

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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November 20, 2019
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B E F O R E: Robert E. Cornegy, Jr.
Chairperson

COUNCIL MEMBERS: Robert E. Cornegy, Jr.
Margaret S. Chin
Carlina Rivera
Helen K. Rosenthal
Bill Perkins
Mark Gjonaj
Fernando Cabrera
Ritchie J. Torres
Barry S. Grodenchik
Rafael L. Espinal, Jr.
Farah Louis

Joseph C. Borelli
Fernando Cabrera
Justin Brannan

Alan N. Maisel
Chaim M. Deutsch

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

Melanie La Rocca
Commissioner
New York City Department of Buildings

Gus Siraks
First Deputy Commissioner
New York City Department of Buildings

Joseph Jordan
Chief
Bureau of Fire Prevention
New York City Fire Department

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2 STEVEN SIDOWSKI: Microphone check,
3 microphone check. Today's date is November 20, 2019,
4 on the Committee on Housing and Buildings jointly
5 with Fire and Emergency Management, recorded by
6 Steven Sidowski.

7 CHAIRPERSON CORNEGY: Good morning,
8 everyone, I'm Council Member Robert Cornegy, Jr.,
9 chair of the Committee on Housing and Buildings, and
10 I'm joined today by Council Member Borelli, chair of
11 the Committee on Fire and Emergency Management. I'd
12 like to thank Chair Borelli and other committee
13 members for joining this hearing on the
14 implementation of automatic sprinkler requirements in
15 commercial buildings, as required by Local Law 26 for
16 year 2004. Following the devastation of the
17 September 11 attacks, the Department of Buildings
18 conveyed, convened the World Trade Center Code Task
19 Force. Task force membership included a diverse
20 array of stakeholders from the city, state, and
21 federal governments, the real estate industry, family
22 members of September 11 victims, and design
23 professionals. The purpose of this task force was to
24 identify ways to improve New York City building
25 safety. The task force eventually issued 21

1 recommends, including requiring more robust
2 evacuation plans, illuminated egress path markings,
3 enhanced fire department communications, and stronger
4 design standards. The task force also recommended
5 that all high-rise commercial buildings over 100 feet
6 be retrofitted with automatic sprinkler systems
7 within 15 years, which, among other recommendations,
8 was incorporated into Local Law 26 for the year 2004.
9 We are here today to discuss the compliance with the
10 automatic sprinkler system requirement. Under Local
11 Law 26, buildings were required to have automatic
12 sprinkler systems installed by July 1, 2019. Local
13 Law 26 also required that building owners submit
14 periodic status reports in 2011 and in 2018. In the
15 15-year period following the enactment of Local Law
16 26, compliance has been minimal. There are 1232
17 buildings covered by Local Law 26 and as of May of
18 this year and mere months before the compliance
19 deadline only 71 had sprinklers. Even more
20 disturbing, of the 1232 covered buildings, only 262
21 submitted the interim status reports required under
22 this law. Today we're here to discuss why compliance
23 with the automatic sprinkler requirement of Local Law
24 26 has been lacking, how DOB has tried to promote
25

3 compliance, and how the safety of workers in existing
4 office buildings can be protected. I'd like to thank
5 Council Member Louis for joining us today and I'd
6 like to pass it on to hear from my cochair, Chair
7 Borelli.

8 CHAIR BORELLI: Thank you, Council Member
9 Cornegy. I'm Council Member Joseph Borelli and I'm
10 chair of the Committee on Fire and Emergency
11 Management, and I want to thank the chair for holding
12 this hearing today and those members of the public in
13 attendance. I'd also like to acknowledge the Fire
14 and Emergency Management committee members who are
15 present, of which there are none because they sleep
16 late, apparently. As mentioned earlier, we're here
17 to discuss the city's implementation of automatic
18 sprinkler requirements in commercial buildings. As
19 chair of the Committee on Fire and Emergency
20 Management I'm interested in learning more how DOB
21 and FDNY coordinate on the issue of automatic
22 sprinkler systems. The efficiency of automatic
23 sprinkler systems is largely dependent on the proper
24 installation and maintenance of such systems, which
25 include the standards for installation, testing,
maintenance, and maintenance of automatic systems.

3 The committees are also interested in examining how
4 the FD's Bureau of Fire Prevention supervises and
5 conducts the many required tests of sprinkler
6 systems. We look forward to their testimony, and we
7 also expect to hear testimony on issues that property
8 owners have encountered in complying with Local Law
9 26, and we certainly welcome those folks to testify
10 as well, and I'd like to turn the floor back over to
11 Chair Cornegy, and note that we have been joined by
12 Council Member Barry Grodenchik.

13 CHAIR CORNEGY: Actually, Barry from the
14 great borough of Queens is in the building. I'd like
15 to remind everyone who would like to testify today to
16 please fill out a card with the sergeant. We will be
17 sticking to a two-minute clock for public testimony.

18 UNIDENTIFIED: Raise your hand, your right
19 hand. Do you affirm to tell the truth, the whole
20 truth, and nothing but the truth in your testimony
21 before this committee and to respond honestly to
22 council member questions?

