



Stand for Tenant Safety



Newsletter—January 2016

12 Bills introduced at City Council to comprehensively reform DOB

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October 7, 2015—The steps of City Hall were buzzing with activity as a package of 12 bills was introduced. The bills, all of which aim to reform the Department of Buildings (DOB), also call for landlords in New York City to stop using construction as harassment to get rent regulated tenants out.

City Council members, state assembly members, and local activists groups such as STS, joined forces to put pressure on DOB and the city.

Rent Regulated tenants are being exposed to dangerous and hazardous conditions under the guise of construction by their landlord. Much of the construction being conducted

without proper permits, lack of a tenant protection plan, no lead mitigation plan would be unallowable if these bills are passed.

Other bills aim to also make it so that a real time enforcement division is

created to respond quickly to complaints by tenants for construction that is being done illegally and or in a dangerous manner.

These bills range from Targeted Enforcement to Administrative oversight.

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Councilmembers speak at a recent press conference for DOB Reform

Reynoso's Bill on Construction gets first hearing



Council Member Reynoso

December 10, 2015—The first hearing of STS bills was held on December 10, 2015. Intro 939 and Intro 940, sponsored by Antonio Reynoso, were heard in City Council chambers, along with a bill sponsored by Housing Committee Chair Jumaane Williams. Intro 939 “would increase the penalties for work without a permit on a one- or two-family dwelling from 4 times the amount of the fee for such permit to 8 times and for work without a permit on all other buildings from 14 times to 28 times.” Intro 940 would “increase the penalties for violating a stop work order from

\$5,000 to \$10,000 for the initial violation and from \$10,000 to \$20,000 for subsequent violations.” Many tenants, advocates and construction workers came out to show their support for the bills. Their testimonies demonstrated the need for increased oversight of the DOB and harsher punishment for bad actors. CM Reynoso testified about how the current system does not incentivize landlords or developers to change dangerous practices. The current fines are “seen as a cost of doing business.” If fines were increased, developers would have more reason to enforce existing

laws, and in doing so, would hopefully strengthen tenant safety in occupied buildings. Many advocates work with tenants who have seen this in their communities; even if a Stop Work Order is posted prominently, work continues, and nothing happens even if tenants diligently call 311.

Stay tuned for more updates, and for a refresher on what each bill is about, go to <http://www.standfortenantsafety.com/sts-dob-platform>.

Bills on Targeted Enforcement

Int 0934-2015: Creation of a real time enforcement unit in the department of buildings—LEVIN: One of the biggest issues tenants encounter is the inadequate response time for DOB to tenants' complaints. By creating a Real Time Enforcement unit (RTE), DOB will be able to respond in a timelier manner to complaints, and they will have a unit to help measure and track complaints and violators.

Int 0938-2015: Requiring increased oversight of construction contractors who have engaged in work without a required permit—Reynoso: Too many bad contractors get the opportunity to continue to commit aggressive, negligent, dangerous construction without the proper permits. This bill will create a watch list for contractors who have performed work without a required permit within the preceding two years. On any occupied site where a contractor on the watch list is doing work, the DOB will perform one or more inspections to ensure that the contractor is not breaking the laws, rules, regulations, and permitting requirements.

Int 0944-2015: Construction work permits—Rosenthal & Johnson: Landlords who want to expedite construction will falsify their permits to say that the building is unoccupied, and sometimes tenants have no idea that the landlord has lied. In order to make it easier for tenants and DOB investigators to see when landlords have falsified permits, the DOB commissioner must post on the DOB website the occupancy status of the building for any building where a construction permit has been issued. Also, all on-site permits must disclose the occupancy status of the building. Another loop-hole in the permitting process is that even when landlords are fined and found guilty of doing construction work without proper permits, DOB makes it too easy for these bad actors to file for construction documents again. As such, this bill requires that for landlords who have done work without a permit within the past year of filing construction documents, they cannot self-certify their construction documents; DOB must provide written notice of the construction plans to the borough president, local Council Member, and the local community board; penalties will be doubled for other violations; and DOB can charge an inspection fee for each complaint-based inspection conducted at that building that results in the issuance of a violation.

