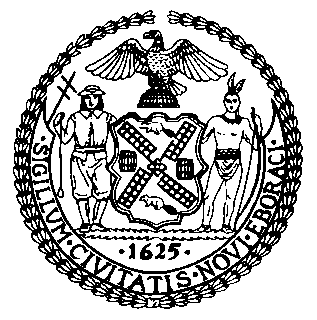
Committee on Public Housing

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**The New York City Council**

**Committee Report of the Infrastructure Division**

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Committee on Public housing  
  
Hon. Alicka Ampry-Samuel, Chair

October 12, 2021

**“Oversight - Utilities in Public Housing and NYCHA’s Winter Preparedness.”**

***Introduction***

On October 12, 2021, the Committee on Public Housing, chaired by Council Member Alicka Ampry-Samuel, will hold an oversight hearing entitled “Utilities in Public Housing and NYCHA’s Winter Preparedness.” The Committee expects to hear testimony from officials of the New York City Housing Authority (NYCHA) regarding what steps it has taken to maintain its boilers, prevent heating and utility outages, and respond to service disruptions when they occur. The Committee has also invited to testify NYCHA tenants; resident associations; and advocacy groups, regarding the impact of NYCHA’s heat and utility policies and management on residents.

***Background on NYCHA and Public Housing***

Former New York City Mayor Fiorello La Guardia created NYCHA in 1934 in order to replace dilapidated tenements using funds from The New Deal,[[1]](#footnote-1) three years before the Housing Act of 1937 established public housing nationwide.[[2]](#footnote-2) NYCHA originally served two purposes: (1) to provide low-cost housing for middle-class, working families temporarily unemployed because of the Great Depression and (2) to bolster the lagging economy by creating jobs for the building trades.[[3]](#footnote-3) Later, NYCHA’s purpose evolved into providing safe, decent housing for families with the lowest incomes.[[4]](#footnote-4)

Today, NYCHA has 335 developments, and 177,611 units that are home to 547,891 authorized residents, making it the largest public housing authority in North America.[[5]](#footnote-5)

*Heat Season in New York City*

Building owners in New York City are legally required to provide heat and hot water to tenants. Hot water must be provided 365 days per year at a consistent minimum temperature of 120 degrees Fahrenheit.[[6]](#footnote-6) From October 1 through May 31 (i.e. “heat season”), all residential building owners are required to provide tenants with heat between 6:00 AM and 10:00 PM if the outside temperature falls below 55 degrees, so that the inside temperature is at least 68 degrees.[[7]](#footnote-7) Between 10:00 PM and 6:00AM, the inside temperature is required to be at least 62 degrees, irrespective of the outside temperature.[[8]](#footnote-8)

*Background on NYCHA’s Heating Systems and the Heating Management Service Department*

Heating for NYCHA housing is provided through a “heating plant” in each building or development. Each plant typically includes at least one boiler and a system of pipes and radiators.[[9]](#footnote-9) Heating plants are maintained by a combination of NYCHA staff, vendors, and private management. NYCHA’s systemwide heating operation utilizes 1,713 boilers, 1,492 vacuum tanks, and 847 instantaneous water heaters.[[10]](#footnote-10)

NYCHA’s heating operation is managed by the Heating Management Service Department (HMSD). HMSD utilizes federal operating dollars and City funding in order to manage and repair boiler plants, tank rooms, and ancillary equipment. The department’s total FY21 operating expense budget is $76.5 million.[[11]](#footnote-11) HMSD employed 549 full time staff as of October 31, 2019.[[12]](#footnote-12) The majority of HMSD’s frontline staff are organized into thirteen geographic clusters: three in the Bronx, four in Brooklyn, three in Manhattan, two in Queens, and one in Staten Island.[[13]](#footnote-13)

***Background on Utility Outages***

*NYCHA Utility Outages*

For the past decade, there have been numerous articles that have reported on the frequent service interruptions to heat and hot water, to gas services, and to electric services at NYCHA developments. According to media reports, tenants are still struggling with damages that occurred from Superstorm Sandy back in 2012, as well as reoccurring utility outages throughout the NYCHA portfolio.[[14]](#footnote-14) There have also been incidents where tenants have spent months waiting to get their gas service repaired[[15]](#footnote-15) or have depended on generators to keep their lights on due to a transformer fire.[[16]](#footnote-16) On January 29, 2021, nearly 8,000 residents at Ingersoll Houses in Brooklyn, and Polo Ground Residences in the Bronx were without heat or hot water on one of the season’s coldest nights.[[17]](#footnote-17) Residents of Jefferson Houses in Manhattan reported going weeks without heat between December 2020 and January 2021, with some reportedly forced to resort to boiling hot water on the stove for warmth.[[18]](#footnote-18)