23 UNIDENTIFIED: Yes.

24 UNIDENTIFIED: Yes.

25 UNIDENTIFIED: Good morning, Chair
Cornegy, Chair Borelli, and members of the Committees

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2 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

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3 on Housing and Buildings and Fire and Emergency
4 Management. I'm Melanie La Rocca, commissioner of
5 the New York City Department of Buildings. I'm
6 joined today by Gus Sirakis, my first deputy
7 commissioner, and Joseph Jordan, chief of the New
8 York City Fire Department's Bureau of Fire
9 Prevention. We're pleased to be here today to
10 discuss the important issue of sprinkler systems in
11 high-rise office buildings. The benefits of
12 sprinkler systems are well known. They provide a
13 heightened level of fire protection for building
14 occupants. New York City through the New York City
15 Construction Codes, has a long history of requiring
16 sprinkler systems in high-rise buildings. Local Law
17 5 of 1973 required existing office buildings 100 feet
18 or more in height to install a sprinkler system or to
19 protect areas without sprinkler systems with fire-
20 rated separations. Further, Local Law 16 of 1984
21 required new office buildings 75 feet or more in
22 height to install sprinkler systems. Local Law 26 of
23 2004, which I'll discuss in further detail
24 momentarily, was intended to close the gap by
25 requiring all existing office buildings 100 feet or
more in height to install sprinkler systems. The

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3 department established, as you noted, Chair, the

4 World Trade Center Building Code Task Force,

5 following the tragic September 11, 2001, terrorist

6 attack and collapse of the World Trade Center. The

7 task force was primarily established to ensure that

8 requirements, standards, and practices in the design

9 and construction of buildings provide safety for

10 occupants of high-rise buildings. The task force was

11 composed of an executive committee, which included

12 representation from the department, the New York City

13 Fire Department, as well as labor, design, and real

14 estate organizations. Additionally, the task force

15 was composed of five working groups - structural

16 strength, emergency evacuation, fire protection,

17 mechanical systems, and department operations. The

18 task force issued 21 recommendations in 2003, one of

19 which was requiring existing office buildings 100

20 feet or more in height without sprinkler systems to

21 install such systems throughout the building within

22 15 years. This recommendation later became Local Law

23 26, which also required that compliance reports in

24 years one, seven, and 14 be filed with the department

25 to demonstrate progress with the installation of

sprinkler systems. Installation was required to be

1 completed by July 1, 2019. Since the enactment of
2 Local Law 26 the department has been primarily
3 focused on providing education and outreach to
4 building owners. To date, the department has done
5 the following: Created a dedicated FAQ available on
6 our website to provide guidance to building owners;
7 created a dedicated portal where questions regarding
8 the law could be posed by building owners; issued a
9 building bulletin in July 2011 to clarify which
10 buildings were exempt from the law's requirements;
11 issued a building bulletin in December 2017 that
12 provided additional background on the law and its
13 applicability, as well as information regarding
14 requesting an extension from the department for
15 additional time to comply with the law; mailed a
16 letter to building owners in early 2018, which
17 informed them of the 14-year compliance report, which
18 would be due come July of that year; issued a service
19 notice in June of 2018 which informed building owners
20 that the 14-year compliance report was due and
21 reminded them about the opportunities to apply for an
22 extension; issued a service notice in June of 2019
23 advising owners that the final certifications would
24 be due in July of that year, and finally mailed a
25

1 letter to building owners in June of 2019 advising
2 them of such information. Now Local Law 26 applies
3 to 1308 office buildings, primarily located in
4 Manhattan. To date, 368 buildings have certified
5 compliance with Local Law 26, which means that they
6 have installed a sprinkler system in their building
7 or demonstrated that they were already in compliance.
8 Building owners were afforded the opportunity to
9 apply to the department for additional time to comply
10 with Local Law 26 and a few building owners have come
11 forward to apply for such an extension. The
12 department received 112 extension applications, of
13 which 22 were approved. Over the coming months the
14 department will be focused on bringing the remaining
15 buildings into compliance with this requirement by
16 performing heightened engagement with building owners
17 and by taking enforcement actions. The focus is on
18 bringing building owners into compliance and for
19 those owners who do not demonstrate that they are
20 taking steps to comply with Local Law 26 violations
21 will be issued and penalties will be levied. After
22 reviewing the final certifications that came in by
23 the July 1, 2019, compliance deadline the department
24 issued 1088 violations in September of 2019 to
25

1 building owners who were not in compliance. These
2 violations were DOB violations, which were not
3 accompanied by a monetary penalty but do include an
4 order to correct the condition for which the
5 violations are issued. On December 1, 2019, the
6 department will issue OATH summonses to building
7 owners who are not in compliance with Local Law 26.
8 The monetary penalties associated with these
9 violations can be waived if building owners certify
10 that they are in compliance with Local Law 26 within
11 60 days of the violations being issued. Further
12 enforcement actions will include issuing OATH
13 summonses with heightened penalties, which are not
14 subject to waiver, to building owners who are not in
15 compliance with Local Law 26. Additionally the
16 department will conduct an inspection every 60 days
17 to determine whether there had been compliance and
18 these inspections could result in additional
19 enforcement actions being taken by the department. I
20 want to thank you for your long-standing commitment
21 to this issue and we certainly look forward to
22 updating both committees on a regular basis as we
23 work to ensure compliance is achieved with Local Law
24 26. And I welcome any questions you may have.
25

3 CHAIR CORNEGY: Thank you so much,
4 Commissioner, and I do now, as always, appreciate the
5 brevity in your testimony. I don't know if I got the
6 answer to this. You cited a great degree of numbers
7 in terms of compliance, but as of how today how many
8 buildings in New York City have automatic sprinkler
9 systems? I didn't want to do the math, sorry.