Int 0930-2015: Distressed buildings subject to foreclosure by action in rem—Kallós: After a violation, penalty, or fine is issued on a building, there is no enforcement for the collection of these penalties. As such, some landlords ignore the penalties and let them accrue on their property. Currently the City has the power to put liens on certain properties if they fail to pay their ECB fines, but we want to make it possible for the city to put liens on apartment buildings (buildings with 20 units or more with at least \$60,000 of ECB fine judgements against them, or buildings with six to nineteen units with at least \$15,000 of ECB fine judgements against them) if they fail to pay their ECB fines.

Int 0931-2015: Building violations adjudicated before the office of administrative trials and hearings—Kallós: Part of the reason we want to expand the category of buildings for which ECB fines can be made lien collectable is that we want the city to have the power to commence foreclosure proceedings on buildings that have accrued a lot of violations and fines. The abovementioned expansion to the buildings that can have ECB fines made lien collectable means that this expanded category of buildings will be included in the group of properties of "distressed buildings" that the city can commence foreclosure proceedings against.



Bills on Education and Community Engagement

Int 0960-2015: Creating a safe construction bill of rights—Mendez: In addition to posting the Department of Buildings Permits and the tenant protection plan, landlords must post a "Safe Construction Bill of Rights" at least 14 days prior to the start of construction work. This Bill of Rights should provide tenants information that is easy to read about what is happening in their building and must be posted on every floor of the building. On that bill of rights, the landlord must list in simple English, Spanish, and other languages as determined by the Department of Buildings:

1. Description of the work being performed and its potential impact on tenants;
2. Hours of construction;
3. Timeline for the completion of the work;
4. What services offered to the tenants might be affected (e.g. loss of hot water) and mitigation measurements the landlord is using to protect the tenants;
5. Who to contact at the landlord's office if there is a problem,

- (24 hours a day); and
6. Who to call to complain to in the City if the tenant is concerned about the work being performed.



STS Rally October 2015

Bills on Administrative Oversight

Int 0918-2015: Professionally certified applications for construction document approval and final inspections of permitted work—Chin & Menchaca: Self-Certification, also known as Professional Certification, is a process by which licensed professionals may bypass a full review of a building project by the NYC Department of Buildings (DOB).[1] For buildings where more than 10% of units are occupied and buildings that are owned by a person who has been found guilty of tenant harassment, DOB must conduct its own inspection or investigation before issuing any permits for construction work.

Int 0936-2015: Tenant Protection Plans—Levine: Currently, landlords are already required to file a tenant protection plan (TPP) whenever they file construction documents for an occupied building.[2] We hope to strengthen the content, accessibility, and enforceability of these tenant protection plans. With this bill, the TPP will include information about the maintenance of essential services during construction, will be made publicly available to tenants by the DOB on their website, and must be posted in public places in the building. Within 7 days of the commencement of any work, DOB must inspect buildings to ensure that the landlord is complying with the TPP. If work is not being done in compliance with the TPP, then DOB must issue a stop work order.

Int 0926-2015: Creating a task force on construction work in occupied multiple dwellings—Garodnick: Because various city and state agencies have jurisdiction and mandates to oversee the types of issues that routinely arise for tenants during residential rehabilitation and renovation construction work, these agencies should communicate clearly. This bill mandates that DOB, HPD, DOH, and DEP create an interagency taskforce with 13 standing members. Four of the members will be the commissioners for the aforementioned city agencies, four members will be city councilmembers appointed by the Mayor, and five members will be city councilmembers appointed by the Speaker. This Taskforce will meet at least once a month, do annual reports, and facilitate oversight hearings. The Taskforce will disband 3 years after its establishment.