Danny Barber, president of the Citywide Council of Presidents of NYCHA Tenants’ Association, has said that the electrical system in his building “is struggling to keep up with demand, describing scenes where lights flicker before power outages, struggling air conditioners can’t keep up with the heat and the complex’s elevators — a lifeline for those who live on higher floors — are on the fritz.[[19]](#footnote-19)

*HUD/NYCHA Agreement*

Chronic heat and hot water outages were among the many catalysts that led to the formation of the HUD/NYCHA Agreement and the appointment of the Federal Monitor. In recent years, NYCHA has been subjected to oversight and investigations by the United States Department of Housing and Urban Development (HUD), federal prosecutors, state lawmakers, the City Council, and others concerning alleged mismanagement at NYCHA. On January 31, 2019, HUD entered into a new agreement with NYCHA and the City.[[20]](#footnote-20) The purpose of the Agreement was to remedy NYCHA’s physical conditions, ensure that NYCHA complies with its obligations under federal law, reform NYCHA’s management structure, and facilitate cooperation and coordination between HUD, NYCHA, and the City[[21]](#footnote-21). The Agreement was made under HUD’s authority and, unlike the earlier consent decree, was not subject to court approval. It recognized the existence of a “substantial default”[[22]](#footnote-22) but did not impose a receiver or take possession of NYCHA.[[23]](#footnote-23) The Agreement required NYCHA to prepare ‘Action Plans’ setting forth policies, the Agreement also schedules milestones, and established other requirements to identify and respond to its physical deficiencies, including providing adequate heat. To assist NYCHA in its compliance with the HUD/NYCHA Agreement, the City will provide $1 billion in financial support for capital expenses provided in the action plan, including: the replacement of approximately 500 boilers by 2026 and the replacement of at least 425 elevators by 2024.[[24]](#footnote-24)

The Agreement prescribed that by March 31, 2019, NYCHA would create a 24/7 Heat Desk which would monitor heating metrics and dispatch appropriate staff to correct deficiencies during heat season. Under the Agreement, starting with the heating season that began on October 1, 2019 and continuing until further notice, NYCHA must restore a heating shortage within an average of twelve hours. Further, during the heating season, for 85 percent of heating shortfalls, NYCHA would be required to restore heat to affected units within 24 hours, and in no event more than 48 hours. This requirement becomes stricter over time: starting with the heating season beginning October 1, 2024, NYCHA would be required to restore heat to affected units within 12 hours, and in no event more than 24 hours during the heating season for 85 percent of heating shortfalls. If heat is not able to be restored to a particular unit within 12 hours, the Agreement provides that NYCHA undertake an investigation to determine the root cause(s) of the heating system failure and the failure to restore service within the designated timeframe.[[25]](#footnote-25) The Agreement also required NYCHA to modernize the Building Management Systems, including introducing indoor temperature sensors, at 44 developments by December 31, 2019.[[26]](#footnote-26) As of September 29, 2021, 1,913 sensors have been installed across eight developments comprising a total of 4,362 apartments.[[27]](#footnote-27)

*Independent Monitor*

On February 21, 2019, HUD selected Bart Schwartz to be NYCHA’s new Federal Monitor.[[28]](#footnote-28) According to the NYCHA/HUD Agreement, the Federal Monitor is not responsible for the day-to-day operations of NYCHA but will have full access to all information in NYCHA’s possession and all programs, services, facilities, and premises under NYCHA’s control.[[29]](#footnote-29) HUD, The United States Attorney for the Southern District of New York (SDNY), and the United States Environmental Protection Agency are required to receive quarterly reports from the Federal Monitor on the work that was performed, data showing NYCHA’s progress, and any other information the monitor deems appropriate. These reports are publicly available on NYCHA’s website.[[30]](#footnote-30)

The Agreement requires NYCHA to prepare Action Plans with policies and practices to achieve its obligations and submit them to the Monitor for approval. If the Monitor finds that an Action Plan is unacceptable, and NYCHA is not able to revise it in an acceptable manner, then the Monitor has the authority to submit a revised Action Plan to NYCHA, HUD, and SDNY.[[31]](#footnote-31) Each approved Action Plan will be posted on NYCHA’s website. The Monitor may direct NYCHA to select an independent contractor to perform work called for by an Action Plan or revisions made by the monitor. NYCHA’s Heating Action Plan has been approved by the Monitor and is currently available online.[[32]](#footnote-32)

