Fire and Emergency Management. On
December 28, 2017 a child playing with a stove and a
door left ajar led to one of the worst fires in the
city's history. Since then, there have been two more
fires in the Bronx on January 2nd and January 14th,
and we've been working to introduce legislation that
may help stop the spread of these fatal fires. We've
been hearing eight—we'll be hearing eight bills
today, Intro 599 sponsored by the Speaker; Intro 602
sponsored by Council Member Borelli; Intro No. 603
sponsored by Council Member Constantinides; Intro 604
sponsored by myself; Intro 606 sponsored by Council
Member Richards; Intro 608 and Intro 609 and Intro

1 610 all sponsored by Council Member Torres. The
2 bills in the Committee on Housing and Buildings are
3 Intro 602 sponsored by Council Member Borelli
4 requiring that residential buildings constructed
5 prior to 1968 be equipped with mechanisms enabling
6 self-closing doors that prevent the spread of fire in
7 corridors and stairways. Intro 604 sponsored by
8 myself requiring that where smoke detectors are
9 installed cooking devices in residential buildings
10 that they be equipped with a silence function on
11 their photoelectric or be phot electric. Intro 606
12 sponsored by Council Member Richards requiring the
13 Fire Department to develop rules related to use of
14 the devices to assist in emergency evacuation of
15 individuals with limited mobility. The final bill in
16 Housing and Building is Intro 610 sponsored by
17 Council Member Torres requiring landlords to provide
18 tenants with stoves knob covers. I'll hand it over
19 to my colleague Council Member Borelli for his
20 opening remarks at this time.

21
22 CHAIRPERSON BORELLI: Good morning. I'm
23 Council Member Joe Borelli, Chair of the committee on
24 Fire and Emergency Management. Rather than repeat
25 what Council Member Cornegy said, I'll just mention

1
2 some of the bills in my committee. Intro 599
3 sponsored by Speaker Corey Johnson and myself
4 requiring the Fire Department to conduct targeted
5 outreach to residential building owners, and
6 residents regarding the existing fire safety
7 requirements and education. Introduction 603
8 sponsored by Council Member Constantinides requiring
9 the Fire Department to conduct—to conduct fire
10 hydrant inspections at least twice a year and report
11 on the findings of such inspections, and finally
12 Introduction 608 and 609 sponsored by Council Member
13 Torres, which require that multiple family buildings
14 place notice in such buildings advising the tenants
15 of the importance of closing doors, and the Fire
16 Department conducting targeted fire safety education
17 for youth and parents. Just a quick comment on my
18 bill Intro 602, I want to share with a very quick
19 story. About three months ago in November—I got to
20 get the date. November 16, 2017, I posted a video of
21 a fire that happened that day, and Ladder Company 148
22 pulled up to the scene of this fire that was on the
23 corner of 9th Avenue and 50th Street in Brooklyn, and
24 the chauffeur of Ladder 148 was a firefighter named
25 McNeal, and this video is great. If you haven't seen

1 it, it's a good video. So, McNeal puts the aerial
2 ladder on top of the roof. The members of the
3 company go in. He sees a girl in the front bedroom
4 and knowing where the fire was, he knew that no one
5 in Ladder 148 was going to be going to that window in
6 that room right away. So, he looked for another
7 company. None of the other companies had gotten
8 there yet. Some minutes went by, seconds went by.
9 He moved the—the aerial ladder to the girl's bedroom
10 window, and now the video cuts in, and you see him
11 ascending the—the stairs of the ladder, and he—he—you
12 lose him. There's so much smoke and flames that you
13 can't even see him in the video, and the seconds
14 later you see him come down the ladder with this
15 wonderful little, you know, 10 or 11-year-old girls
16 and she's fine. And I posted the video, and I guess
17 on my social media. He reached out to me and said,
18 you know, thanks for embarrassing me a little bit on
19 the video, and I asked him—I said, there was so much
20 smoke and it seemed like so much time had passed, how
21 did—how was she fine? And he said, the first thing I
22 told her was, can you close the door to the bedroom,
23 and when she said, yes, I yelled at her as
24 commandingly as possible to go close the door or the
25

1 window. And while he waited for other firefighters,
2 while he had to move the ladder, while he had to put
3 his bunker gear on, she was able to keep the smoke
4 outside. So, if a firefighters with 10 plus years
5 experience, their first instinct was to tell this
6 young girl to close the door, I think it is something
7 that we should certainly enacting and requiring that
8 all multiple dwelling apartment buildings have built-
9 in features that would accomplish this task. So, I
10 am looking forward to passing this legislation, and I
11 think I should also mention who's here, and tell you
12 we're joined by Council Members Maisel, Grodenchik,
13 Deutsch, Perkins, Chin, Gjonaj and I saw Carlina
14 Rivera and Ms. Ampry-Samuel.

16 CHAIRPERSON CORNEGY: I'd just like to
17 take this opportunity to allow for Council Member
18 Deutsch to speak on the three bills that he's co-
19 prime on.

20 COUNCIL MEMBER DEUTSCH: Thank you,
21 Chair. Today I speak in support of Intro 608, 609
22 and Intro 610. These three bills will take
23 meaningful action to prevent future fire fatalities
24 in New York City. In 2017, our city experienced a
25 52% increase in fire deaths, a stark contrast to 2016

1 during which we experienced the fewest fire deaths
2 ever on record. In December alone we lost 26 people
3 in the—in the series of horrific fires in Brooklyn,
4 Manhattan and the Bronx. In the Bronx, 13 people
5 lost their lives in a fire caused by a child playing
6 with stove, and the effects were intensified because
7 a door was left open. Intro 608 seeks to educate
8 people by requiring owners of multiple dwelling units
9 to post a notice in a public place, notifying
10 residents of the importance of closing the door
11 behind them when escaping a fire. Intro 609 takes
12 the steps on step further by requiring the Department
13 of Education and the Fire Department to develop and
14 implement a comprehensive plan to educate children
15 about common fire safety preventions. Intro 610
16 requires owners of multiple dwelling units to install
17 stove knob covers, a small device that costs just a
18 few dollar to prevent children from the ability to
19 play with a fire on stove top. All these three bills
20 take proactive steps to prevent future tragedies. In
21 addition to this, I want to thank 45 of my colleagues
22 who signed into a letter urging the Mayor and the
23 Speaker to remove fund for the Get Alarm (sic) NYC
24 Initiative, which endeavors to purchase and install
25

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2 combination smoke CO Alarms in every home in New York
3 City. Finally, I want to commend Chair Borelli, and
4 Chair Cornegy for their leadership as it relates to
5 fire safety in the city as well as Bronx Borough
6 President Ruben Diaz, Jr. and my colleague and co-
7 sponsor and actually the sponsor of this bill Council
8 Member Ritchie Torres for his collab—for their
9 collaboration on these three bills. Thank you.

10 CHAIRPERSON CORNEGY: Thank you, Council
11 Member Deutsch. We're going to begin the testimony
12 portion of the hearing and we'll just have your
13 testimony affirmed.

14 LEGAL COUNSEL: Can you raise your right
15 hand? Are you the only person testifying?

16 CHIEF SUDNIK: No. [off mic]

17 LEGAL COUNSEL: Do you affirm to tell the
18 truth, the whole truth, and nothing but the truth in
19 your testimony before this committee, and to respond
20 honestly to Council Member questions?

21 CHIEF SUDNIK: I do. [off mic]

22 LEGAL COUNSEL: Thank you.

23 CHAIRPERSON CORNEGY: So, what we're
24 going to do is just have whoever is testifying first,
25

1 just give your name and rank, so for those of us who
2 don't know and you can begin.

3
4 CHIEF SUDNIK: Okay. I'm Chief of
5 Operations John Sudnik from the FDNY. Okay, before I
6 start, if I could just comment real on this story
7 that Chairman Borelli related, and I appreciate that
8 story, when I hear it. In particular when I hear
9 things like that, I just thin that it makes us so
10 proud of all the people that work for the FDNY, and I
11 think that that goes to show well trained and well
12 equipped the FDNY is. So, we really appreciate you
13 sharing that story with us. Okay, good morning,
14 Chairman Borelli, Chairman Cornegy and all of the
15 Council Members present. My name is John Sudnik, and
16 I am the Chief of Operations for the FDNY. I am
17 joined this morning by Edward Ferrier, Deputy
18 Assistant Chief from the Bureau of Fire Prevention;
19 Julian Bazel, Fire Code Counsel and Fabricio Caro,
20 Director of Community Affairs. Thank you for the
21 opportunity to speak with you today about residential
22 fires. Last year the city experienced 73 fire
23 deaths, 25 more than occurred in 2016 where there
24 were 48 fire deaths, the fewest of any year in the
25 last century. In the month of December alone, 26

1 people died in fires, the worst month for deaths in
2 more than a quarter century. Part of the reason fire
3 deaths increased dramatically last year was that
4 three serious fires killed 22 people including the
5 multiple fore deaths that occurred in the Bronx and
6 in Brooklyn. It is also important to put these
7 numbers into context. Fire trends have been moving
8 in the right direction. That is, they have been
9 decreasing in general over the last decade. Even
10 with the state of tragic fires experienced at the end
11 of last year, the city in 2017 experienced an 8%
12 decline in serious fires from 2016 and a 15.5%
13 decline from 2015. That's a difference of 400 fewer
14 serious fires in two years. While we have worked
15 hard in recent years to educate millions of New
16 Yorkers about fire safety, recent tragedies
17 demonstrate that our work is far from over, and that
18 we must continue to provide—continue providing life
19 saving knowledge about how to prevent fires, and what
20 to do if you're in a fire situation. In response to
21 the Bronx fire that killed 13 people, the department
22 undertook a variety of actions. In the days
23 following the fire, the FDNY Fire Safety Education
24 Unit coordinated public education and information
25

1 sharing in areas throughout the immediate
2 neighborhood. The unit also collaborated with NYPD
3 Community Affairs to provide resources at a community
4 event benefitting fire victims that was organized by
5 a neighborhood church. We met with the local
6 community board to coordinate neighborhood and school
7 based presentations throughout the district in
8 January. We also attended the Bronx Borough
9 President's Borough Serve and its cabinet meeting
10 sharing general fire safety education information to
11 all community board district managers and committed
12 to and encouraged an ongoing collaboration to conduct
13 fire safety outreach throughout the borough. That
14 meeting led to many presentations and scheduled
15 events being coordinated with tenant associations,
16 school groups and parent associations. We also
17 worked with the American Red Cross in sponsoring the
18 Smoke Alarm Giveaway Event where we distributed 400
19 fire alarms free to local residents and we assisted
20 the Department of Housing, Preservation and
21 Development by providing fire safety materials for
22 them to dis-distribute in their own outreach to
23 residential buildings. The department also conducted
24 a great deal of community outreach and education
25

1 following a December fire in Sheepshead Bay that
2 claimed the lives of four family members who died
3 when an unattended menorah started a fire in their
4 home. Immediately afterwards, our Fire Safety
5 Education Unit responded to the neighborhood and
6 worked with community leaders to disseminate—
7 disseminate fire safety publications addressing smoke
8 alarm awareness and general fire safety practices for
9 religious observances. Our Community Affairs Unit
10 followed up and coordinated several fire safety
11 presentations throughout the district in January and
12 February. Events were held with community based
13 organizations, schools and tenant groups. Fire
14 safety education attended and spoke at the local
15 community board's monthly meeting and worked with the
16 Mayor's Office of Community Affairs to convene
17 meetings with faith leaders in Sheepshead Bay,
18 Midwood and Flatbush. These were two of the higher
19 profile incidents last year but our Fire Safety
20 Education Unit responds to all fatal fires and major
21 incidents. In the wake of such events, the team
22 conducts public educational initiatives within 24 to
23 48 hours in the immediate surrounding area, and
24 community engagement staff canvases neighborhoods the
25

1 week after major incidents to schedule follow-up fire
2 safety presentations at schools, faith based and
3 civic organizations and businesses. These events are
4 coordinated with community boards, elected officials
5 and other community stakeholders in order to maximize
6 exposure and participation. Engaging with the
7 community to provide and life safety education, is a
8 critical component of our mission as a department.
9 In 2017, we held more than 8,000 fire safety events,
10 and educated 700,000 New Yorkers about the life
11 saving strategies that focus on fire prevention. A
12 large majority of our fire prevention outreach is
13 proactive, and we place a targeted focus on the
14 city's most vulnerable populations and at-risk
15 communities. Through a strategic outreach, and in
16 response to requests, the Fire Safety Education Unit
17 conducts education, and information sharing,
18 classroom and group presentations, public and
19 community events planned visits to firehouses, hands-
20 on practice and mobile fire safety-safety experience
21 trailers, and distribution of educational messaging
22 via FDNY social media and publications that are
23 available in a large variety of languages. We
24 partner with community groups, schools, senior
25