10 COMMISSIONER LA ROCCA: Four, and I don't
11 have the exact number, but I can say this. For the
12 last 35 years this city has required office buildings
13 greater than 75 feet in height to have sprinkler
14 systems, so I certainly will be able to follow up
15 with an exact number.

16 CHAIR CORNEGY: Oh, I just want to also
17 note for the record we've been joined by Council
18 Member Perkins from the great village of Harlem. Can
19 you provide us with a breakdown, well, obviously you
20 can't, but I'd also like a breakdown on how many of
21 these buildings are commercial spaces, multi-family,
22 hotels, and manufacturing. That's important for me
23 in the Housing and Buildings Committee to know so
24 that we could do a more targeted look at, you know,
25 who's compliant and who is not compliant, and if
there is an industry standard in some designs.

3 COMMISSIONER LA ROCCA: Sure.

4 CHAIR CORNEGY: And now with the problems
5 that we're having around landlords, warehousing
6 spaces for AirBNB and those types of things.

7 COMMISSIONER LA ROCCA: Certainly.

8 CHAIR CORNEGY: I think it's important to
9 know who's in compliance to avert a potential
10 disaster in the future.

11 COMMISSIONER LA ROCCA: Certainly, and we
12 will provide all of that information to the council.
13 I do also just want to note that in addition to the
14 Local Law that I mentioned in my testimony of 1984,
15 through our code development process, which is an
16 inclusive process, including owners, industry
17 representatives, as well as manufacturers and
18 contractors, in addition to the design
19 representatives as well and our city agencies, we do
20 periodically go through a very lengthy process to
21 ensure that our building codes continue to remain at
22 the forefront of design and construction in the city.
23 So certainly we will follow up with you on that
24 information.

25 CHAIR CORNEGY: Ah, thank you. So just
before I go to my cochair, the last question I have

3 in this round is can DOB walk us through what the
4 permit requirements would be to install an automatic
5 sprinkler systems?

6 COMMISSIONER LA ROCCA: It depends on
7 what work is being done as well. So in cases where
8 the individual owner may also be doing gut renovation
9 in addition to the sprinklers, the sprinklers would
10 be a component of that. If it were just a stand-
11 alone sprinkler application they would file it as
12 such. So I do want to also just mention here with
13 respect to this population of buildings, the 1308
14 buildings that were affected by Local Law 26, this
15 entity has been, this department has ensured that our
16 staff resources have been made available to the
17 targeted population to ensure that whether it be a
18 simple question of how to come into compliance, as
19 you've asked, Council Member, on the technical
20 permitting, or if it is a more in-depth question in
21 order to ensure that an owner can actually get across
22 the finish line, my department has ensured that staff
23 resources are available to guide owners towards
24 compliance.

25 CHAIR CORNEGY: Thank you. I'm curious as
to, I don't want to assume but it seems obvious that

1 new buildings have this requirement already built in,
2 if you're building anything new it has to have a
3 sprinkler system built in, in compliance with Local
4 Law 26.

5
6 COMMISSIONER LA ROCCA: Correct, so any
7 building in the city, commercial building, in excess
8 of 75 feet, 75 feet or greater, since 1984 has been
9 required to have sprinklers and that number is
10 actually 1022 office buildings that were constructed
11 after 1984. So, yes, that is true for that
12 population. And, again, as through our code process
13 we have taken that opportunity to further refine and
14 strengthen and include additional tools in the fire
15 prevention and suppression field, and so for a number
16 of years now sprinkler systems have been required for
17 buildings, typically speaking, 75 feet or higher,
18 regardless of their occupancy class.

19 CHAIR CORNEGY: And just for the record,
20 75 feet is how many, roughly, how many stories?

21 COMMISSIONER LA ROCCA: Typically that
22 would be a seven-story building.

23 CHAIR CORNEGY: Thank you. We've been
24 joined by Council Member Rafael Espinal, Council
25 Member Chaim M. Deutsch, Council Member Ritchie

3 Torres, and Council Member Fernando Cabrera. I'd
4 like to now, obviously hear from cochair, Council
5 Member Borelli.

6 CHAIR BORELLI: Thank you very much.
7 Commissioner, for the buildings which, which
8 constitutes the bulk actually of those who would be
9 forced to comply, for those that have not yet
10 complied with the law or sent any applications for
11 extensions or whatever, or have in any way
12 acknowledged to your agency, what is the strategy
13 going forward to increase the compliance, if you
14 could break that down?