*Filing a Complaint at NYCHA*

Tenants can file complaints with NYCHA by calling the Customer Contact Center (CCC) to report emergencies and schedule routine maintenance repairs. A representative is available to answer calls 24 hours a day, 7 days a week.[[33]](#footnote-33) NYCHA considers heat and hot water complaints to be emergencies. When a tenant files a complaint with CCC, a service request is created in Siebel[[34]](#footnote-34), which then creates a work order in Maximo.[[35]](#footnote-35) The primary work order, also known as a “parent work order,” is the initial task that was called in by a NYCHA resident or NYCHA staff. [[36]](#footnote-36) This work order remains open until all related work is completed, including all subsequent related work orders, known as “child work orders” in the Maximo system, that are connected to the parent work order.[[37]](#footnote-37) A child work order is created when NYCHA staff identifies additional work that is needed to repair or inspect the parent work order.[[38]](#footnote-38) The CCC customer service agent will verify the phone number of the resident and NYCHA staff are supposed to begin addressing the work order once it is created.[[39]](#footnote-39)

*Service Interruptions*

When NYCHA’s equipment fails, it creates a disruption of service for tenants. NYCHA tracks, monitors, and reports all heat, hot water, electric, gas and elevator and disruptions until the service is restored.[[40]](#footnote-40) NYCHA notifies residents about planned and unplanned service interruptions.[[41]](#footnote-41)

*NYCHA’s Action Plan on Heating*

The HUD/NYCHA agreement requires NYCHA to create an action plan that sets forth policies and practices for each development on how NYCHA will respond to heat and hot water outages. In the current Action Plan, it states that NYCHA staff are to repair the equipment that caused the failure as quickly as possible.[[42]](#footnote-42) During regular business hours, the heating superintendent, assistant superintendent, property maintenance supervisor and assistant property maintenance supervisors and/or property manager are required to monitor Maximo at 8:00am, 10:00am, 12:00pm and 3:00pm, to determine if there are any outstanding work orders.[[43]](#footnote-43) After business hours, the After-Hour Heat Desk is required to continuously monitor Maximo for heat complaints.[[44]](#footnote-44)

*Inspections*

In the event of a complaint about a heat service disruption, NYCHA’s frontline staff would investigate the heat complaint by measuring the outside temperature and investigating the position of the valves, the operation of the vacuum and condensation pumps, and noting the actual conditions in the tank room in the Tank Room Log.[[45]](#footnote-45)

The frontline staff would also visit the tenant’s apartment to check the apartment’s temperature, investigate the radiators in the apartment, and check if the windows or air conditioners are letting the outside air enter the room. If the tenant is not home, a notice will be left underneath the door and NYCHA will check the apartments above and below to see if they are also experiencing a heat outage. [[46]](#footnote-46) If the frontline staff cannot address the complaint, the HMSD supervisor, the property maintenance supervisor or the property manager should create a work order.[[47]](#footnote-47)

*Daily Heat Calls*

During the Heat Season, HMSD and property management are required to conduct a daily phone call to discuss current outages, high-ticket counts, heat and hot water outages, total water outages and unplanned service disruptions.[[48]](#footnote-48) The HMSD Director or Deputy Director conducts the call, which includes developments that are privately managed.[[49]](#footnote-49) During the call, HMSD informs relevant property management staff of the work being done to restore the heat outages.[[50]](#footnote-50) If there are issues that are outside of the boiler or tank room that are affecting the outages, the HMSD will ask for assistance to address those problems.[[51]](#footnote-51) Privately managed sites may use that time to require additional assistance from HMSD to help resolve a problem at their development.[[52]](#footnote-52)

*Heat Plant Alarms*

Building Management Systems (BMS) allows NYCHA to remotely use sensors to monitor heat based on indoor temperatures instead of outdoor temperatures.[[53]](#footnote-53) The heat plant alarms are connected to BMS and these systems notify NYCHA’s personnel of emergencies at the heating plants.[[54]](#footnote-54) By December 2020, 44 developments were expected to have a BMS system.[[55]](#footnote-55) As of September 29, 2021, NYCHA’s transparency portal shows BMS sensors have been installed at eight developments.[[56]](#footnote-56)