1 centers, city agencies, faith leaders and elected
2 officials. During the last year, we increased the
3 size of our Community Affairs Unit and the staff
4 works closely with our Fire Safety Education Unit and
5 creating partnerships and enhancing interaction and
6 cooperation with community groups. We will continue
7 making improvements so that our community engagement
8 is as-effective as possible. Since December, fire
9 and life safety messaging on FDNY's social media has
10 reached 5.2 million views. This include content that
11 reminds New Yorkers to close the door when escaping a
12 fire, and teaches them the importance of having a
13 working smoke and carbon monoxide alarms, of creating
14 and practicing an escape plan of careless smoking
15 preventing, and other winter and seasonal safety
16 information. We are also planning to enhance our
17 cooperation with New York City Emergency Management
18 to create additional opportunities to provide
19 education on fire and emergency preparedness in
20 targeted neighborhoods. This effort will include
21 participation of the Mayor's Community Affairs Unit,
22 the NYPD, the Bronx Borough President's Office and
23 the American Red-Cross, and we will continue
24 reaching out to additional elected officials as the
25

1 effort progresses. We are also working to strengthen
2 our collaboration with the city's Department of
3 Education to increase the number of classroom and
4 parent association presentations, and work with DOE
5 social media platforms to promote fire safety. And
6 we're partnering with the Department of Youth and
7 Community Development to organize student visits to
8 firehouses and EMS stations. These visits will
9 incorporate information on fire and life safety
10 resources. In a digital world we know that the
11 effective use of web resources and social media is
12 critical to reaching our intended audience. In 2017,
13 we received over 18.6 million views of FDNY Smart
14 Content, which consists of fire and life safety
15 educational materials including tips, videos, PSAs,
16 graphics and first hand accounts from our members and
17 from individuals who were rescued. FDNY Smart
18 Material is—Material is translatable into 100
19 languages, and visits were up nearly 40% from 2016.
20 We are excited about all these efforts, but, of
21 course, we are always looking for ways to improve our
22 outreach. I'll briefly address the legislation that
23 is being considered during today's hearing. Intro
24 602, which requires self-closing doors in multiple
25

1 dwellings, we support this bill. Intro 610, which
2 requires landlord-landlords to provide stove top
3 childproof knob covers, we support the intent of this
4 bill, and we are happy to work with the Council and
5 our fellow agencies regarding the specifics of
6 compliance and enforcement in the final version of
7 the bill. Intro 604, which regulates placement of
8 alarms near cook appliances, it is our understanding
9 that the Department of Buildings is currently
10 undergoing the process of revising the Building Code.
11 We defer to the Department of Buildings Code Revision
12 on this topic. Intro 608, which requires landlords
13 to place notices in conspicuous locations directing
14 residents to close the door when escaping a fire. We
15 support this bill. There's already a requirement for
16 residential buildings to place a notice on the inside
17 of apartment doors with this and other fire safety
18 information. Spreading this message via
19 conspicuously placed signs elsewhere will be useful.
20 Intro 606, which requires buildings to be equipped
21 with a device to assist evacuation of individuals
22 with limited mobility. We oppose this bill. The Fire
23 Department will not rely on equipment, and we do not-
24 that we do not train on, and maintain for our own
25

2 use. In addition to a number of practical concerns,
3 the presence of the-of stair descent devices presents
4 operational concerns during an emergency as they
5 could inhibit the egress of residents leaving the
6 building and first responders entering it. Intro
7 603, which would require that the department conduct
8 and report fire hydrant inspections at specific time
9 frames, we oppose this bill. Fire Department
10 regulations already require inspections of hydrants
11 on a more frequent and more sophisticated basis than
12 described in the Council bill. Intro 609, which
13 requires the department to develop and implement a
14 plan to provide education to children and parents
15 about fire safety. We would like additional
16 information on what is intended by this bill. The
17 Fire Department already has a full fledges program of
18 outreach to students and young residents and in 2017,
19 we conducted more 1,000 education events in schools
20 Pre-K through 8th grade. We are always looking to
21 expand our outreach, and we would be happy to discuss
22 partnering with the Council or individual Council
23 members about conducting evets in specific locations
24 or enhancing the department's ability to hold more
25 events. Intro 599, which would require the

1 department to make good faith effort to conduct
2 direct outreach through owners and occupants of
3 multiple dwellings. We support the concept of this
4 bill, and we would like to know more about the level
5 of direct outreach that is contemplated. We
6 currently require that building owners distribute a
7 fire safety guide to tenants, and ensure that a fire
8 safety notice is affixed on the inside of the
9 apartment door in multiple dwellings. We are in the
10 process of replacing the Fire Safety Guide with a
11 more comprehensive Emergency Preparedness Guide.
12 [coughs] Excuse me—guide in which owners will be
13 required to distribute. We are open minded about
14 distributing other materials to owners and occupants.
15 We look forward to learning more about this bill, and
16 we would be happy to discuss partnering with the
17 Council or individual Council members about
18 conducting events in specific locations or enhancing
19 the department's ability to hold more events. Once
20 again, I'd like to thank the committees for holding
21 this hearing today on this important topic. The Fire
22 Department has worked hard to achieve success in our
23 mission of protecting the lives and property of New
24 Yorkers, and the millions of people who visit our
25

1 city every year, but we know that there is always
2 more work to be done and we look forward to working
3 with the Council towards greater success in areas of
4 fire safety and fire prevention. We'd be happy to
5 take your questions at this time.
6

7 CHAIRPERSON CORNEGY: I just want to
8 acknowledge the presence of Council Member Espinal
9 who's joined us, and I just want to say that I would
10 be remiss if I didn't before we continue the hearing
11 thank you for your service. As somebody who is
12 acutely aware that while so much of the city is
13 running away from these type of emergencies, you guys
14 are required to go in and save lives. So, I just
15 want you to know that from a---from a Committee
16 Chairman's standpoint we really appreciate the work
17 that the FDNY does in protecting the safety of
18 individuals in the city. And, I'm going to defer my
19 questions to begin with to some of my colleagues who
20 unfortunately can't stay the entirety of the hearing.
21 I'm going to begin with Council Member Deutsch.

22 COUNCIL MEMBER DEUTSCH: Thank you,
23 Chair, and once again, I just want to thank the Fire
24 Department, the men and women of the Fire Department
25 for--for the great work that they do, and their put

1 their lives on the line each and every day, and I
2 just want to mention that it's also important that
3 after a fire is—you know people tend to go and when
4 there's a fire in a building or—house that they
5 watch the fire, and then the fire gets put out, and
6 then people just walk away. But we always need to
7 remember that, you know, before you walk away it's
8 always good to question were there any firefighters
9 injured, and to go out of our way to pay a visit and
10 to make sure that those firefighters are okay. So,
11 that's important to mention. So, I had to two fires
12 in my district. The first one was back in 2015 where
13 seven young brothers and sister died in the Bedford
14 Avenue fire that's just down the block from where I
15 reside and everyday I pass a number of time and I see
16 a boarded up house. And—and just a few months ago,
17 at East 14th Street in Sheepshead Bay where a mother
18 and three young children perished in that fire, which
19 also left a father and three young children in the—
20 hospitalized, but thank God they're doing okay, and
21 they're—they're out of the hospital. So, I just want
22 to mention that two of the three bills that I co-
23 sponsored today with my colleague Council Member
24 Ritchie Torres and Bronx Borough President Ruben
25

1 Diaz, I see on one of the bills Intro 609, you
2 mentioned here we would like additional information
3 of—on what is intended by this bill. So, over the
4 las three years I had most probably like four dozen
5 fire safety events in my district around my district.
6 Just last month I held four, and this month I—so I
7 had three in my district as well as a meeting with
8 educators. We had about 40 educators in the room
9 with the Chief of the Department and the Fire
10 Commissioner where they collaborated coming up with
11 some type of comprehensive education outreach to
12 bring to students at schools. So, we're talking
13 about public schools, private schools, which is
14 important to educate our young adults of—on fire
15 safety, and it's—it's pretty simple. So, I just
16 don't understand what you testified here by
17 mentioning that we would like additional information.
18 You are the fire experts, and I think that this a
19 common sense bill to put together a comprehensive
20 plan of education with collaborations with DOE, and
21 to bring this education throughout out schools. Now,
22 in 2000—in 2017—2016, I think we had the highest
23 reduction in fire deaths in the 150 years the Fire
24 Department is in existence, and in 2017, fire did go
25

1 down 8%, but tragedies went up 54%. So, we know we
2 can bring fires down, and that all we need to do is
3 to bring those tragedies down, and going out there
4 and educating our young adults with a comprehensive
5 education plan, we could bring those numbers down,
6 and bring those numbers to record lows. So, if you
7 could just explain to me on, you know, what
8 additional information you would need in order to
9 support this bill, fully support Intro 609.
10

11 CHIEF SUDNIK: Well, I-I-I-we do support
12 the intent of the bill. There's nothing more
13 important in these than fire safety education
14 especially when it-it comes to children. I suppose
15 what we're looking for are more details and more
16 particulars on how we could reach more-more children.
17 We already have a Fire Safety Education Campaign that
18 we've reached over a thousand schools. We'd like to
19 continue that. I guess what we're looking for is
20 some information, and maybe we could work with DOE on
21 how to get that-get more information out there.

22 FABRICIO CARO: Well, one thing to note
23 though, we are in conversation right now with the
24 Department of Education in terms of analyzing what
25 schools we've targeted and worked with throughout the

1 year, and seeing which way we can work with
2 administrators in terms of getting into those schools
3 that we haven't done thus far. In addition, we are
4 working with the Department of Youth and Community
5 Development that works along side with DOE on many
6 programmings, and to highlight one partnerships we're
7 looking to amplify our annual open houses primarily
8 working with the Department of Youth and Community
9 Development to target all their--their programs that
10 target up kindergarten through 8th grade, and opening
11 firehouse doors and EMS stations across the board,
12 basically to implement and enhance fire and life
13 safety messaging. So--

14
15 CHAIRPERSON CORNEGY: [interposing] Wait.
16 I'm sorry. Can you just give your name and title for
17 the record?

18 FABRICIO CARO: Oh, Fabricio Caro,
19 Director of Community Affairs for FDNY.

20 CHAIRPERSON CORNEGY: Thank you.

21 FABRICIO CARO: So, we are doing
22 extensive outreach but as--as the Chief did say, we'd
23 be more interested in terms of how to implement
24 whatever plan that the Council has in seeing which
25 way we could work collaboratively. So--

CHAIRPERSON CORNEGY: Thank you. So, I—
I'd just like you to continue to work with the
Committee Chairman to get whatever it is that you
need so that we could move forward expeditiously
obviously.

COMMISSIONER FRANCO: Okay.

CHAIRPERSON CORNEGY: I want to
acknowledge the precedents—the presence of Council
Member Rosenthal and Council Member Ritchie Torres,
and I will defer now to my—to the—to Chair Borelli.

CHAIRPERSON BORELLI: Thank you very
much. Just with Intro 599, you mentioned in your
testimony, Chief Sudnik--again thank you for coming,
and thanks for the kind words earlier—that there was
40% uptick in—in visits. Is that to the department's
information? The FDNY Smart Material, excuse me.

FABRICIO CARO: Could you repeat that.

CHAIRPERSON BORELLI: In the testimony it
mentioned that there's a 40% uptick in visits to the
Smart FDNY—Smart Material. Is—I guess my question is
what drove that 40% uptick from 2016 to 2017?

FABRICIO CARO: Well, a couple of things
in terms of not only proactive outreach in terms of
the website and—and the tool, but in addition, just

1
2 unfortunately with the tragedies that have occurred
3 the need for more fire safety awareness and people
4 actually going then to the website to utilize it.

5 CHAIRPERSON BORELLI: Can you go through
6 just the materials that are—are distributed to the
7 public? Do you provide the landlords with specific
8 pamphlets, you know, sort of like a lead paint—a lead
9 paint disclosure or is it up to landlord or who
10 actually crafts the materials?

11 JULIAN BAZEL: Julian Bazel, Fire Code
12 Counsel for the Fire Department. The New York City
13 Fire Code has for some time required that building
14 owners distribute to all residents of multiple
15 dwellings, and building staff. The Fire Safety Guide
16 and notices that are designed to make them aware of
17 the design of their building, the fire protection
18 systems, and various fire prevention measures as well
19 as emergency procedures. This is something that's
20 spelled out in the Fire Code and elaborated upon in
21 the Fire Department Rules and the—the code in the
22 rules require that building owners publish the—the—
23 the material that's set out in the code and the
24 rules, and distribute them annually to building
25 residents. This is—in addition the emergency

1 procedures in the even to f a fire is a-a notice
2 that's required to be posted on the back of the
3 dwelling unit door, and that is also an obligation of
4 the owner. So, the onus is on the owner to comply
5 with these rules and regulations.
6

7 CHAIRPERSON BORELLI: Do-do we know if
8 this happening? I mean since we don't regularly
9 inspect residential buildings--

10 JOHN BAZEL: [interposing] Right.

11 CHAIRPERSON BORELLI: --what's the
12 follow-up? How do we know it is current?

13 JOHN BAZEL: Right, well, I-I think at
14 the time that this was promulgated, this was
15 promulgated in response to several fires, I think
16 there's a lot of public awareness of it. There may
17 be some anecdotal evidence now that people are not
18 focusing as much on it. I do think, as was indicated
19 in the testimony, we're in the process of finalizing
20 a rule that pursuant to the 2014 Fire Code that will
21 expand the Fire Safety Guide into a broader more
22 comprehensive emergency preparedness, and we will
23 update the notice as well. And, I think at the time
24 that we promulgate that rule, it will--first it will
25 be published for public comment, but when finalized I

1 think we are going to look at our enforcement
2 methods. As—you're correct that the—the Fire
3 Department doesn't have an inspection program the
4 inside of dwelling units. We do typically require
5 that the—what's called the Building Information Sheet
6 be posted in the lobby. So, that is one way that we
7 can inspect it, and—but we—we're definitely open to
8 other ways of ensuring that there's compliance with
9 this important requirement.
10

11 CHAIRPERSON BORELLI: Turning to Intro
12 603 on the fire hydrant inspections, you said that
13 our bill would actually—your policy rather is to go
14 beyond the—the two annual inspections. What is the
15 FDNY policy and—and what are the regulations that you
16 require?