15 COMMISSIONER LA ROCCA: Sure. So let me
16 start with in compliance. So to date there are 368
17 office buildings in this population that are in
18 compliance. So that is nearly 30% of the entire
19 universe. Additionally, there are some 198 office
20 buildings, so about 15% of the population, that are,
21 that have certified completion to the department and
22 we are working with that universe to ensure that they
23 are in compliance. So that universe is on a path to
24 compliance. So that is nearly 45% of the entire
25 universe. Now, in the course of the last 15 years we
have through our engagement and in response from the

3 periodic reporting, have heard from all but 94
4 buildings. So that's nearly 95% of the population
5 that we've heard from directly. And additionally
6 through the porta we've had direct engagement with
7 900 different buildings. So we think and feel very
8 confident that the information is out there and,
9 again, if the goal is compliance, which it is, we've
10 already levied DOB violations. We will be issuing
11 further violations come December 1, and we will
12 continue to ratchet that up because certainly
13 enforcement is a tool to ensure people come into
14 compliance, and that is the goal at the end of the
15 day.

16 CHAIR BORELLI: So can you give us an
17 idea of the penalty structure? Roughly, what gets,
18 what has already gotten levied? I mean, this is
19 something, for some buildings, you know, 18 years
20 old, what is the penalty structure and what could it
21 possibly get ratcheted up to?

22 COMMISSIONER LA ROCCA: So Department of
23 Buildings violations have been levied. Those are
24 non-monetary violations. The second round of
25 violations will be Class 2 violations. Those are
curable, should you prove that you are in compliance

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3 within 60 days of the issuance of that violation.

4 From there you will see additional steps, so

5 aggravated violations being issued and should we get

6 to the point where we have not heard from all owners,

7 certainly Class 1 violations would be acceptable, and

8 that does require a reinspection on a 60-day period

9 with additional penalties being levied. So there are

10 some very serious financial, ah, monetary penalties

11 that can be levied should owners choose to continue

12 to not be in compliance since the July 1 date.

13 CHAIR BORELLI: But no one, correct me,

14 so this went into effect 2002.

15 COMMISSIONER LA ROCCA: The compliance

16 date was July 1 of this year...

17 CHAIR BORELLI: Of this year, OK.

18 COMMISSIONER LA ROCCA: Correct, and the

19 law was passed, as you noted.

20 CHAIR BORELLI: So what is the max

21 penalty an owner can face?

22 COMMISSIONER LA ROCCA: So on a yearly

23 basis we're looking in excess of \$50,000 in

24 penalties. Again, if compliance is not demonstrated.

25 Our goal is to get owners there.

3 CHAIR BORELLI: Is that, I'm just frankly
4 asking you, is that enough money? I mean, my, you
5 can look it up in your system. My grandpop put in a
6 bathroom in their house in, you know, 1972 and I
7 think, I think their violation was like \$5000, and
8 it's a small house. I mean, we're talking a high-
9 rise building.

10 COMMISSIONER LA ROCCA: I do believe that
11 our approach to ensuring compliance and since, again,
12 since July 1 when compliance was required to be in
13 place we've seen some 45% of the total population
14 either in compliance or on the road to compliance.
15 And so I certainly believe that we will be exercising
16 all of our potential enforcement options to get
17 owners to come into compliance.

18 CHAIR BORELLI: And what are some of the
19 reasons that an owner would give for not complying
20 with the law? Are there technical reasons or is it
21 cost, or is it both?

22 COMMISSIONER LA ROCCA: It can be both.
23 It can be certainly an issue with, ah, you know,
24 we're talking about a commercial building and so
25 typically you have commercial tenants who have
longer-term leases and so there can be a logistical

1 issue of gaining access, so in order to sprinkler an
2 entire building you're not only doing base building
3 work, you also do have to include branches through
4 tenanted space and so that can be problematic. And
5 certainly owners may choose to wait until the space
6 is vacant in order to do that work. But on top of
7 that there are also certain technical challenges,
8 like potentially created a new dedicated water
9 source, which may be a requirement. There may be
10 challenges with water pressure, so requiring
11 additional mechanical systems in order to ensure that
12 the pressure is what is required of the system, as
13 well as just finding the space within the building to
14 do this. So there are certainly some challenges. I
15 would not consider them obstacles.

17 CHAIR BORELLI: But it sounds like you
18 are working with, as long as an owner is making the
19 effort to follow the rules, you are very helpful and
20 generous in accommodating their specific needs.

21 COMMISSIONER LA ROCCA: Again, we want
22 compliance. And so the name of the game for us is
23 getting owners to the place of that, and so we've
24 made over the course of the last 15 years staff
25 available in order to, you know, answer the simple

3 question or do a more in-depth on how you get there.

4 So we've made that commitment, and additionally we've
5 committed to continuing the education, as we've done,
6 and outreach, as we've done.

7 CHAIR BORELLI: And what information does
8 DOB collect in terms of hardship? What form does the
9 hardship application actually take?

10 COMMISSIONER LA ROCCA: So the extension
11 request, of which there are 112 that were submitted,
12 and I should note the committee that reviewed those
13 extension requests included not only my department
14 but the Fire Department as well as Revenue. So this
15 truly was a collaborative committee of owner,
16 representative, and city stakeholders to determine
17 whether there was rationale for such. And we did
18 approve 22, and I'm happy to give you the breakout of
19 those 22 buildings and what the individual request
20 was granted on.

21 CHAIR BORELLI: Can you tell me about the
22 interim reports? Were, was a failure to file an
23 interim report also considered noncompliance, and at
24 that point could you issue violations and did DOB?