The heat plant alarm systems are configured to send out automatic emails to the relevant HMSD administrators, superintendents, assistant superintendents and emergency service departments.[[57]](#footnote-57) The email contains the time of the alarm, alarm type, property management department/cluster, heating plant location, web link to the BMS and order ID. During after hours, the help desk frontline staff would respond to the alarm and must record all visits to the boiler room’s logbook in red ink and in the heating plant service area nightly report.[[58]](#footnote-58) The BMS is also being configured to create automatic work orders in Maximo, and provide a real time status to the 24/7 Heat Desk.[[59]](#footnote-59)

The NYCHA/HUD Agreement states that 23 percent of the 306 NYCHA developments will have a BMS/temperature sensor by 2020.[[60]](#footnote-60) The Heating Action Plan also states that 155 of these developments will receive new BMS and temperature sensors due to heating system upgrades or financing from HUD’s Energy Performance Contracts. Additionally, 93 of these developments are designated to receive an upgrade when RAD/PACT[[61]](#footnote-61) construction occurs.[[62]](#footnote-62) NYCHA further plans for 32 developments to receive BMS/temperature sensors as part of a comprehensive modernization plan. The remaining buildings do not have central plants, and NYCHA will have to develop a program to monitor these buildings.[[63]](#footnote-63)

*24/7 Heat Desk and Operation Dashboard*

NYCHA established a 24/7 HMSD Heat Desk to track, monitor and report all heat service disruptions by using that data that is collected from the heat sensors and heating dashboard.[[64]](#footnote-64) The heat dashboard uses predictive trends to provide a more comprehensive view on the operation of the heat systems.[[65]](#footnote-65) The data collected helps HMSD dispatch their staff accordingly. [[66]](#footnote-66)

*Sites Managed by Third Party Vendors*

On October 1, 2019, NYCHA turned over the heating plant operations at 48 developments to third party management.[[67]](#footnote-67) At these developments, the vendors are required to maintain the heating equipment and restore heat when an outage occurs.[[68]](#footnote-68) Property management is still responsible for performing daily inspections at the boiler room but at third party managed sites, the property management’s maintenance workers are required to respond, take apartment temperatures and make minor repairs in the apartment to heat radiators or valves.[[69]](#footnote-69) The HMSD Heat Desk continues to monitor the BMS systems at sites that have third party vendors.[[70]](#footnote-70) The Heat Desk will also dispatch a heating plant technician to a location monitored by a third party vendor if they receive a high number of complaints due to a potential heat outage.[[71]](#footnote-71)

*Outage Notifications*

According to the HUD/NYCHA Agreement, NYCHA is required to notify tenants by robocall within two hours of learning of any unplanned heating outage, and tenants will receive a 48-hour advance notice for any planned work that would affect heat service. The 48-hour advance notice would be posted by the elevator in the lobby of the affected buildings and there would also be automated phone calls. However, as of January 2020, the MyNYCHA App now allows residents to also opt in to receive heat outage notifications.

If there is an outage, the Heating Action Plan calls on the property management during regular business hours, and the Emergency Service Department during after hours, to notify the tenant association. If the property manager or emergency service department cannot reach the tenant association, then NYCHA will contact the elected officials of the area. [[72]](#footnote-72)

*Long Term Outages and Planning*

If there is a major boiler room failure or if the restoration of heat will take longer than 24 hours, NYCHA will use mobile boilers to temporarily resolve heat outages.[[73]](#footnote-73) The Heating Action Plan leaves it to the discretion at the General Manager whether to open the nearest senior or community center for use as a heated community space when the outside temperature drops below 32 degrees Fahrenheit and an outage is expected to last longer than 12 hours.[[74]](#footnote-74) NYCHA currently has 241 senior and community centers that can be used as an alternative heating space. Staff from the New York City Department of Aging or the New York City Department of Youth and Community Development operate most of these spaces during normal operating hours and at those times it would not require additional NYCHA staff to operate.[[75]](#footnote-75) If an outage occurs during non-operating hours, NYCHA could provide Community Engagement and Partnerships (CEP) staff or use an existing security contract to assign someone to staff the heated space. [[76]](#footnote-76)

*Funding to Improve Heating Systems*

On January 31, 2018, Mayor Bill de Blasio announced a $200 million investment to replace boilers and upgrade heating systems at twenty NYCHA developments experiencing chronic outages.[[77]](#footnote-77) Beginning in Fiscal 2019, this investment provided: $90 million for 39 new boilers at 10 developments and $110 million for the modernization of hot water systems at 12 developments and new heating controls at 15 developments.[[78]](#footnote-78) According to NYCHA and the Mayor’s Office, this upgrade and modernization was to be completed by Fiscal Year 2022, and would impact approximately 45,000 NYCHA residents.[[79]](#footnote-79)