17 CHIEF SUDNIK: Okay, we—the Fire
18 Department has—in our regulations we—we do have a
19 provision that requires inspections semi-annually in
20 the spring and in the fall. So, so—we're already—
21 we're already doing that, but at each and every
22 response to a structural fire that our companies
23 respond to, they would test the fire hydrant that the
24 engine companies put their apparatus in front of.
25 They'll test those hydrants for functionality. So,

1 that's an additional check. During cold weather we
2 have a requirement for—in freezing weather that we
3 inspect hydrants that have I have known from past
4 experience to be in danger of freezing, and we'll go
5 out and inspect those, and if they were found frozen,
6 we'll send a flowing apparatus to go and flow those
7 hydrants out. So, in addition to the semi-annual
8 inspections, we do get out there and during our
9 regular course of business, and—and perform
10 additional inspections.
11

12 CHAIRPERSON BORELLI: Does a fire hydrant
13 that's non—not malfunctioning does it freeze?

14 CHIEF SUDNIK: It depends. There could
15 be—it could be in varying degrees of—of
16 serviceability. It could have some minor defects.
17 It could be missing some caps that it that it will
18 function properly.

19 CHAIRPERSON BORELLI: I—I guess a better
20 question is despite the temperature, say it's, you
21 know, 15 degrees out, there's not reason to assume
22 that an operable fire hydrant would not just freeze
23 on its own without having some underlying problem?

24 CHIEF SUDNIK: Correct. Fire hydrants
25 have drains. If the drain is working properly,

1 there's--there's no reason to believe that fire
2 hydrant would not operate properly in freezing
3 weather.
4

5 CHAIRPERSON BORELLI: Who is doing the
6 inspections now?

7 CHIEF SUDNIK: The fire-on-duty
8 firefighters do--do our hydrant inspections.

9 CHAIRPERSON BORELLI: How many, you know,
10 roughly how--how often--how many hydrants does it
11 average that a company would inspect?

12 CHIEF SUDNIK: That depends also. I
13 don't have a number on the average, but depending on
14 the size of a district, it could be anywhere from a
15 few hundred to 300 to, you know, over a 1,000.

16 CHAIRPERSON BORELLI: And I guess just
17 what's sort of the concern though if--if we're the
18 Council, and we're just mandating a lower standard
19 than that which you already meet by your own
20 regulations. I mean is there concern that we're just
21 putting in code where there's policy?

22 CHIEF SUDNIK: We just, you know, we've
23 been using--we've been following this regulation for
24 decades when the Fire Department--you know, we don't
25 believe that putting into code would--would create an

1 additional safety factor for—for us, for the
2 residents of the city, for something that we're
3 already doing.

4
5 CHAIRPERSON BORELLI: And then just
6 finally before I turn it over, Intro 606 the
7 Emergency Evacuation Assistance, what—what is the
8 department procedure for evacuating someone just
9 overall with—with limited mobility issues? Is there
10 a specific thing?

11 CHIEF SUDNIK: We don't have a specific
12 policy—policy for people with limited mobility. You
13 know, it's—it's a very—it's very difficult to define
14 what limited mobility is. We treat all our—our—our
15 victims, potential victims the same. We—we conduct
16 searches and would—we'll remove people when they need
17 to be removed. Regardless of whether if they have a
18 disability or not, if we have a—if for one reason or
19 another if it's a particularly difficult removal or
20 rescue, we'll call for additional resources, and
21 we'll put additional personnel on—on that particular
22 removal or rescue.

23 CHAIRPERSON BORELLI: Do any buildings
24 now in New York City require mobility assistant

2 devices like chairs or the--the boards with the
3 handles, or anything like that?

4 CHIEF SUDNIK: I don't believe so. I-I
5 think--

6 FABRICIO CARO: Yeah, I'm--I'm not aware
7 of a specific requirement. I do think that some
8 building owners have elected to provide some of these
9 devices, but I don't know. I couldn't say that
10 they're widespread.

11 CHAIRPERSON BORELLI: And I mean it--has
12 there ever been an incident where one of these
13 devices caused a--a problem? Because I understand
14 your rationale where you wouldn't expect people to--to
15 use a device that they're not trained to use, but has
16 there been an incident where (coughing) these--these
17 devices have caused a problem?

18 CHIEF SUDNIK: I--I don't know of a
19 specific incident--incident where it's caused a
20 problem. Just from my experience, any time that you
21 put a device in a stairway, that will limit egress
22 from that building for occupants, and ingress for
23 Fire Department members to operate in that building.
24 So, we--we generally like to have our stairwells
25 wider--

CHAIRPERSON BORELLI: [interposing] UH-
HM.

CHIEF SUDNIK: --for operational reasons.

CHAIRPERSON BORELLI: Okay, thank you.

CHAIRPERSON CORNEGY: So, part of the
impetus for this hearing was to—to delve deeper into
this anecdotal idea that there's a correlation
between heating outages, and an increase in fire and
death? For example, when there's no heat, there's
alternative methods for heating apartments that
people are using. I'm curious as to whether or not
(coughs) the city has done a study, and what the
result—if so, what the results of that study, if
there's a correlation between heating outages and
alternative heating methodologies and fires.
Statistically, is there any—is there any support to
that idea?

CHIEF SUDNIK: Okay, with a preliminary
look at the data, we haven't found anything, but I
believe the Mayor's Office of Data Analytics, MODA,
is taking a look at it. So, we—we haven't seen at
this point a—a direct correlation between the two.
So, but—you are correct. I believe if the heat is
out in a building, and people are using their stove

1 to—to heat their unit or heat their apartment, there
2 is certainly a safety concern as—as far as the
3 potential for creating fire. Also, the use of
4 portable heating devices whether they're approved or
5 unapproved is certainly a concern as well. So, the
6 short of it is I believe the—the Mayor's Office on
7 Data Analytics is taking a look at that to see if
8 there's any correlation.
9

10 CHAIRPERSON CORNEGY: Well, today do we
11 know whether or not any of the fires that were
12 mentioned by colleagues today are attributed to
13 alternative heating devices? And if so, how many.
14 We've had it seems to me an inordinate amount of
15 fatalities associated to fire than any other time
16 that I can remember, and I'm just wondering if we
17 know how many of those are attributed to alternative
18 heating devices because that would help me in
19 formulating an idea on whether or not there's a
20 correlation prior to getting the Mayor's data list.

21 CHIEF SUDNIK: Okay, the primary cause of
22 our fires our—our—our fatal fires, are open flame,
23 electrical and careless smoking. That's the data
24 that we collected. More specifically, I have the
25 causes of fires from the December of last year

1 through the end of January of this year, and I could
2 read them off for you if you'd like. Of the--okay of
3 the fatal fires with--with--from January--from December
4 through January. Incense on December 3rd was the
5 cause of that; December 3rd, smoking; December 18th,
6 Candle Menorah. December 20th, smoking; December
7 25th, smoking; December 25th, candle; December 28th,
8 juvenile fire play; December 29th was a space heater;
9 December 31st, was smoking; January 7th was electrical
10 wiring; January 12th was a halogen lamp; January 14th,
11 hot plate; January 28th incense.

12
13 CHAIRPERSON CORNEGY: So, I definitely
14 want to follow what are the trends, and would--and--and
15 I'm going to follow up with the Mayor's Office to see
16 what that data suggests, but I'm also curious as to
17 whether or not--like do we know the difference between
18 how many of the fatalities were caused by actual
19 flames and how many were caused by smoke inhalation?
20 Do you have that broken down? Do you generally break
21 that down, and--and for the fire where there were 13
22 fatalities? I'm just curious as to how many were
23 accounted--how many do we account to actual means--

24 CHIEF SUDNIK: [interposing] The cause of
25 death?

2 CHAIRPERSON CORNEGY: Yes.

3 CHIEF SUDNIK: I—we don't have that
4 broken down. I believe you could probably get that
5 from the ME's office.

6 CHAIRPERSON BORELLI: How many people
7 died in the fire apartment or that were resident of
8 the fire apartment?

9 CHIEF SUDNIK: Which fire are we—are we--?

10 CHAIRPERSON BORELLI: In the Bronx fire
11 with the 13 deaths.

12 CHIEF SUDNIK: I see—oh, yeah, that's
13 zero, it's zero. This--the—the fire extended from
14 the fire apartment and through the rest of the
15 building.

16 CHAIRPERSON BORELLI: And I mean just—
17 just from media reports, how many people died in
18 apartments that were above it or on the same floor?

19 CHIEF SUDNIK: I—I believe that all—all
20 the victims were either above or in adjoining
21 apartments. [background comments, pause]

22 CHAIRPERSON BORELLI: Would—just again
23 from media—media reports that the door didn't close.
24 In your estimation if—if the door to that apartment
25

2 had been closed, how much longer would it have
3 prevented smoke from entering the adjacent units?

4 CHIEF SUDNIK: Well, that's—that's
5 difficult to determine. First, I'd have to—I'm going
6 to refrain from giving too many particulars on that
7 particular fire due to pending litigation, but I
8 could speak in general about the importance of—of
9 closing a door. You—you referred to it anecdotally,
10 by the way, in your opening comment about the
11 firefighter giving direction to an occupant at a
12 window to close the door, and that's absolutely the
13 right thing to do.

14 CHAIRPERSON BORELLI: [interposing] Who's
15 sitting in a classroom in Brooklyn probably today.

16 CHIEF SUDNIK: Right.

17 CHAIRPERSON BORELLI: And perfectly fine.

18 CHIEF SUDNIK: Right, and—and—and that's
19 actually what we do when—when we operate. Our first
20 thing that we—we train our members to do is to close
21 the door to confine a fire before we—before we start
22 out attack on the fire with our hose lines. Just
23 simply closing a door will—will confine the fire
24 enough where we could buy ourselves more time, buy
25 the occupants more time. So, without specifically

1 talking about any particular fire I could tell you
2 that an operable door or closing a door will
3 certainly prevent a fire from extending. That said,
4 fires extend in other ways as well. That's why it's
5 difficult to—to answer your question because fire can
6 extend up other—depending on the type of building
7 you're talking about, you could have interior voids
8 of a building where fire could—could spread and could
9 extend depending on the—the type of building we're
10 talking about.
11

12 CHAIRPERSON BORELLI: [interposing] And—
13 and for smoke, would a door also have a measurable
14 impact on the prevention of smoke spreading?

15 CHIEF SUDNIK: Again, to a certain extent
16 it will prevent all—all the bi-products of combustion
17 that occur during a fire. A closed door would—would
18 slow down a spread of that. It would—it wouldn't
19 totally eliminate the—the spread of smoke throughout
20 a building depending again the type of building that
21 we're talking, about it's—it's very difficult to—to
22 answer that question, you know, in all cases, but—but
23 certainly closing a door will—will slow the spread of
24 the bi-products of combustion.

25 CHAIRPERSON BORELLI: Thank you.

2 CHAIRPERSON CORNEGY: Well, on the ideal
3 of investigation, I'm curious as to how-what's the
4 usually-generally the length of time between
5 investigating the origins of-of a fire and closing
6 out that case? Is there an average that's-So you're-
7 you're saying if there's a-there's a fire occurrence
8 you send an investigator in?

9 CHIEF SUDNIK: Yeah.

10 CHAIRPERSON CORNEGY: Is there an average
11 time generally that a case is closed out?

12 CHIEF SUDNIK: There's-there's not an
13 average time. Every-every case is different.
14 Obviously some are more complex than others. So, it
15 will take a-a greater period of time to do our due
16 diligence to examine the cause, the origin before
17 that case is closed out.

18 CHAIRPERSON CORNEGY: What's the average
19 response time to a residential fire?

20 CHIEF SUDNIK: I believe I have that
21 information for the-in Fiscal Year 2017, our average
22 response time for structural fires is 4 minutes and
23 13 seconds.

24 CHAIRPERSON CORNEGY: I'm going to my
25 colleague Mark-Mark Gjonaj has questions.

2 COUNCIL MEMBER GJONAJ: Good morning. Let
3 me just begin by thanking you for the job that you do
4 day in and day out, and for keeping New Yorkers safe.
5 My first comment to the Chairs Cornegy and Borelli, I
6 hope that when these pieces of legislation do get
7 passed, and whatever final form they are that there
8 will be no carve-outs from NYCHA or SROs or hotels or
9 hospitals or school buildings. I think we—all New
10 Yorkers should be safe in their homes. So, my
11 question to you on Intro 604, what is the current
12 code for smoke alarms when it comes to locations
13 within a cooking appliance?