25 COMMISSIONER LA ROCCA: So for the year
one report we had 810 submittals. The year seven

3 report, 563, and for the year 14, 798. And final
4 compliance, as I noted, was 368 buildings that were
5 certified by the department to be in final
6 compliance. So, again, that represents all but 94 of
7 the buildings. The department at the time did not
8 choose to levy violations, whether they be DOB
9 violations or otherwise. But, again, we've seen that
10 of this population nearly 95% have been in
11 communication through the reporting process with the
12 department and additionally some, at least 900 direct
13 interactions with owners, separate from that
14 reporting process.

15 CHAIR BORELLI: OK. I'll turn it over
16 now to Council Member Grodenchik.

17 COUNCIL MEMBER GRODENCHIK: Thank you,
18 chairs. Good morning, Commissioner. How are you?

19 COMMISSIONER LA ROCCA: Good morning.

20 COUNCIL MEMBER GRODENCHIK: Always good
21 to see a commissioner from Queens. The compliance
22 rate here, if my math is correct, and it's usually
23 correct, is 28%, which I think we would all agree is
24 really, to be generous, a disappointment. And I
25 understand, and I'm following up on some of what
Chair Borelli said, that we obviously would prefer

3 that people follow the law as opposed to be penalized
4 by the law. How long does it take to, I mean, you
5 have a big building, it's going to take a long time,
6 it's not going to happen in 60 days. So what are
7 your plans for getting people into compliance? I
8 know, I occasionally visit the building where Karen
9 Koslowitz's district office is and they have been
10 working in that building for quite some time. So I
11 just, a typical building of 20 stories, how long
12 would it take to get this done?

13 COMMISSIONER LA ROCCA: It would very
14 much depend, honestly, on what the conditions are of
15 the building. But I also do just want to note that
16 for owners who have yet to certify compliance there
17 is certainly an opportunity for them to do such and
18 they may already be in compliance. It may be a
19 matter of submitting to the department that they are
20 fully sprinklered, and so what we've seen is an
21 increase in communication from owners as a result of
22 our enforcement action. So since we've issued our
23 DOB violations we've had a steady stream of owners
24 come in to ask or help figure out with them whether
25 they are in compliance and what they need to do.
Now, with respect to the timeframe, certainly I would

3 say it would depend on whether the space is tenanted
4 or not. Certainly an unoccupied space...

5 COUNCIL MEMBER GRODENCHIK: Much faster.

6 COMMISSIONER LA ROCCA: The construction
7 phasing is an easier space to work in. So I don't
8 want to assume to know all the conditions of each
9 building and give you a timeframe, but I can
10 certainly expect that it would take potentially some
11 time.

12 COUNCIL MEMBER GRODENCHIK: And what's
13 your sense from, you mentioned that you've had a
14 steady stream of responses from owners. What's your
15 sense that most people are trying to comply with
16 this? Have you heard that it's too onerous, or?

17 COMMISSIONER LA ROCCA: No, from the
18 population we've heard from, and, again, over the
19 course of 15 years we've heard from all but 94
20 buildings, and that is a, that is a strong showing so
21 that to me demonstrates the availability of
22 information about this particular law and that it was
23 coming into effect. And certainly we've had
24 conversations with industry representatives as well.
25 The population we are speaking of in this universe is
a small universe, 1308 buildings, and we're only

3 dealing with commercial spaces. So I think everybody
4 is fully aware, and, again, we are seeking
5 compliance. We will use our enforcement tools to
6 help get us there. But at the end of the day we want
7 compliance with the law.

8 COUNCIL MEMBER GRODENCHIK: I appreciate
9 that, and hopefully soon we'll be dealing with
10 residential spaces as well, because I've introduced a
11 bill with Chair Cornegy to require above 40 feet, to
12 save lives, obviously. So I thank you for your
13 testimony and I turn it back to the chairs.

14 COMMISSIONER LA ROCCA: Thank you.

15 CHAIR CORNEGY: So before we go on to any
16 of my colleagues' questions, I do have two more
17 questions. How many employees work at FDNY's Bureau
18 of Fire Prevention?

19 JOSEPH JORDAN: We currently have near 600
20 employees within the Bureau of Fire Prevention.

21 CHAIR CORNEGY: So I'd like, if you
22 could, provide us with a breakdown of the roles and
23 responsibilities of that rather large employee base,
24 and does BFP need more employees to meet these
25 requirements? So you're, we're asking more and is

3 that the right amount of employees to be, to help
4 keep the city safe?