Int 0924-2015: Vacate Orders—Espinal: Currently when DOB judges a building unsafe or unfit for habitation, it issues vacate orders to help maintain tenants' safety while the underlying problem is solved. While vacate orders are helpful in protecting tenants' safety, if they are not issued concurrently with orders to correct, landlords can use these vacate orders as a way to displace tenants and never improve building conditions. This creates a perverse incentive for landlords to make buildings unsafe or unfit for habitation as a tactic to remove tenants. By issuing orders to correct simultaneously with full or partial vacate orders, we correct the incentive system: the orders to correct would require building owners to correct the underlying problems within a certain period of time, to be determined by DOB but not to be longer than 10 days, and therefore would put pressure on landlords to improve building conditions in a timely manner and return tenants to their apartments. Along with the order to correct, DOB would notify building owners that failure to correct the underlying building conditions could result in significant consequences, including penalties and fines.



STS Rally for the legislative bills-October 2015

Summary of Data to Document Construction as Harassment in Rent Stabilized Buildings

This research was designed by members of the Stand for Tenant Safety (STS) coalition with research support from the Community Development Project at the Urban Justice Center. 150 surveys were collected in English, Spanish and Chinese in Manhattan and Brooklyn from January to June 2015. The Department of Buildings (DOB) data is based on 57 buildings that were identified via the STS surveys as buildings that are undergoing major construction. The survey aims to document how major construction has impacted the health and well-being of tenants in rent-stabilized apartments in New York City and to explore the extent to which such construction constitutes tenant harassment.

The findings:

1. Tenants are severely impacted by demolition, renovation of apartments, overhauls of building systems and renovations of hallways and common areas.
2. Construction is directly linked with attempts to displace tenants.

3. Landlords often do not give advance notice of construction.
4. Construction causes conditions that impact the health and safety of tenants.
5. Construction causes serious damage to apartments and common areas.
6. Basic services were frequently disrupted during construction.
7. Service disruption could last for weeks or months.
8. Work often violates basic Department of Buildings (DOB) rules and guidelines.
9. Tenants that called 311 to report construction problems to DOB were not satisfied with the experience and felt that DOB often did not solve the problem.

Full Data Summary can be read online at Standfortenantsafety.com

TENANT STORIES

China Town tenants March to City Hall

December 10, 2015—Tenants fed up with their landlord using tactics such as unsafe construction to get them out of their rent regulated apartments, rallied in front of their building to denounce the abuse. Joined by Council member Margaret Chin and Staffers from the Manhattan Borough President and the Public Advocate offices, the tenants from 90 Elizabeth street in China Town, decided to march to City Hall in support of the first of 12 bills being heard at City Hall.



Photo by Nicole Disser

Tenants win case against landlord, but still face harassment

Maribel Lopez has lived with her family in a rent stabilized building in Brooklyn for over thirty years. For the past 6 years, the building has been under construction. Currently, there are only 2 apartments occupied in the 6 unit Rent Stabilized building. In 2012, the landlord refused to renew the leases of the remaining tenants, so they filed a non-renewal case with NYS Division of Housing and Community Renewal (DHCR) with the help of Brooklyn Legal Services Corp. A. However, in response to the case, the landlord claimed he planned to demolish the building. In June 2015, the tenants won the case, but the harassment has become more hostile. The

landlord has made life miserable for the tenants. There have been times when the construction work caused vibrating of the whole building and caused debris to land on Maribel's roof. Recently, the landlord left tenants without heat and hot water for 2 weeks while he installed a new boiler. Now construction in the apartment next door has caused Maribel and her family constant problems. The construction and stress has made worse the general health of Maribel and her family and specifically her mother's heart condition.



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STAND FOR TENANT SAFETY (STS) :
is a citywide coalition of tenant rights and legal services organizations. We organize tenants into associations and coalitions to strengthen their ability to go toe-to-toe with bad-acting, multi-millionaire landlords, and to get public agencies to do their job of protecting New York City residents.