14 JOHN BAZEL: I'm sorry. Could you repeat
15 that question, sir?

16 COUNCIL MEMBER GJONAJ: Intro 604—

17 JOHN BAZEL: [interposing] Right.

18 COUNCIL MEMBER GJONAJ: --what is the
19 current code of smoke alarms locations to a cooking
20 appliance?

21 JOHN BAZEL: Um, the—this is addressed in
22 the Building Code, and the New York City Department
23 of Buildings Rules. Typically, depending on when the
24 building was constructed—constructed and—and/or
25 altered, there's a requirement for a smoke alarm

1 within 15 feet of the sleeping room. In newer
2 buildings there would a smoke detector inside the
3 sleeping room and there may also be requirements for
4 smoke detectors in—in the basement and furnaces in
5 that area.
6

7 COUNCIL MEMBER GJONAJ: So, would this
8 further complicate the current requirements within 10
9 feet, so at that point you can have back-to-back
10 smoke alarms?

11 JOHN BAZEL: Well, I—I think [coughs]
12 first of all this is really we would defer to the
13 Department of Buildings to talk about smoke detector
14 and smoke detector requirements because it is their
15 code and their rules. I would say generally that the
16 Fire Department obviously strongly supports smoke
17 detectors, and carbon monoxide detectors. They're
18 life saving measures. They alert, you know, the
19 public to the need—to the existence of fire and the
20 need to evacuate. Having said that, it actually is
21 fairly complicated in trying to decide where to put
22 them and what's the best location, and the best
23 technologies because there are so many different
24 types of occupancies. As the Fire Code Counsel, we
25 in our own Fire Code development we—we have a process

1 where we bring in stakeholders including building
2 owners to talk about these kinds of issues. This
3 would--this would be something that would be addressed
4 through the building code revision process, and I--I
5 think I would, you know, we--we follow national
6 standards and national standards continuously about
7 the--the--I--I think the bill will reflect some of the
8 national standards that have been put out by the
9 Nation Fire Protection Association, and it may well
10 be that the city will adopt what is being addressed
11 in the--in the bill. But I think it's very important
12 that this go through a code process where all the
13 stakeholders have an opportunity to comment, and
14 people most familiar with the best way to install
15 carbon monoxide detectors and--and smoke detectors in
16 residential premises is-- You know, there are all
17 kinds of different arrangements, and when you start
18 talking about distance requirements, you know, that
19 may work fine in some apartments. In other
20 apartments it just doesn't make any sense. So, I--I
21 guess it, that's generally how I would respond.
22 Although on the specific details, I really would have
23 to defer to the Department of Buildings.
24
25

2 COUNCIL MEMBER GJONAJ: So, I guess your
3 response is it's well intended, but leave it to the
4 experts?

5 JOHN BAZEL: Something like that.

6 COUNCIL MEMBER GJONAJ: Okay, and just to
7 follow up on that question, it require a silence
8 function or the use of photoelectric detection. To
9 the best of your knowledge, do such mechanisms
10 currently exist?

11 JOHN BAZEL: Yeah, I—I think smoke
12 detectors have silence functions. The difficult
13 sometimes is they're difficult to reach depending
14 where they're placed. So, you know, people get
15 frustrated and take out the batteries, which is the
16 Fire Department's real enforcement, you know, of
17 policies to make sure that they're working, and they
18 have batteries, and then that's the most important
19 thing. But, yes, they do have some silence
20 technology as to all of these technologies are moving
21 pretty quickly, and I think the problem—the reason
22 why they talk about these different types of
23 technologies is some are better, work better to rule
24 out the—the toast, the burnt toast from a real fire
25 or the shower steam from—from a fire. So, they are—

1 they technologies are moving in ways that I think
2 eventually in the not too distant future will take
3 into consideration the most common false alarms. But
4 yes, I-I-I think that the technologies are there, and
5 I think that through the code revision the new
6 buildings that are coming in will start to reflect
7 these new technologies.
8

9 COUNCIL MEMBER GJONAJ: The new
10 technology you're referring to is not the one that's
11 referred in this bill. A silence function isn't that
12 defeating the purpose that you would want it audible
13 so everyone could hear it. If not, if you're asleep,
14 wouldn't you want the audio?

15 JOHN BAZEL: No, I think that—as I
16 understand the silence function I think it's—it's
17 when it goes off unnecessarily. When the—when you're
18 burning some toast or there's some minor food that
19 sets off the detector, the—the homeowner or the
20 resident can just push this button and temporarily
21 silence it. I'm not exactly sure how long that
22 silence function works, but then the—then the—the—the
23 detector resumes operation. I believe that's the—
24 what they're referring to.
25

1
2 COUNCIL MEMBER GJONAJ: Thank you. On
3 Intro 606, it's interesting that you brought up these
4 mechanisms that could be used for evacuation of
5 individuals with limited mobility, and I clearly
6 understand the concerns about obstruction of common
7 areas and whether it be egress or for the Fire
8 Department to gain access. Most of these devices do
9 they operate on electric, I would imagine?

10 JOHN BAZEL: I'm not certain, but I would
11 think they would.

12 COUNCIL MEMBER GJONAJ: In the typical
13 fire, are electric services interrupted

14 JOHN BAZEL: Not necessarily.

15 COUNCIL MEMBER GJONAJ: No. Could it
16 further--

17 JOHN BAZEL: [interposing] Especially
18 during the incipient stages of the fire, you know,
19 there's a good chance that the electric would-is
20 still operating.

21 COUNCIL MEMBER GJONAJ: Most buildings
22 have platforms in between. How would such a
23 mechanism even be practical when there is platforms
24 and breaks in staircases where there isn't a
25 continuous 7-story decline?

2 JOHN BAZEL: That's a good point.

3 COUNCIL MEMBER GJONAJ: Leave it to the
4 experts?

5 JOHN BAZEL: [laughs] Yes.

6 COUNCIL MEMBER GJONAJ: On Intro 608, you
7 refer to signage laws that currently exist. On the
8 back of apartment doors there is currently signs that
9 indicate what you should or should not do in case of
10 a fire?

11 JOHN BAZEL: That's correct.

12 COUNCIL MEMBER GJONAJ: How would this
13 further make tenants aware if there's one on every
14 door? Legally, they should be on the--on the entrance
15 doors to each apartment.

16 JOHN BAZEL: [interposing] How will that--
17 --?

18 COUNCIL MEMBER GJONAJ: Where else would
19 you see a notice?

20 JOHN BAZEL: --will this bill--?

21 COUNCIL MEMBER GJONAJ: Uh-hm.

22 JOHN BAZEL: [coughs] Well, the
23 information that's on the back of the door is a--a
24 series of instructions as--I guess typically about a 5
25 x 8 form, and one of those instructions right now is

1 close to, you know, if you were in the Fire
2 Department Close the Door as you leave. Certainly,
3 when we redo this, we--there's no reason why we
4 couldn't enhance that, and make that even more
5 important, highlight it. I-I-I-I think so there is
6 something already in place. I mean if the Council
7 feels that something more needs to be done, and
8 really make this sort of front and center, you know,
9 I mean there are signs in the hallway: In Case of
10 Fire Use [coughs] Use the Stairs not the Elevator. I
11 mean it could be that kind of sign.

12
13 COUNCIL MEMBER GJONAJ: Uh-hm.

14 JOHN BAZEL: But I-I think that's a
15 judgment call as to whether we should have a very
16 specific sign that--that says this or whether this
17 could be part of this particular notice or combined
18 with other signage. There's quite a bit of signage
19 in apartment buildings these days.

20 COUNCIL MEMBER GJONAJ: Yes, there is,
21 and my last question on Intro 609. How would we even
22 re--how would enforce these stove knobs, which I would
23 imagine have to be removed to have operational use of
24 the stoves? Is there another mechanism that you're
25 aware? Is it permanent?

1
2 JOHN BAZEL: You know, from—from the Fire
3 Department's perspective, enforcement for us would be
4 very difficult. I'd have to refer to HPD to see if
5 they have a different opinion on the enforcement of
6 the use of these—these protective knobs.

7 COUNCIL MEMBER GJONAJ: Currently, I
8 believe you give away these protective knobs to
9 participating families that—is it part of the program
10 of the giveaways that the Fire Department does?

11 JOHN BAZEL: Currently no. I mean in
12 terms of the material that we distribute, knobs isn't
13 one of the giveaways that we provide. However,
14 though in terms of education material when it comes
15 to cooking safety, we do distribute pamphlets and we
16 do emphasize cooking safety across the board on every
17 presentation in terms of enforcing a kid free zone
18 around the stove, and also the importance of not
19 leaving cooking unattended.

20 COUNCIL MEMBER GJONAJ: And our current
21 stove apparatuses, aren't there certain stoves that
22 require a clicking and it's right before (sic)
23 igniting? Wouldn't that be more practical than these
24 removable child proof safety knobs that would have to
25

1 be removed to have operational use of the stove, and
2 would have to be replaced at any moment?

3
4 CHIEF SUDNIK: I--I think what you're
5 referring to is a pilot light-lit stoves versus
6 electrical lighting stoves. I'm not sure which. You
7 know, I guess that depends. You know, certainly the-
8 common sense would say just like a child-proof cap on
9 a, um, on a medication. Anything that would make it
10 more difficult for a child to operate, it would
11 certainly more bene--it would be beneficial.

12 COUNCIL MEMBER GJONAJ: There's something
13 more practical that couldn't be removed temporarily
14 for use to be replaced, something more practical upon
15 the stove would be more common sense.

16 CHIEF SUDNIK: It would--the--it would make
17 more sense than something that would be removed, and
18 potentially not put back on. I--I would--I would agree
19 with your assessment on that.

20 COUNCIL MEMBER GJONAJ: Thank you.

21 CHAIRPERSON CORNEGY: Council Member
22 Grodenchik.

23 COUNCIL MEMBER GRODENCHIK: I've got to
24 get longer arms. Thank you, Mr. Chairman. Thank
25 you, Mr. Chairman. I just have a couple of questions

1 about Intro 606. I know you're not fond of it. Do
2 you know of any buildings in the city of New York
3 that are equipped right now with devices like the
4 Intro calls for? Is there—I've never seen it myself,
5 but I haven't visited every building.
6

7 CHIEF SUDNIK: Um, I—I don't know of any
8 that—that have that. I'm not sure if nursing homes
9 have that requirement. I have to refer to DOB. I
10 have to see what there's a--

11 COUNCIL MEMBER GRODENCHIK: [interposing]
12 I've never seen it in a nursing home either. I mean
13 I've--

14 CHIEF SUDNIK: [interposing] Yeah.

15 COUNCIL MEMBER GRODENCHIK: --never seen
16 it there either. They, obviously I would believe and
17 I know that nursing homes, the men and women of the
18 FDNY obviously have the plans. They have—they meet
19 with—I assume they meet with the—the operators
20 nursing homes on a regular basis to go over
21 evacuation plans and all that.

22 CHIEF SUDNIK: You know, we haven't seen—
23 we haven't seen that. Again, you know, depending on
24 the type of occupancy we're talking about, you know,
25 it may not even be beneficial to remove certain—

1 certain occupants depending on the location and the
2 extent of the fire. The devices that--that come to my
3 mind when we're talking about these are the ones that
4 you may see in private houses where--

5
6 COUNCIL MEMBER GRODENCHIK: [interposing]
7 It's there.

8 CHIEF SUDNIK: --you're looking to go
9 from the second floor to the first floor, and that's
10 more of, you know, used for convenience and safety
11 just generally going, you know, in the--in the general
12 course of living. I--I don't--I never heard of them
13 being recommended for use in case of an emergency,
14 but--

15 COUNCIL MEMBER GRODENCHIK: But what's
16 your--as the Chief of the New York City Fire
17 Department, one of the chiefs, what's your best
18 advice for people with limited mobility? Do they stay
19 where they are and call 911 and wait for the Fire
20 Department to come and get them?

21 CHIEF SUDNIK: Certainly, we--you'd--you'd
22 want them to call 911 immediately upon, you know, to
23 report that fire. The faster we can get there, the
24 faster we could help them. Again, you know, without
25 getting into too much--into specifics depending on the

1 type of building they're in. If you're in a
2 fireproof building for example, and the fire is not
3 in your apartment, you're generally—generally
4 speaking safer and—and to stay in your apartment, and
5 keeping the door closed. If you're in a non-
6 fireproof building, you know, it's, you know, you may
7 want to, if depending on again the seriousness of the
8 fire, you would want to evacuate that building and—
9 and get out of that building. So, but the faster you
10 could report it, the better it is, the faster we can
11 get there, the faster we could help you.

12
13 COUNCIL MEMBER GRODENCHIK: Last—last
14 question. For people with limited mobility I know
15 and I've been in fire trucks. I've got I think three
16 houses in my district. You have the plan to the
17 building when you go into a fire to fight a fire. Is
18 there anything in that computer that tells you that
19 there are people with limited mobility, somebody
20 might be in a wheelchair or anything like that?