Further, on September 5, 2019, NYCHA entered into an agreement, known as the Grant Disbursement Agreement (GDA), with the Dormitory Authority of the State of New York (DASNY), concerning the State’s allocation of $450 million in capital improvements at various NYCHA developments throughout New York City.[[80]](#footnote-80) These funds were originally allocated by the state in 2017 and 2018, however, were not available until the Monitor approved the Grant Disbursement Agreement.[[81]](#footnote-81) The GDA funding agreement requires NYCHA to create an action plan and present the action plan for approval to the Monitor.[[82]](#footnote-82) It also requires NYCHA to make and document full payment to the contractors, vendors and/or suppliers who have been selected for the capital improvement project. DASNY would then review this paperwork and reimburse the costs of each individual project.[[83]](#footnote-83) The GDA action plan addresses a portion of NYCHA’s obligation under the HUD/NYCHA Agreement by replacing 108 boilers at 25 developments and elevator systems consisting of 148 elevator cars at 10 developments.[[84]](#footnote-84)

NYCHA is also aiming to reduce the amount of energy that is consumed. HUD currently has a program called HUD’s Renew 300 initiative which helps federally assisted housing developments manage their utility costs by installing onsite or community based renewable energy. The supported renewable energy technologies include solar photovoltaic, solar thermal, wind, geothermal, small biomass, combined heat and power and small hydro projects.[[85]](#footnote-85)

***Conclusion***

New York City public housing residents have lost heat, hot water and other utility services which has endangered their health and wellbeing.[[86]](#footnote-86) NYCHA has an obligation to provide tenants with homes where they can live safely and with dignity. This hearing is to conduct oversight and hold NYCHA accountable to the public, and will provide NYCHA a forum through which to provide the Committee with an update on its ability to provide services to its residents as required by law.

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5. *See* NYCHA Fact Sheet, *available at* https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet\_2021.pdf. [↑](#footnote-ref-5)
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7. *Id.* [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-9)
10. Heat Action Plan, NYCHA Monitor, available at <https://nychamonitor.com/>. Instantaneous water heaters, also known as demand-type or tankless water heaters, provide hot water only as needed and do not produce the standby energy losses associated with storage water heaters. [↑](#footnote-ref-10)
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58. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-58)
59. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-59)
60. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-60)
61. RAD/PACT are sites where NYCHA enters into a long-term ground lease with a development partner that will repair and manage the development. NYCHA will continue to own the land and will, maintaining a significant stake in the ownership structure of the buildings and overseeing major decisions as the Section 8 contract administrator. [↑](#footnote-ref-61)
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63. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-63)
64. NYCHA Heating Management Services Department. 2020-21 Heating Season, available at https://www1.nyc.gov/assets/nycha/downloads/pdf/Town%20Hall%202020-2021%20Heating%20Season-HSMD-Final\_English.pdf [↑](#footnote-ref-64)
65. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-65)
66. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-66)
67. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-67)
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69. Heat Action Plan, NYCHA Monitor, available at https://nychamonitor.com/ [↑](#footnote-ref-69)
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78. The City of New York, Adopted Capital Commitment Plan Fiscal Year 2018, *available at* https://www1.nyc.gov/assets/omb/downloads/pdf/ccp-11-17a.pdf [↑](#footnote-ref-78)
79. New York City Mayor’s Office, “Mayor de Blasio Invests $200 Million to Replace Boilers and Upgrade Heating Systems at 20 NYCHA Developments” available at: <https://www1.nyc.gov/office-of-the-mayor/news/072-18/mayor-de-blasio-invests-200-million-replace-boilers-upgrade-heating-systems-20-nycha> [↑](#footnote-ref-79)
80. Monitor Approves Plan for $450 Million Action in State Funding, NYCHA Monitor, available at: <https://nychamonitor.com/monitor-approves-plan-for-450-million-in-state-funding/> [↑](#footnote-ref-80)
81. *Id*. [↑](#footnote-ref-81)
82. *Id*. [↑](#footnote-ref-82)
83. *Id*. [↑](#footnote-ref-83)
84. *Id*. [↑](#footnote-ref-84)
85. US Department of Housing and Urban Development, Renew300 – Federal Renewable Energy Target [↑](#footnote-ref-85)
86. Kim, Elizabeth, NYCHA Issues Heat Action Plan, Gothamist, Names 20 Complexes With Worst Outage Records available at https://gothamist.com/news/nycha-issues-heat-action-plan-names-20-complexes-worst-outage-records [↑](#footnote-ref-86)