5 JOSEPH JORDAN: So I'm going to try to
6 recall our work chart by memory, but we've broken
7 down the Bureau of Fire Prevention into, if I
8 remember correctly, 13 units. The largest among them
9 is what we refer to as our district office
10 organization and I believe we have roughly 180 fire
11 protection inspectors assigned to the district office
12 organization, and there are 10 offices, 10 district
13 offices within that unit that cover the city. And
14 their role is to conduct on a day-to-day basis
15 account-based inspections in buildings around the
16 city of all occupancy and use types. Then, trying to
17 kind of work my way numbers-wise, if I can do it that
18 way. So that's the largest segment of our bureau.
19 We have a fire alarm inspection unit with roughly,
20 and I almost hate to hazard a guess, Council Member,
21 but in the ballpark of 35 folks currently, including
22 inspectors and clerical personnel, and their role is
23 to conduct acceptance inspections of newly installed
24 fire alarms in buildings. They are complemented in
25 the fire alarm inspection process by our technology
management unit, which is composed of engineers and

1 plans reviewers. They're the folks that review fire
2 alarms when there are fire alarm plans when they're
3 initially submitted. And, you know, again, I'm
4 hazarding a guess as to a total number, ah,
5 including, ah, folks that were authorized just this
6 past year or in 2018, Local Law 195 authorized the
7 hiring of an additional, I believe, it was 26
8 personnel for facilitating fire alarm acceptance and
9 review, based on the fact that we had just
10 transferred that responsibility from the Department
11 of Buildings to the Fire Department. And we're in
12 the process of continuing to try to fill those
13 additional positions that were authorized relative to
14 that law. We have a hazardous controls group that
15 regulates things like hazardous substances in
16 laboratories, pipelines throughout the city,
17 hazardous cargo transported through the city, and I'm
18 not certain of their size. Again, I would guess in
19 the ballpark of 30 folks. We have an explosives unit
20 whose role is to oversee any blasting and explosives
21 activities within New York City, but also they
22 regulate pyrotechnics displays as well as transport
23 of. They also regulate the use of special effects
24 and they are generally engaged heavily with film and
25

1 movie production in New York City and the effects
2 related therein. Who else am I forgetting here, ah,
3 many folks. We have a licensed place of public
4 assembly unit whose role is to do just that, regulate
5 what goes on in places of assembly in New York City,
6 a high-rise unit specific to this conversation whose
7 role is to conduct annual inspections of what are
8 designated high-rise buildings as well as do on-site
9 testing, to issue certificates of fitness to fire and
10 life safety director personnel whose staff, ah, who
11 staff those buildings. Certainly, administrative
12 personnel to complement all the inspectors, fire
13 alarm inspectors and fire protection inspectors. And
14 we have a robust certifications unit who is
15 responsible for all the permit and certification of
16 fitness, a certificate of fitness testing that goes
17 on within the fire department. I think part of your
18 question was can we use more personnel. We have an
19 ask in. We did put a new needs request in, in
20 January of '19 for FY20 that did ask for additional
21 personnel to complement our fire alarm review and
22 inspection process. And some of that ask was also to
23 upgrade our explosives unit capabilities. So we, we
24 did make those asks back in January of '19.
25

3 CHAIR CORNEGY: Can you tell me what or
4 maybe the Commissioner, can you tell me what triggers
5 an inspection?

6 JOSEPH JORDAN: Can I just ask you,
7 Council Member, to be more specific? What type of an
8 inspection?

9 CHAIR CORNEGY: So the inspections that
10 we're talking about now, the sprinkler system
11 inspections. Are they triggered by 311 calls? Are
12 they triggered by a list and priority? How are the
13 inspections triggered?

14 COMMISSIONER LA ROCCA: So the department
15 continues to be a department that is complaint-driven
16 for the, for a large volume of our work. So for all
17 311 complaints or complaints received through any
18 other means, we do respond to each and every single
19 one of them. Separate from that, we do, as we've
20 discussed, have a proactive team that does
21 construction safety compliance. But with respect to
22 these, it is upon the issuance of a Class 1 violation
23 which the state law requires that we must reinspect
24 on a 60-day cycle. And that is true for all Class 1
25 violations that are written.

3 CHAIR CORNEGY: So if you had to classify
4 the percentages of triggered inspections, would you
5 say 30% are triggered by 311, 30% by...

6 COMMISSIONER LA ROCCA: No, the vast, the
7 vast number of our, our inspections are complaint-
8 driven, and I'll certainly, I don't have the number
9 but we'll look at a breakout.

10 CHAIR CORNEGY: I mean, just saying the
11 vast majority is enough for me. That's not something
12 you have to dig into. I'm just curious as we're, and
13 you've demonstrated a propensity for being more
14 proactive, I'm just curious as to where we're going
15 to ultimately wind up in the long term.

16 COMMISSIONER LA ROCCA: Well, the long
17 term for the department I think is a more proactive
18 department. But, again, with respect to this topic,
19 you will see a reinspection at a 60-day cycle, which
20 is required by state law, upon the issuance of a
21 Class 1.

22 CHAIR CORNEGY: Thank you. I don't have
23 any more questions.

24 CHAIR BORELLI: I just have one. How
25 many high-rise fires does the city see per year? Do

3 you guys classify fires in high-rise buildings
4 differently, and if so how many per year are there?

5 GUS SIRAKS: Council Member, I don't have
6 that number at hand. It certainly doesn't represent
7 the majority of our response. The majority of our
8 responses, of course, are in much more conventionally
9 sized buildings, one- and two-family dwellings, as
10 well as six-story or below multiple-family dwellings.
11 So I can't say that we have high response numbers to
12 high-rise buildings, although we do respond regularly
13 to reports of fires in high-rise buildings.

14 CHAIR BORELLI: Would you say that the
15 likelihood of death is higher or lower in a high-rise
16 building versus a one- and two-family home?