21 CHIEF SUDNIK: Nothing that we could rely
22 on with 100% certainty. I mean we do have some
23 information that we—we put in ourselves at times
24 where if we had a—a handicapped person, you know, we
25 could potentially put that into our critical

2 information dispatch, but you know, we can't rely on
3 that 100% because--

4 COUNCIL MEMBER GRODENCHIK: [interposing]
5 No, we can't.

6 CHIEF SUDNIK: --people, you know, people
7 generally are transient. So, if it's a person who
8 may--may be there living in that apartment, if it's,
9 you know, one year and may not be there the next.

10 COUNCIL MEMBER GRODENCHIK: Is there a
11 mechanism for somebody to report to the Fire
12 Department that, you know, I'm--I'm in a wheelchair
13 and I, you know, would like you to know it?

14 CHIEF SUDNIK: The best way to do it
15 would be a 911 when you make the phone call, and give
16 that information to our dispatchers, and let them
17 know that you're handicapped, and tell us what floor
18 you're on, what apartment you're in and we can get
19 there and--and help you.

20 COUNCIL MEMBER GRODENCHIK: Thank you.
21 Thank you very much, Chief. Thank you all. Thank
22 you, Mr. Chairman.

23 CHAIRPERSON CORNEGY: So, I do want to
24 re-visit the--the mobility because during Sandy, one
25 of the concerns was that there was difficulty moving

1 folks especially seniors, and the potential for
2 fatalities was very high, you know. So, it was
3 averted to some degree, but I know that the city had
4 said that they were going to develop some type of a
5 database that would allow during crisis situations to
6 be able to identify pre-you know, prior to the
7 crisis. Obviously, that hasn't happened. Certainly,
8 I'm going to talk to my colleagues about what we can
9 do before there's another large scale crisis like we
10 saw in Sandy. After that, it revealed the necessity
11 for this database, and I'm a little disappointed that
12 we haven't created it to date. This is not an
13 indictment on FDNY. I just think that there's a
14 larger idea that if we were to get into a crisis
15 situation similar to that, or any close-or anywhere
16 close to any scale disaster that we've seen in the
17 city, which I won't mention, not being able to
18 identify prior to the crisis individuals who many
19 need special assistance in moving, could result in a
20 higher degree of fatalities. So, we should definitely
21 have a database available and ready to assist the
22 FDNY and other first responders in the instance that
23 this takes place.
24

2 JOHN SUDNIK: I can't comment
3 specifically about that because I believe that is
4 also a pending--there's pending litigation on--on that,
5 but again, maintaining a data--a database to--with a
6 certain degree of accuracy is--is very challenging
7 when it comes to instances like this. I--I think
8 prior to a storm there is advance warning, and
9 advance notice, and I think that would be a good time
10 for the public to--to--for the city to reach out to the
11 public and--and look for assistance. And we've done
12 that in the past where before a storm has occurred,
13 we've actually helped evacuate handicapped and people
14 with limited mobility from their occupancies, and
15 moved them to shelters. And I think that's a good
16 way to go, a good plan and the same thing in the
17 follow-up after the storm as well utilize the same--
18 the same type of method to report if you needed--if
19 you had lost power to your--to your--if your area lost
20 power, your building lost power, and you need
21 assistance, to come up with a, you know, a plan to--to
22 help those people as well.

23 CHAIRPERSON CORNEGY: Thank you. We've
24 been joined by Council Member Williams and Council

Member Brannan. There's questions from Council
Member Chin.

COUNCIL MEMBER CHIN: Thank you, Chair.

First, I wanted to also thank the Fire Department for
your service and in my district I had my share of
fires and tragedies, but it on there because there
has been a lot more education and outreach events and
activity and materials that's translated. So, I
think on the legislation about posting notice about
the importance of closing doors, I think one of that
is I want to make sure that there are requirements
for translation that for landlords to sort of know
their residents. I mean if they have a resident that
don't speak English, they have to make sure that the
material is translated in different languages. I
know that as you said, you know, the Building Code
mandate there is—we have to post something on the
back of the door. I get that in my building every
year, and I put it right on the—on the back of the
door so every morning when I leave, I get reminded
that, but not everybody do that, and not everybody
get that notice, and not everybody get that notice.
So, in your testimony earlier and answering questions
you said that you do inspect buildings, but you only

1 see if they have signs posted in—in the lobby area?

2
3 Because one the things it's like how do we enforce to
4 make sure that people are doing that. So, minimally,
5 if we require building owners to post that notice,
6 maybe by the mailbox, some place where residents will
7 be able to see it everyday and the city can and the
8 Fire Department can check on that.

9 JOHN BAZEL: Yes, the rule does require
10 that it be posted [coughs] in the—in the lobby. As I
11 said before, the Fire Department doesn't really have
12 an inspection program inside apartment dwellings.
13 So, we, you know, enforcing this is sometimes a
14 complicated issue. I think with our new rule we're
15 going to revisit, the best way to enforce it and do a
16 lot of outreach and make sure that building owners
17 are aware of this obligation, and they need to—to
18 comply, and we're open to other suggestions as to
19 effective ways to—to get enforcement.

20 COUNCIL MEMBER CHIN: Definitely. I mean
21 I think that's minimally requiring them to post it in
22 a place where every resident will be able to see it,
23 and I think the translation, you know, in the
24 different languages is also important to make sure
25 everyone understands fire safety. And my next

1 question is regarding parents and students, the
2 comprehensive plans that we're asking about in one of
3 the legislations is that I know the Fire Department
4 you go out there and you do the school, but it should
5 be in the curriculum that every child should learn
6 about fire safety. It doesn't make sense that for
7 you to just to out there. It should be part of the
8 curriculum so that they can be the ones to kind of
9 like be there to guide the family, and make sure mom
10 and ad close that door, they're the ones that are
11 going to be closing that door. Every child should
12 have that. So, I think part of the comprehensive
13 plan is working with DOE. It should be part of the
14 curriculum, right, and on a regular basis they could
15 send notice back home during holidays just to remind
16 people like emergencies, you know, a certain time of
17 the year remind people again what they should do.
18 During the winter hearing season make sure that they
19 don't, you know—make sure that they have if they have
20 a space heater, you know, that they have to be
21 careful. It just makes sense to really have that
22 part of the plan to incorporate that education, and
23 that will reach millions of school kids, right? And
24 then, the other part is to really outreach to the
25

1 private school, the parochial school and make sure
2 that they also get the information that they need.
3 So, will you continue to work with DOE to make sure
4 that's part of the DOE curriculum on fire safety?
5

6 FABRICIO CARO: Yeah, so right now we
7 have done tremendous work with DOE in terms of last
8 year over 1,000 school-based presentations not only
9 to students, but also working with parents, but we
10 are looking to amplify it, and we have been in
11 conversations with the Department of Education not
12 only to target schools and to target schools that we
13 haven't be in as of yet, but also working with their
14 Parent Engagement Division to see exactly how we can
15 enhance that level of outreach in terms of really
16 communicating the importance of fire safety messaging
17 across the board not only to students, but to parents
18 as well. And in terms of overall material, we are
19 looking to work with DOE in terms of their social
20 media platform and with the administrators to see how
21 we can get our messaging not only disseminated
22 electronically, but through social media as well.

23 COUNCIL MEMBER CHIN: But do you agree
24 that every school should be in the curriculum, fire
25 safety?

1
2 FABRICIO CARO: I mean we agree that fire
3 safety should be given to all parents and to
4 students. So, in terms of whichever way that's
5 possible in terms of working with the Department of
6 Education, we're open to them.

7 COUNCIL MEMBER CHIN: So, okay. So,
8 that's—that's our goal, right? I mean you got to
9 reach student and every parent?

10 JOHN SUDNIK: It's—it's a good goal to
11 have.

12 COUNCIL MEMBER CHIN: Thank you. Thank
13 you, Chair.

14 CHAIRPERSON CORNEGY: I think we have
15 questions from Council Member Rivera.

16 COUNCIL MEMBER RIVERA: Hi. So, I just
17 want to echo my colleagues in saying thank you for
18 all that you've done, and for the outreach events
19 that I've seen in my district. So, I want to just go
20 back to that question about the—the school
21 presentations. Are those year-round or are they only
22 during the regular school year?

23 FABRICIO CARO: They're year-round. I
24 mean we work with, of course, the DOE with parochial,
25 with private schools, but also in the summertime, in

1 terms of like the summer, the Out of School Time
2 programs and not only working with the Department of
3 Education, but also with the Department of Youth and
4 Community Development as well.
5

6 COUNCIL MEMBER RIVERA: So, are you on
7 track for a 1,000 visits this year as well?

8 FABRICIO CARO: Yes, and I think with new
9 initiatives that I mentioned earlier and not only
10 with the Department of Education, but with the
11 Department of Youth and Community Development, I
12 strongly believe that we'll be able to surpass that.

13 COUNCIL MEMBER RIVERA: And for the
14 schools that you haven't been in, what are some of
15 the reasons you can't access the grounds or the
16 premises?

17 FABRICIO CARO: It's more along the lines
18 in terms of the re-I-I guess the application process.
19 It's more in terms of like the principals and the
20 administrators who haven't requested us as of yet,
21 but we're trying to work with the Department of
22 Education in terms of addressing that, and seeing
23 which way we can identify those schools, and then
24 work with the administrators to ensure that we're in.

1
2 COUNCIL MEMBER RIVERA: And do you focus
3 on certain neighborhoods because of fire-related
4 incident trends, or do you just try to blanket the
5 city?

6 FABRICIO CARO: I mean we blanket the
7 city ultimately with all fire safety outreach, but we
8 do place an emphasis in terms of the vulnerable
9 populations that are most at risk for fire trends,
10 and we do use data analytics ultimately to pinpoint
11 and basically do proactive outreach in those
12 districts.

13 COUNCIL MEMBER RIVERA: Okay, great, and--
14 and I guess I have two more questions. One is, of
15 course, working for--with the Department for the Aging
16 because I know a lot of seniors and--and some of the
17 fire-related incidents in some of the senior
18 buildings, two in my district, and I just want to
19 make sure that you're working aggressively to work
20 with them as well--

21 FABRICIO CARO: [interposing] About a
22 month ago--

23 COUNCIL MEMBER RIVERA: --in multiple
24 languages, of course.

1
2 FABRICIO CARO: Yeah, in terms of the
3 multiple languages, we have material right now
4 translated in terms of the—the pamphlets and over 19
5 in terms of our FDNY Smart website. I can be
6 translated in over 100 languages, but in relation to
7 the Department for the Aging, we actually established
8 the partnership with them about two months ago now
9 where we have developed the schedule of targeting
10 every senior center throughout each month or
11 throughout the—throughout the year each month, and
12 then also with them about two months ago now where we
13 have developed a schedule of targeting every senior
14 center throughout each month or throughout the—
15 throughout the year each month, and then also with
16 their assisted living centers as well.

17 COUNCIL MEMBER RIVERA: Okay, and I'm
18 going to jump since I didn't get a chance to ask
19 about Intro 603, the fire hydrants. I know the
20 administration opposes it, but I did want to ask is
21 there a way for a civilian to assist with this
22 process of identifying inoperable hydrants, and are
23 they easy to identify. For example, I feel like
24 everyone says the white ring means it doesn't work,
25 and so how is the follow-up windows have been

1 identified, and is there anything a civilian can do
2 to assist? Call 311 and say hey this white ring has
3 been on this hydrant for six months, a year. I'd
4 really love for the FDNY to come out and inspect it.
5

6 CHIEF SUDNIK: Okay, well, DOE-DEP
7 repairs the-the unserviceable and defective hydrants.
8 So, they do the follow-up when they send us a-a
9 notice that it's been repaired. We'll go out and-and
10 re-inspect it, and-and we'll remove the disk.

11 COUNCIL MEMBER RIVERA: Okay, thank you.

12 CHIEF SUDNIK: Okay. Could I-could I also
13 add if the public has an inquiry or they have a
14 complaint, they can call the Fire Department and
15 we'll send a unit out to inspect the fire hydrant.

16 COUNCIL MEMBER RIVERA: Uh-hm. Okay,
17 thank you so much.

18 CHIEF SUDNIK: And may I also add earlier
19 I didn't get the opportunity to-to chime. While you
20 were talking about a list of disabled, I believe
21 NYSAN (sic) is working on that. I know that our
22 Bureau of Fire Prevention has been working with-with
23 them trying to look at nursing homes out of like the
24 flood zone, coastal flood zones that will be capable
25

1 of accepting the evacuees from nursing homes that are
2 in the flood area.
3

4 CHAIRPERSON CORNEGY: Thank you. So,
5 we're about to close out this portion of the
6 testimony from the administration. I will ask, as I
7 often do, that the administration stay as long as
8 they can. There are--there are regular citizens who
9 would like to testify, and who don't generally get
10 the ear of the administration. So, to the extent
11 that you can, we only have two panels. If you could
12 stay, it would be greatly appreciated. Thank you.
13 Again, thank you for your service.

14 CHIEF SUDNIK: Thank you.

15 CHAIRPERSON CORNEGY: So, I'm going to
16 call the next panel starting with Amy Binkoff, Carmen
17 Mendez Mirage, Ganesh Mirage, and Lyric Thompson.
18 [background comments, pause] If we can take this
19 opportunity to affirm your testimony.

20 LEGAL COUNSEL: Can everyone who's
21 testifying raise their right hand. Do you affirm to
22 tell the truth, the whole truth, and nothing but the
23 truth in your testimony before this committee, and to
24 respond honestly to Council Member questions?
25

2 PANEL MEMBERS: [in unison] I do.

3 [pause]

4 CHAIRPERSON CORNEGY: I ask before your
5 testimony that you just give your name and title of
6 who you are affiliated with before you begin your
7 testimony. You can start wherever you'd like. We
8 prefer ladies first, but--

9 CARMEN MENDEZ MIRAGE: [off mic] A
10 tenant. Sorry, a tenant.

11 CHAIRPERSON CORNEGY: And your name.

12 CARMEN MENDEZ MIRAGE: Carmen Mendez
13 Mirage.

14 GANACHE MIRAGE: I'm a tenant and my name
15 is Ganache Mirage.

16 AMY BINKOFF: I'm a tenant, and my name
17 is Amy Binkoff.

18 LYRIC THOMPSON: I'm a tenant and my name
19 is Lyric Thompson.

20 CARMEN MENDEZ MIRAGE: Good morning.
21 Good morning everyone. My name is Carmen Mendez
22 Mirage. I live at 144 West 19th Street, Apartment A
23 for the past 49 years. I am a proud mother of a 4-
24 year-old special needs child, and a sister with
25 developmental disability. On December 25, 2017,

1 Christmas Day there was a three-alarm fire that
2 started in our apartment building at 3:30 p.m. on the
3 fifth floor. It took approximately 145 firefighters
4 to control the blaze, which too about 2-1/2 hours. I
5 would like to tell you the story about my sister
6 Joanne Mendez. Unfortunately, she was the only
7 person in the apartment that evening. She went into
8 a panic mode as she lacks cognitive skills in order
9 to process the extent of the danger of the fire that
10 day. She continue to run in and out of our apartment
11 and our building hallway frantically in order to find
12 out--find out whether or not she should evacuate the
13 building or just remain in the apartment. I found
14 out about the fire after a nervous phone call from my
15 sister Joanne who seemed to be in shock, not knowing
16 what to do. Finally at 6:00 p.m. a neighbor and Red
17 Cross employee knocked on our apartment door only to
18 find my sister sitting in the dark alone and afraid,
19 not--afraid of making a move without directions.

21 GANACHE MIRAGE: Good morning committee.
22 That's--my wire Carmen and I are here together.
23 We're from the same apartment. I'm just continuing.
24 Unfortunately, this seems to be a common occurrence
25 in most tenement buildings where human lives are lost

1 because of the lack of fire plan implementation. As
2 residents of 144 West 19th Street, Apartment A, me
3 and my family feel very unsafe, and live everyday in
4 fear since the fire in our building, because of the
5 ordeal we all recently faced. Every time my sister-
6 in-law Joanne smells the slightest whiff of smoke,
7 she immediately gets in a panic. This is very
8 alarming as she at times looks after our special
9 needs child. Our senior citizen neighbors who my
10 wife has known all her life were displaced because of
11 the fire, experienced a further depreciation in help
12 of which has resulted in them not being able to
13 return back into their apartment. We are here today
14 to very sincerely request that Bill 599 2018 to be
15 passed, the bill that Mr. Corey Johnson--I know he's
16 not here today--as part of the New York State law so
17 that millions of residents that live in tenement
18 buildings do not suffer the possible loss of a loved
19 one because of the lack of outreach and education,
20 which the FDNY is well equipped to handle. We
21 appreciate the time and the voice that the New York
22 City Council has given us this morning and we thank
23 you for your time. Have a wonderful rest of your
24 day.
25

2 CHAIRPERSON CORNEGY: I just want to ask
3 how many unites are in your building?

4 GANACHE MIRAGE: We have 33 units.

5 CHAIRPERSON CORNEGY: 33. Thank you.

6 GANACHE MIRAGE: Sure.

7 AMY BINKOFF: Good morning. My name is
8 Amy Binkoff, and I also live at 144 West 19th Street.
9 On Christmas day at 3:30 p.m. I was happily watching
10 the Marvelous Mrs. Maisel on Amazon Prime when I
11 smelled smoke. Minutes later the alarms went off,
12 and I heard my upstairs neighbors screaming: My
13 apartment is on fire. My apartment is on fire. I
14 knew that I had to get out fast. All I took were my
15 keys, and my cell phone. My apartment suffered water
16 damage, but I was assured that I would be able to
17 come back home within four to six months once repairs
18 were complete. On January 24th, I received a
19 certified letter terminating my lease for substantial
20 repairs. I have to tell you that I'm a rent
21 stabilized tenant. I've lived in the building for 23
22 years. It's bad enough to experience the trauma of
23 running out of a burning building to lose almost
24 everything that I own, and then be told that I can't
25 go back home because my lease is being terminated for

1 substantial repairs, they might as well just have
2 said: Your lease is being terminated because we went
3 to get a market value tenant in who will pay twice
4 the amount of money that you can pay. If our leases
5 are allowed to be terminated from fire, then what's
6 to stop landlords from hiring people to set fire to
7 their buildings to get rent stabilized tenants out?
8 Our landlord demolished my apartment without a
9 permit, ripped out fireproofing in the process,
10 putting the remaining tenants in the building at
11 risk. This is our home. We trust that we're safe.
12 We put our lives in their hands. If a fire started
13 in my apartment now, I have to say I wouldn't know
14 what to do except to run for my life and scream for
15 help. I have to tell you that is not enough. I need
16 to be educated because I can't—I might not get lucky
17 the next God forbid it happens again. I need to know
18 everything that I can possibly do to prevent a fire
19 from happening and then to stop a fire from
20 spreading. I'm traumatized by the events of
21 Christmas day. The fire report it still says cause
22 undetermined. So, now I live in fear. I live in
23 fear of electrical outlets. I live in fear of space
24 heaters, candles, and that's no way for people to
25

1 live. Tenants have to be educated. I surveyed my
2 friends--and if I have to say my friends are pretty
3 smart--before coming here, and I asked them if anyone
4 would know what to do if a fire started in their
5 apartment, and every single one of them said no. I
6 urge you to support the passage of Corey Johnson's
7 bill because our lives and our safety depends on it.
8 Thank you so much for listening.
9

10 CHAIRPERSON CORNEGY: So, is--is every one
11 who's here from that building back in their
12 apartment?

13 AMY BINKOFF: I am not back. My lease
14 was terminated due to substantial repairs. I'm
15 trying to go back home.

16 GANACHE MIRAGE: And we're--sorry.

17 AMY BINKOFF: They're back.

18 CHAIRPERSON BORELLI: How--your apartment
19 was the apartment that was on fire?

20 AMY BINKOFF: No, the apartment was on
21 the fifth floor. I'm on the third floor.

22 CHAIRPERSON BORELLI: You're below it and
23 you suffered just water damage?

24 AMY BINKOFF: Just water damage. Just
25 water damage.

1
2 CHAIRPERSON BORELLI: And Mr. and Mrs.
3 Mendez Mirage, where is your apartment related to the
4 fire?

5 CARMEN MENDEZ MIRAGE: Ours is on the
6 ground floor.

7 CHAIRPERSON BORELLI: Did you also suffer
8 water damage as well?

9 CARMEN MENDEZ MIRAGE: Not water damage.
10 Prior to that we had 24 violations in our apartment.
11 So, we have a little different issues, but we were
12 able to get back on January 30th--

13 CHAIRPERSON BORELLI: [interposing] Okay.

14 CARMEN MENDEZ MIRAGE: --back to the
15 apartment.

16 CHAIRPERSON BORELLI: And I-I saw the-the
17 news coverage of your situation--

18 CARMEN MENDEZ MIRAGE: [interposing] Yes.

19 CHAIRPERSON BORELLI: --and your-your
20 daughter has gotten back in her school, and getting
21 services and stuff that she was concerned about?

22 CARMEN MENDEZ MIRAGE: She back on track.
23 Yes.

24

25

1
2 CHAIRPERSON BORELLI: Okay, and how is
3 she doing. Is she—was she upset from everything that
4 happened?

5 CARMEN MENDEZ MIRAGE: She was. She
6 wasn't herself and she regressed. She regressed
7 because we weren't home where she has the freedom to
8 run, jump, and get her services. Her school is a few
9 blocks away from the house. So, she was off her
10 routine. We were trying to still drive in for her to
11 go to school even through a snow storm so she
12 wouldn't skip a beat, but it was difficult.

13 CHAIRPERSON BORELLI: Okay. Thank you.

14 CARMEN MENDEZ MIRAGE: Thank you.

15 CHAIRPERSON BORELLI: I guess my last
16 question Ms. Binkoff—

17 AMY BINKOFF: Yes.

18 CHAIRPERSON BORELLI: Were all the
19 apartments on your floor or the floor above you were
20 they all terminated, the leases were all terminated?

21 AMY BINKOFF: No. So this is what's
22 going on. The—the other people, a gentleman named
23 Miguel he's been in the building for 45 years, his
24 lease was terminated. It seems—I just ran into him--

CHAIRPERSON BORELLI: [interposing] Was
he also rent controlled?

AMY BINKOFF: He's rent controlled 45
years. It seems what's happening is that the rent
controlled tenants are being terminated, and I just
ran into a neighbor because I'm subletting on the
Upper West Side, she's market value, and her lease is
not being terminated.

CHAIRPERSON BORELLI: Do you believe the
firefighters used extra water in your apartment?

AMY BINKOFF: [laughs] I know the
firefighters. I live next door to a firehouse. So,
we live next door to the firehouse. So, the response
time is super fast. I actually believe that the
damage—I mean I took pictures. I took a ton of
pictures of everything, but I don't think the damage
was severe enough for my entire apartment to be
demolished. I'm sorry to say, but I think this was a
plan, and I think for her the fire was a Christmas
Day gift not for me, but it certainly was for her.

CHAIRPERSON BORELLI: Thank you.

CHAIRPERSON CORNEGY: The unit that the
fire took place in is it still offline

AMY BINKOFF: Yes.

GANACHE MIRAGE: Yeah, there's no access
to that apartment.

AMY BINKOFF: Yeah.

GANACHE MIRAGE: It's vacant.

CHAIRPERSON CORNEGY: Thank you.

AMY BINKOFF: You're welcome.

LYRIC THOMPSON: Hi. [coughs] I'm sorry.
Hello. My name is Lyric Thompson. I reside at 1355
Decatur Street, and I'd like to speak about standards
and HPD and the lack thereof. I was very happy when
I saw that you were putting forth this bill with
regard to self-closing itself-self-locking doors. I
believe you all have a little information packet in
front of you, a bunch of photos. I see that you say
here that they should—it should be the duty of owner
of the multiple dwelling, which is required to be
equipped with self-closing doors pursuant to Section
28.315-10 to keep and maintain doors in good repair.
Would you say that those doors in these photos are in
a state of good repair? We found out we were rent
stabilized in the summer of 2015. We are a 421-A
building that the landlord didn't bother to register
the apartments and he lied to us about the building
being stabilized. We also had the added pleasure of

1 being tapped into to provide the heating for the
2 common areas. Since—my God, you know it's a lot
3 stress—more stressful when you get here. Since 2015,
4 we have dealt with tampered gas lines, a lack of
5 repairs and HPD all of those—those photos are what
6 HPD considers repaired. Those are repaired doors for
7 HPD. We've had over 97 violations in our building,
8 and one of our biggest issues is that HPD has an
9 unwritten policy with regard to heating. They don't
10 believe that tenants are entitled to heating in the
11 common areas. The heating statute provides a choice.
12 It say on or—on or after November 1, 1959 all
13 multiple dwellings should be provided with heat and
14 the heating equipment and facilities therefor. Put
15 heat in your building. From October 1st through May
16 31st, such heat and equipment shall be sufficient to
17 maintain a minimum temperature required by local
18 rule, law or ordinance. Then it offers you a choice
19 either all portions of the dwelling used or those
20 occupied for living purposes. The person that was
21 putting together our building, originally
22 constructing our building put heating throughout the
23 building. Pursuant to the Rent Stabilization Law,
24 that heating became a required base service upon the
25

1 issuance of the CFO. This did not matter to HPD.
2
3 When we made a complaint to DHCR, the landlord's
4 response was to start hacking at our gas and plumbing
5 lines, which if you look at the back side of that
6 packet, you've got a lot of pictures of that as well.
7 I figured I'll call HPD. All-all equipment in
8 buildings, buildings have to be kept in a good state
9 of repair, right. So, in my mind I thought I'll
10 call HPD, they'll write a violation and he'll have to
11 go to DHCR and get an extra boiler and deal with
12 this, this issue, but that's not what happened. HPD
13 told him to rip it out. You' ain't entitled to
14 heating. I told HPD and I-I furnished evidence to
15 HPD that he was tampering with gas lines. DOB had
16 written two violations: (1) Gas work done without a
17 permit, and (2) Gas being supplied without testing.
18 It didn't matter. I didn't matter that it was rent
19 stabilized building. It didn't matter that they were
20 using unlicensed people, endangering our lives to do
21 this. I've begged HPD for three years to stop
22 engaging in this violation of public policy, and now
23 I'm asking you to do something about it. It did not
24 escape my attention that I had to go to the Mayor and
25 ask Bill de Blasio to do a safety sweep in my 421-A

1 building that is not completed, and we've had all of
2 these issues, and thank God he did. They found a gas
3 leak that could have taken out half the block. That
4 was on one side of the building. On our side of the
5 building, our gas leaks were hidden behind the walls.
6 So, when DOB came out, we don't see anything. There's
7 drywall. It didn't matter that we had me on
8 recording that he had been tampering with these gas
9 lines. It didn't matter that there were witnesses to
10 this behavior. They couldn't do anything about it.
11 When the gas lines were finally tested over a year
12 and a half after the violation was written, they
13 found gas leaks there, too. It's by the grace of the
14 gods that our building didn't blow up, and for three
15 years I've been begging HPD to do something about
16 that. So, what did they tell me? I'd like you to do
17 something about it dealing with the consequences of
18 HPD's unlawful behavior is getting old. No tenant,
19 no citizen in my city should have to endure groveling
20 HPD for proper repairs of just not to break the law
21 and endanger the lives and the lives of your
22 community members. I'd like you to do something
23 about it, please. Are we all on board with that,
24 everyone?
25

CHAIRPERSON CORNEGY: Yes, what is your—
what is the address of your building?