17 GUS SIRAKS: Well, statistically, I think
18 you'd see that fire deaths generally occur in the
19 home, in the residence of whatever type, whether it
20 be one- and two-family dwelling or, or multiple-
21 family dwelling of higher proportions. So I would
22 have to track that with what our proportions are in
23 the city. But I just know, keeping track of national
24 trends, that more folks tend to die in the home than
25 elsewhere.

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COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

2 CHAIR BORELLI: Thank you. And I'll turn
3 it over to Council Member Deutsch.

4 COUNCIL MEMBER DEUTSCH: Thank you, thank
5 you Chairs. Good morning, Commissioner, and Deputy
6 Commissioners. And, Commissioner, I heard you're
7 from Queens. Well, you're always welcome to move to
8 Brooklyn.

9 COMMISSIONER LA ROCCA: [laughs]

10 COUNCIL MEMBER DEUTSCH: It's a great
11 place, especially after I work with Joe Borelli to
12 have Brooklyn secede, together with Staten Island,
13 we'll make Brooklyn great again.

14 COMMISSIONER LA ROCCA: I'll keep
15 [inaudible].

16 COUNCIL MEMBER DEUTSCH: [laughs] So I
17 have two questions, two topics. One is that are
18 high-rise buildings mandated to have smoke alarms in
19 the common areas?

20 COMMISSIONER LA ROCCA: Yes. We'll come
21 back to you definitively. But we believe they are.

22 COUNCIL MEMBER DEUTSCH: And is that all
23 apartment buildings?

24 COMMISSIONER LA ROCCA: Say that again?

25

3 COUNCIL MEMBER DEUTSCH: Is that all like
4 apartment buildings as well?

5 JOSEPH JORDAN: Smoke detectors and
6 carbon monoxide detectors are required in apartment
7 buildings.

8 COUNCIL MEMBER DEUTSCH: In hallways?

9 JOSEPH JORDAN: I have to check on the
10 common area part. But I [inaudible] talking about
11 office buildings.

12 COUNCIL MEMBER DEUTSCH: OK, all right.
13 Because I wasn't sure. I think the common areas may
14 not be like a law. But my question is now for the
15 fire department. Is it beneficial to have smoke
16 alarms and carbon monoxide detectors in common areas?
17 This way it alerts, because I have a bill on this,
18 this way it alerts the tenants living there before
19 the fire actually gets to the door.

20 GUS SIRAKS: Your question is, is it
21 beneficial to have smoke alarms in common areas?

22 COUNCIL MEMBER DEUTSCH: Yes, so the
23 reason why I'm asking is that if a smoke alarm goes
24 off, let's say in a hallway, right, so it alerts the
25 tenant on that floor that there's a fire. This way
they could call 911. But then I was looking at the

3 other, at the other part of it, is that that if
4 someone hears a smoke alarm they may open the door
5 into the hallway to see what's going on and then
6 those flames could come in. So I was curious if it's
7 safer for a building to have smoke alarms in the
8 hallways and common areas.

9 GUS SIRAKS: Well, I think a reflection
10 on the NFPA standard that oversees installation of
11 smoke alarms, NFPA-72, if the entire building was
12 required to be sprinklered it would suggest that you,
13 ah, excuse me, detectored, I'm sorry, smoke
14 detectored, you would detector in addition to the
15 sleeping and living areas within the dwelling units.
16 You would indeed detector the public corridors.
17 However, very often the reference is simply to
18 detectoring the dwelling units, which wouldn't
19 mandate the, um, the protection or the coverage of,
20 of corridors. In terms of being beneficial, ah, any
21 time you can facilitate an early warning that's not a
22 bad thing.

23 COUNCIL MEMBER DEUTSCH: OK, great, thank
24 you so much. And I have one other question on one
25 topic with the commissioner. So you're familiar with

3 all the people that got violations for the retaining
4 walls near the subways?

5 COMMISSIONER LA ROCCA: Yes.

6 COUNCIL MEMBER DEUTSCH: Yeah, so on that
7 issue, like I'll give you an example in my district.
8 There is, there are like three homes that are row
9 houses and then there's a common public, a common,
10 um, I think it's a community parking spot, like
11 parking area, and then there's another retaining
12 wall. So DOB came down and gave violations to those
13 three tenants to fix that retaining wall because it
14 was coming down. DOB issued those violations not
15 knowing that if that common wall belongs to those
16 three homes or it belongs to the next block. But
17 they issued the violations and now those home owners
18 need to spend money to get a survey and to prove that
19 either that it does not belong to them, that
20 retaining wall, so why doesn't the DOB have like that
21 type of access to find out exactly who that, who that
22 retaining wall belongs to before issuing the
23 violation and making people spend thousands of
24 dollars at times?

25 COMMISSIONER LA ROCCA: Sure, so you
raise a good point and I, and I am familiar with the

3 issue. Let me say this. The outreach we're doing
4 with respect to retaining walls is, stems from a
5 Local Law passed as a result of that catastrophic
6 failure we saw on the Henry Hudson Parkway some years
7 back. So the rationale is there. Now, with respect
8 to this specific case, I certain would be happy to
9 follow up with you on this specific issue. We
10 obviously are issuing violations where we believe are
11 appropriate and to the responsible party where we
12 have that information. So if there is a way to
13 further refine that we certainly would be open and
14 welcome any opportunity to do that. Obviously, we
15 want to ensure compliance again with, with a
16 legislative requirement and want to ensure that our
17 customers at the end of the day, residents in New
18 York City, are hearing from us at the most
19 appropriate time. So we certainly will look at that
20 case specifically and more broadly speaking.