LYRIC THOMPSON: 1355 Decatur Street.
There's a Propublica article that was written about
it in 2016. Is the former chair here? Jumaane
Williams, Council Member Williams? Did he leave?

FEMALE SPEAKER: Yes.

LYRIC THOMPSON: Yeah. He actually
brought our building up at the oversight hearing they
had a month after that article came out.
Unfortunately, he didn't bother to read the article.
I wish he had because had he, he would have known
that one of the tenants that we had in that building
her name was Olga Ortiz, was forced out of her rent
stabilized apartment via holdover. I didn't learn
that we were rent stabilized quick enough to save
Olga, but he might have asked Louise Carroll while he
was questioning her: Why HPD did not use their
statutory authority through the Revocation Statute to
do anything for Ms. Ortiz, to make her whole at all.
In fact, they did nothing for Ms. Ortiz. What they
did was for the landlord. They allowed this
developer to submit forged documents to feign
compliance for Ms. Ortiz. Would anybody like them?

1 I have—I have one of them right here if you'd like
2 it. Anybody?

3
4 CHAIRPERSON CORNEGY: What—what I'd like
5 you to do is I have two members of my office who are
6 actually here. Upon completion of your testimony,
7 I'd like for you to just submit so we could offer it—
8 -

9 LYRIC THOMPSON: [interposing] Fantastic
10 because the same developer has a building in your
11 district as well.

12 CHAIRPERSON CORNEGY: Okay.

13 LYRIC THOMPSON: He has three in Council
14 Member Perkins' district--

15 CHAIRPERSON CORNEGY: Okay.

16 LYRIC THOMPSON: --four in Anthony
17 Reynoso's district, four in Council Member Espinal's
18 district. These are not small time little mom and
19 pop guys that we're talking about. We might want to
20 ask ourselves when we're going to deal with the fact
21 that HPD is not enforcing the multiple dwelling laws.
22 Because let's be real. If they were, would have a
23 bad landlord's list? I don't think so. Is HPD
24 pursuing those landlords or are they just putting
25 them on a list telling us where we shouldn't shop?

1 Do we do this with restaurants? Is there a bad
2 restaurant list where it tells you not to have
3 chicken, you have that and take a chance. That's
4 what the city is doing with our housing. We put our
5 lives in HPD's hands to ensure the multiple laws, to
6 make sure that we are in safe and sanitary housing,
7 and they do not listen, and they violate their own
8 position with ridiculously low standards. I'd
9 appreciate it if this Council took HPD to task for
10 that exact—for exactly that so that we might—we might
11 do something about our substandard housing, protect
12 our citizens and, of course, climate change is here.
13 We're going to experience stronger storms. The
14 repairs if—if the metric is what you see in those
15 photos, we're going to lose a lot of housing and
16 people will die, and that's just the reality of it.
17 Thank you for your time.

19 CHAIRPERSON CORNEGY: Thank you for your
20 testimony. Please see young Kego (sic) Sheehan on
21 your way out so that we can set up a time to look
22 further into what your—what you're alleging.

23 LYRIC THOMPSON: Certainly.

24

25

CHAIRPERSON CORNEGY: Thank you. So,
we're going to call the next panel. [background
comments, pause]

CHAIRPERSON BORELLI: Now, we're going to
call up Thomas Lucania from the Office of the Bronx
Borough President; Frank from the Rent
Stabilization Association; Melissa Mar-Barber,
Mechanical Contractors Association of New York; and
Robert Unger, Uniformed Firefighters Association,
Uniformed Paramedics and Inspectors. [background
comments] So, I will join [background comments,
pause] I'll keep with Councilman Cornegy's tradition
of starting with ladies. So, then we'll start with
you.

MELISSA BARBER: Is this on now? Okay,
okay. Good morning. My name is Melissa Barber and
I'm with the New York Fire Sprinkler Council, which
the Division of the Mechanical Contractors
Association of York. We're an organization comprised
of 130 member firms that employ Teamsters Local 638.
Our contractors are licensed and responsible for the
installation of inspection, testing and maintenance
of fire suppression systems, and tens of thousands of
high density residential, commercial and industry

1 buildings including hospitals, universities, power
2 plants. Water treatment facilities across the New
3 York region. We're here today because of the result
4 of the recent fire tragedies that struck our city,
5 one being the devastating fire in the Bronx that
6 killed 12 people, four of whom are children, injured
7 another 14 people including seven firefighters and
8 displaced 22 families. This was the deadliest fire
9 in New York City in 27 years, and our fire protection
10 laws have not caught up with the times. In fact, New
11 York City has not passed the significant fire
12 sprinkler system protection legislation for
13 residential buildings since 1999. Currently, New
14 York City does not require existing residential
15 buildings to install fire sprinklers leaving
16 residents in older multi-family buildings
17 unprotected. Yet, we know fire sprinklers save lives
18 and are the first line of defense controlling 99% of
19 all fires. The need for fire sprinklers is clear
20 particularly since the modern residential fires are
21 hotter, more toxic and burn 800% faster than they did
22 40 years ago. In a report published this past July
23 by the National Fire Protection Association, we see
24 that from 2010 to 2014 the death rate per 1,000
25

1 reported fires was 87% lower in properties with fire
2 sprinklers than in properties without. In addition,
3 where sprinklers were present flame damage was
4 confined to the room of origin in 97% of fires. This
5 saves lives first and foremost, but also averts major
6 property damage and could mean the difference between
7 a family being displaced or being able to return
8 home. Another study conducted by the University of
9 Nevada Las Vegas College of Urban Affairs showed that
10 smoke detectors without a fire sprinkler system do
11 not appear to be enough to save lives or reduce major
12 home damage. The study also notes that a fire
13 sprinkler system pays for itself in the first few
14 months after a home is complete. We applaud the city
15 for enacting significant fire safety legislation that
16 has saved countless lives over the years. One of
17 those laws was Local Law 26 passed in 2004, requiring
18 all commercial buildings over 100 feet or taller to
19 be retroactively equipped with fire sprinklers.
20 Since then, fire deaths in New York City office
21 buildings and businesses have become virtually non-
22 existent. However, this begs the question of equity.
23 If office buildings are required to have sprinklers
24 and shiny new condos are as well, why are residents
25

1 who live in older buildings who may be lower income
2 not given the same protection. Florida has taken
3 steps to protect its residents by passing a state
4 law—statewide law regarding sprinklers in residential
5 buildings taller than 75 feet and older than 23
6 years. We see it can be done, and we are urging the
7 same that all New York City buildings taller than 75
8 feet be retrofitted with sprinklers. We know fire
9 sprinklers save lives, and no one should be denied of
10 that protection. With the safer building
11 construction in 2017, should be the same say for a
12 building built in 1950, and regulations should cover
13 residents in both cases. We cannot wait for another
14 tragedy to strike before we ask—before we act. Let's
15 make sure we learn from the lives lost in the most
16 recent Bronx fire as well as all of the other lives
17 and homes lost in residential fires. We can and must
18 do more to ensure equity and justice in our fire
19 safety policies. Thank you.

20
21 CHAIRPERSON CORNEGY: I'm sorry. Excuse
22 me for my ignorance. 75 feet would be approximately
23 how many units?
24
25

1
2 MELISSA BARBER: It's 7 to 8, sir. It's
3 about what a ladder truck can, you know, above what a
4 ladder truck would have difficulty getting to.

5 CHAIRPERSON CORNEGY: Thank you.

6 ROBERT UNGER: Yeah. Good afternoon,
7 Chairman Borelli, Chairman Cornegy. On behalf of the
8 Uniformed Firefighters Association at the Fire
9 Department and on behalf of the Uniformed EMTs,
10 Paramedics and Fire Inspectors at the Fire
11 Department, I want to thank you for delving into this
12 problem because clearly there are issues that need to
13 be addressed, and this Council through your
14 committees can make a significant impact for public
15 safety in the city of New York and protect people
16 from fires. The—I got brought into this a little bit
17 late in the game so I didn't submit written testimony
18 today although usually I do, but I will. But I just
19 want to run through some of the bills that—that we
20 took a look at over the weekend. I'll start in—in
21 order. [coughs] 602 the self-closing doors, our
22 members strongly support this legislation. We think
23 this is absolutely terrific, but what we see as a
24 problem is that New York City has had a self-closing
25 door regulation for many years to the extent that the

1 new bill strengthens that, we are wholeheartedly
2 supportive, and we want to thank you Chairman Borelli
3 for—for this. However, I hate to bring up HPD again,
4 but I have no choice. [coughs] According to media
5 reports, some 7,000 violations were issued last year
6 for non-closing doors in New York City. The
7 enforcement is abysmal. It's one thing to write a
8 violation order. It's another thing to follow up.
9 It's another thing to have a significant and
10 meaningful penalty for violations of law that can
11 cause people to die when there's a fire. Fire chases
12 air oxygen. So, when doors are left open, the fire
13 is naturally going to want to escape, and it will
14 travel upwards in—in buildings that have staircases,
15 older buildings in the city, the fire will travel
16 upward. We have firefighters that were killed years
17 ago in—in the West Village. When that happened they
18 were in a case, and fire came out of an apartment
19 below them and went the stairs and killed the right
20 in the staircase. So, we can't urge you enough to
21 take a serious look at what the enforcement agency
22 HPD is doing about the 7,000 violations just in a
23 year. It's—it's really -otherwise you can pass all
24 the local laws you want, without the enforcement, no
25

1 teeth. [coughs] 610, stove top childproof knobs, we
2 like that. Enforcement is a problem because for the
3 Fire Department for instance we don't access people's
4 private apartments. We, you know, there are issues
5 involving going to people's property without
6 permission, and we don't. So, I don't know how you
7 enforce that, but we think that the idea is a really
8 good one. It could save many children's lives when
9 they attempted to go and play with the stove. Let's
10 see. 608, posting notices. Strongly supported by
11 both the firefighters and--and the Inspectors' Union.
12 We think it's an obvious move. There should be
13 mandatory postings, and there should be penalties for
14 failure to comply. People should see this idea.
15 People should see that they should close the door.
16 You may remember a number of years ago under a prior
17 administration, there were public service
18 advertisements that were running on television, and
19 it just--it showed fire, and it said: Close the door.
20 They were terrific, and--and the made it. I believe
21 at that time they made an impact, and then they went
22 away, but it is possible we should be taking a look
23 at bringing back their public service advertising
24 that was done on television so that when people
25

2 watched they were getting the message, and--and the--
3 and the--and the message--and the--and the--during a
4 commercial they were told if your apartment is on
5 fire, you need to get out, and then this ominous
6 voice would come on and just say: Close the door.
7 It was really terrific. It was a little scary, but I
8 think it--it--it made its point, and--and even in the--
9 with the Fire Department, you know we were talking
10 about it as having been a, you know, kind of an
11 effective thing at the time, but it went away. It's
12 something that you might want to take a--a look at,
13 but we strongly support it.