21 COUNCIL MEMBER DEUTSCH: OK. Can your
22 office like reach out to me after the hearing, if you
23 don't mind?

24 COMMISSIONER LA ROCCA: Sure, of course.

25 COUNCIL MEMBER DEUTSCH: OK, and also you
mentioned we believe, like when we believe that the

3 retaining wall belongs to a certain homeowner. So is
4 there any way to like, like it shouldn't be we
5 believe, that is should be like yes, it definitely
6 belongs to the homeowner. And now you're getting a
7 violation and you need to fix it.

8 COMMISSIONER LA ROCCA: Again, we're,
9 we're issuing violations to the entity we believe is
10 responsible. And certainly there are, certainly some
11 instances where even within two owners there is a
12 disputed ownership where you raise surveying as being
13 a requirement needed. So, happy to talk to you about
14 this specific issue further, and also, yes, we are
15 looking at ways, obviously, always to refine our data
16 to ensure that we have the appropriate and
17 responsible party.

18 COUNCIL MEMBER DEUTSCH: I got it. So
19 one other thing. With today's technology and a lot
20 of things on public record, is there any way to
21 definitely know that a retaining wall belongs to, who
22 it belongs to? Is there any way for DOB to get that
23 information?

24 COMMISSIONER LA ROCCA: I don't believe
25 that with absent a survey in some cases that that
information is readily available to the department.

3 COUNCIL MEMBER DEUTSCH: So, like, I
4 still don't understand. I understand your part, that
5 you have to issue a violation because you want to
6 make sure that that retaining wall or anything
7 remains safe. But before, like when a violation is
8 issued DOB should issue a violation, like if someone
9 gets a parking ticket for parking at an expired
10 meter, the traffic agent sees an expired meter and
11 now you've got a ticket. So a traffic agent is not,
12 ah, before they check if you have that ticket in the
13 windshield they're not going to say, oh, you know, I
14 believe that the meter is expired. So either, either
15 that, either that retaining wall belongs to the
16 homeowner or not. Because now they're spending
17 thousands of dollars, and especially if you're
18 issuing violations to multiple people who that
19 retaining wall can belong to, and the other homes are
20 not cooperating, right, maybe because of absentee
21 landlord or whatever the case is, so now it falls on
22 one person.

23 COMMISSIONER LA ROCCA: So, and again, as
24 in the case with Local Law 26, on retaining walls the
25 department issued a Department of Buildings
violation, which does not come with an associated

3 monetary fine. In addition, for retaining wall

4 orders that were sent out we do ask any member of the

5 public if they believe that retaining wall is not on

6 their property and within their property to reach out

7 to the department, and we have staff available. My

8 staff have been communicating with individual

9 property owners, again, to ensure a) compliance with

10 the law and b) if they believe this is not on their

11 property that we are working together to ensure that

12 the department has that correct information.

13 COUNCIL MEMBER DEUTSCH: But they would

14 have to prove it. In order to prove it, it would

15 cost them money to prove it, and also the violation

16 you said is not monetary, right? But if you don't

17 respond then, then it becomes monetary. So you get

18 30 days, but then you have to spend the money to

19 prove that it doesn't belong to you. So I just don't

20 understand that why a person would get issued a

21 violation even if it's not monetary, but now they're

22 going to have to spend those thousands of dollars out

23 of their own pocket to prove that it doesn't belong

24 to them. So if it does belong to them, yes, they

25 should get a violation, and they need to fix it to

make everything safe. But if that wall does not

3 belong to them the DOB, when they issue that

4 violation, whether it's monetary or not, they need to

5 say no, this wall belongs to you, you're getting a

6 violation.

7 COMMISSIONER LA ROCCA: And again, I'm

8 happy to look into the individual case that you've

9 raised and certainly will look at any attempt to make

10 my department better.

11 COUNCIL MEMBER DEUTSCH: OK, um, OK.

12 Thank you.

13 CHAIR CORNEGY: Thank you, Council

14 Member. We've also been joined by Council Member

15 Carlina Rivera. Thank you so much. But also I just

16 didn't ask, Chief, for you to state your name for the

17 record and you did testify. If you could just state

18 your name, just for the record.

19 JOSEPH JORDAN: Sure, for the record,

20 Joseph Jordan, chief of the Bureau of Fire Prevention

21 at FDNY.

22 CHAIR CORNEGY: And Deputy Commissioner,

23 you did offer testimony as well. If you'd just state

24 your name for the record.

25 GUS SIRAKS: Sure. Gus Siraks, first

deputy commissioner of Department of Buildings.

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3 CHAIR CORNEGY: Thank you so much for
4 coming before the council on Housing and Buildings
5 and Fire Safety and Prevention.

6 UNIDENTIFIED: And Emergency Management.

7 CHAIR CORNEGY: And Emergency Management,
8 sorry. This hearing is adjourned. [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 November 24, 2019