14 CHAIRPERSON CORNEGY: Well, I just want
15 to tell you that you actually don't have to go point
16 by point. You have three business days to actually
17 submit in writing your responses to it. I don't want
18 to discourage you, but I'm--you may consider that you
19 don't have to today support or not support. You have
20 three business days to actually submit to us in
21 writing what you suggested that you would--

22 ROBERT UNGER: [interposing] Understood.

23 CHAIRPERSON CORNEGY: --your responses to
24 each. So, that is an alternative that you have

25 ROBERT UNGER: [interposing] understood.

2 CHAIRPERSON CORNEGY: --available.

3 ROBERT UNGER: I would like to make the
4 testimony, if you don't mind, Mr. Chairman.

5 CHAIRPERSON CORNEGY: Sure.

6 ROBERT UNGER: Okay, thank you. With
7 regard to the fire hydrants, Intro 603 the
8 Firefighters Union opposes this piece of legislation.
9 We feel that the program that we have is already in
10 place and covers what is covered in this legislation
11 and more, and our concern is that we would like to—we
12 have the Fire Commissioner Dan Nigro who's terrific
13 and our Chief Officers continue to supervise the
14 existing program and they're actually very good like
15 during the winter and the Chief earlier described
16 some of the extra things that we already do. [coughs]
17 We, you know, we—we think that it's—it might be best
18 left to the Commissioner and the Chiefs how to run
19 that program, but because we already do what would be
20 in—in the statute, and it's just a strong preference
21 that we continue to operate that way. We have some
22 really experienced fire officers running the Fire
23 Department, and they actually are—have been out there
24 with frozen hybrids when they were firefighters
25 themselves, and they have the sensitivity to these

1 problems. First Safety Education, 609. We like it
2 but, we're curious as to who—who is going to actually
3 do the educating if we expand the program that we
4 already have, and how does it get paid for? Our
5 concern is there is no appropriation attached to some
6 of these programmatic recommendations, and that the
7 only place the department can go for money is to
8 Operations, and to go to the actual response budget
9 to fund programmatic things can be dangerous, and we
10 are very concerned about the department being forced
11 by statute to move money away from operations into
12 programs. We don't have a problem with the programs,
13 but if they're going to be expanded beyond where we
14 are now, we would like you to consider an appropriate
15 appropriation to cover the costs of the additional
16 programs. 599, the Speaker's bill, we—as the Fire
17 Department does, we support the concept of this bill.
18 We think that outreach to landlords is a good thing.
19 Where we would like some more clarity about how
20 that's going to happen. You know, are talking about
21 sending fire companies to try to find every multiple
22 dwelling owner in New York City. That won't work.
23 We know it won't work because most of them don't live
24 in the buildings that they own. Some of them don't
25

1 even live in the state. So, you know, we'd be
2 looking for people that are not going to be found,
3 and we don't have enough fire inspectors in the city.
4 We have about 400, and they are already over-
5 stretched with the more than a million occupancies
6 that they're responsible for and all the specialties
7 like explosion things. Construction, electrical.
8 It's with our current we wouldn't actually, you know,
9 really be able to function properly if we had to
10 follow this without some clarification. Maybe you
11 could consider doing a notification by mail. It
12 could be registered mail and make somebody sign for
13 it. Then we could send it to the landlord even if
14 they live in Ohio, but we don't think it's practical
15 with out firefighters and inspectors to go out and
16 find all the multiple dwelling owners. It says good
17 faith effort, which we appreciate, and I'm sure the
18 department would do that, but we just don't have any
19 kind of staff that can find these people. Although
20 we—the city does know where they are. So, maybe mail
21 of some kind might be the way to go. Those are the
22 bills that we're concerned with. We—we generally
23 think that the Council and the Chairs are going in
24 the correct direction for public safety and fire
25

1 safety in the city, and we want to thank you for
2 really getting into this. This is a broad array of
3 things in here that you're proposing, and except for
4 the—except for the hybrids, you know, we're generally
5 okay. So, thank you again and I will turn it over.

6
7 CHAIRPERSON BORELLI: Thank you very
8 much. Next, we'll hear from Mr. Lucania from the
9 Bronx Borough President's Office.

10 THOMAS LUCANIA: [off mic] Good
11 afternoon—[on mic] good afternoon, Chairman Cornegy
12 and Chairman Borelli. My name is Tom Lucania, and
13 I'm here to testify on behalf of Bronx Borough
14 President Ruben Diaz, Jr. regarding Intros 608, 609
15 and 610. Borough President Diaz, City Council Member
16 Ritchie Torres, and Council Member Chaim Deutsch have
17 introduced a package of legislation designed to
18 prevent catastrophic fires in the wake of December's
19 tragic fire in the Belmont section of the Bronx,
20 which saw 13 lives lost. Borough President Diaz,
21 Council Member Torres and Deutsch introduced three
22 bills that would improve fires safety and education
23 and potentially save lives. Intro 610 would require
24 owners of building with three or more units to
25 provide and properly install approved stove safety

1 devices on all stoves in the units where a child or
2 children ten years or younger reside. Intro 609,
3 which would require the Fire Department in
4 coordination with the Department of Education to
5 implement a comprehensive plan for educating children
6 and parents about fire safety and prevention, and
7 Intro 608 would require landlords to post a notice
8 indicating that those escaping a fire should close
9 all doors behind them. These bills would help
10 prevent future tragedies and keep our first
11 responders out of harm's way to save lives. On
12 Thursday the 28th of December, a fire broke out on
13 Prospect Avenue in the Belmont. It lead to 13 deaths
14 making it the deadliest fire New York City has seen
15 in the past 25 years since inferno at the Happy Land
16 Social Club, which killed 87 people in 1990. In this
17 case, investigators found that the fire was started
18 by a 3-year-old child playing with the stove in his
19 apartment, and quickly drew-grew out of control.
20 Just as we require window guards in apartments with
21 young children, we should also require that stoves be
22 made safer though the installation of approved safety
23 devices. This tragic fire could have been prevented
24 had this young child been unable to tamper with the
25

1 knob of the stove in his apartment. The flames
2 spread quickly in part because as the boy's mother
3 fled the burning apartment, she left the door open.
4 For a small investment of just a few dollars per
5 stove, we can prevent children from easily tampering
6 with the knob and accidentally causing the fire. We
7 also can educate families to close the door behind
8 them if they are escaping a fire in order to prevent
9 the fire from spreading. Additionally, we can do
10 more to educate children and families on fire safety
11 and prevention. This is critical legislation that
12 will protect our families, our neighbors and keep our
13 Fire Department and other first responders safe in an
14 emergency. One of the 13 people who died in this
15 fire was PFC Emmanuel Mensah. PFC Mensah lived in
16 this building and was found dead in an apartment that
17 was not his own. He was trying to rescue his
18 neighbors and he succumbed to the blaze. There are
19 many ways we can honor his memory and preventing
20 future tragedy and this is one of them. I thank
21 Council Member Torres and Deutsch for their
22 partnership on this legislation, and I look forward
23 to seeing these laws, which directly address the
24

1 causes of deadly disasters like this passed. Thank
2 you.

3
4 CHAIRPERSON CORNEGY: Thank you.

5 CHAIRPERSON BORELLI: And then finally
6 Mr. Frank Ricci of RSA.

7 FRANK RICCI: Thank you, Chairman
8 Cornegy, Chairman Borelli, Council Member Chin. My
9 name is Frank Riche. I'm the Director of Government
10 Affairs for the Rent Stabilization Association. We
11 represent about 25,000 building owners in the city.
12 Collectively those buildings contain about one
13 million units of housing. I know you're having a
14 hearing in a few weeks on the Housing and Vacancy
15 Survey that just came out. I looked at it quickly
16 last when I first--when your counsel, you know,
17 finally sent it to me, and I believe there's 2.4
18 million units of housing in this city that that that
19 survey looks at. So, I heard Mr. Unger talked about
20 7,000 violations for not-doors that were not closing
21 properly. So, 7,000 out of probably 2.6 million
22 doors in the city. That's not bad, but as it relates
23 to Intro 602, it's already the law and the Multiple
24 Dwelling Law and the Housing Maintenance Code. So, we
25 fully support 602. Owners should keep them in good-

1 good repair. They should be working. Unfortunately,
2 on the newer type of self-closures where it's on the
3 hinge, tenants will sometimes take the pins out
4 because they don't want the door to be self-closing.
5 When the owners' are aware of it, they fix it again.
6 Complying with any violation is always a challenge
7 because of access, but we fully support the law, and
8 we don't have a problem with having the requirement
9 that we maintain them. Intro 604, which is Chairman
10 Cornegy's bill on photoelectric smoke detectors.
11 This has been the subject of at least three or four
12 hearings that I'm aware of in the last four years by
13 this Council, and I looked at all the old testimony,
14 and it seemed that there was a difference of opinion
15 between the Fire Department and various fire safety
16 organizations, and testing companies around the
17 country. There's a debate about depending on what the
18 location is in the department whether an ionization
19 smoke detector is better than a photoelectric
20 detector. We fully support the process that—that DOB
21 is going through now in terms of looking at the code,
22 and if they say that everything should be a
23 photoelectric smoke detector, we're fine with. Our
24 only concern is that [coughs] now we just completed a
25

1 round about four years ago of making sure that every
2 smoke detector in the city is replaced at the end of
3 its useful life, which is now they have 10-year
4 battery that's tamper-proof so the tenant cannot
5 remove the batter from the smoke detector, and
6 tenants they've—they've been installed over the last
7 four years in apartments, and tenants pay \$25 each
8 time that happens, and \$50 if it's a combination
9 carbon monoxide smoke detector. So, what we're
10 saying is if—if the Council feels that the technology
11 is there, and it is evolving and you heard Julian
12 Bazel's point about the—point out the fact that
13 there's a lot of different technology, and it's
14 changing all the time. But if through DOB through
15 their Code Committee if they feel that there's a
16 better detector, we're okay with that. We would just
17 suggest it be done at the end of the useful life so
18 that it's—it's a phased in replacement of the current
19 detectors. If you do something blanket all at once,
20 there's usually a shortage of things like this, and
21 to phase it in, it's easier on the tenant, it's
22 easier on the owner, but we—we don't have a problem
23 with whatever the technology says is the best. Intro
24 608, which is the notice for self-closing doors,
25

1 since there's a lot of discussion today, about what
2 goes on the back of a door, I had the sergeant-at-
3 arms give you the—the notices that go on the back of
4 doors. The little red mark in the corner is for
5 combustible buildings, and for—the blue one is for
6 non-combustible buildings. So, it's slightly
7 different, but the first item on each notice is if
8 there's a fire close the door. There's also a fire
9 safety notice that's in the lobby of every building,
10 which expands on the building specifics of what you
11 do in that building, and then on top of all that
12 there's a fire safety plan that has to be sent to
13 every resident of a multiple dwelling that's three or
14 more units once a year, which tenants get. So, and
15 in there—in both of those other two notices, the plan
16 and the notice it says if you leave the apartment
17 close the door. So, I don't know what more you can
18 do to get tenants to pay attention to close the door,
19 but if they need to highlight it, you know, bigger on
20 the notice, we're fine. We've sold millions of those
21 over the years. So, I know they're on the back of
22 doors. We continue to sell thousand, tens of
23 thousands a year because owners replace them when
24 they renovate an apartment. Sometimes tenants paint
25

1 their own apartments, they paint over the notices.
2
3 Lots of times they hang things over that notice on
4 the back of the door, and the owner asks them to
5 please do not do that, but it's an ongoing process.
6 If they want to change the notice, and make it
7 bigger, bolder, different colors we're all for it. I
8 heard Councilwoman Chin talk about translation. I
9 assume that means she would support something where
10 an owner could then send a notice to every tenant
11 each year asking who's living in the apartment and
12 what languages they speak so that owners would know.
13 Because there is no way an owner knows who a tenant
14 is who moves into their apartment or what language
15 they speak. So, the only way we could determine that
16 is if you would support something at that the state
17 level where DHCR would allow us to now get an actual
18 list of who the residents are in each building each
19 year, each apartment. I thought that would be your
20 reaction. [laughter] And then finally, the Intro
21 610—well how else would an owner know? No, the owner
22 doesn't know. The owner might—there's turnover,
23 there's people who—there's tenants all the time who
24 move other residents in and who move in roommates.
25 The owner has no idea, and it's very common. 610 is

1 the last one I'm going to comment on, which is—has to
2 do with safety knobs. It's not a—we—we have no
3 problem with providing them. It's not a cost issue.
4 My problem is with the enforcement of it. A lot of
5 our members do give those to tenants when they ask
6 for them now, and what happens is a week or two later
7 they go in the apartment, and they've taken them off
8 because they are a nuisance to have on there. Most—
9 the safety knobs that are approved, you need two
10 hands to undo the knob to use the—to use the stove
11 regularly. Tenants often times get frustrated with
12 them so they just remove them, or they remove then on
13 two knobs and leave them on the two others. They may
14 use those—those burners all the time. So, my problem
15 is with the enforcement because if it's going to be
16 children under 10, which I think is a little extreme
17 because a 10-year-old should really know not to play
18 with a stove, if the 10-year-old is playing with the
19 stove, knobs on the stove, they've got other problems
20 besides just tinkering with the knobs. They should
21 be—the enforcement of this is going to be such that
22 the inspector is going to go in, see a child under 9—
23 under 10, there's no knobs on there, and there's no
24 way the owner can certify that he's corrected. He
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2 can give the tenant the knobs again, and put them on,
3 and if the tenant takes them off again, two weeks
4 later, there's no way the owner can—can honestly
5 respond and say that he's corrected violation. So,
6 if there's a better outreach program a giveaway
7 program like they have with the smoke detectors,
8 we're all for it, but we don't have a problem with
9 the costs. It's a minimal cost. If tenants want
10 them, most of the owners that we represent would just
11 gladly give them to the tenants because they don't
12 want any fires in their building and that's it.

13 CHAIRPERSON CORNEGY: Thank you so much
14 for your testimony. Thank you. [background comments,
15 pause] For the record, we just want to announce that
16 we have received testimony from the Association of
17 Building Owners of Greater New York and REBNY.
18 [pause] This hearing is now officially adjourned.
19 [gavel]

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C E R T I F I C A T E

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



Date March 3, 2018