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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President On Intro 222, Regarding Building Owners' Obligation to Provide Notice to Tenants for Non-Emergency Repairs October 29, 2014

Good Morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you to Chair Williams and to Councilmembers on the Housing and Buildings Committee for the opportunity to testify today.

As you know, Intro 222 is a bill that I am co-sponsoring with Councilmember Rosie Mendez. Like many bills that this committee is considering this fall, its aim is to preserve tenants' quality of life through minimizing the impact of maintenance-related disruptions. Specifically, Intro 222 requires landlords to provide at least 72 hours of advanced notice for all non-emergency repairs that will result in service interruptions. Penalty for violation will be determined according to the Class of violation that HPD will designate for noncompliance.

Currently, the City does not require any advanced notification for planned, non-emergency repairs that do not necessitate entry into a tenant's apartment. This is problematic. We are relying entirely on landlords' goodwill to protect tenants. Even among landlords and management companies that do provide notice, the lack of a common definition of "sufficient notification" has resulted in variations among notification time ranging from days to mere hours.

Intro 222 will primarily address three issues: 1) through advanced notice, to minimize negative impact of building service interruption due to planned repair works, 2) to inform and protect tenants through establishing a baseline requirement, and 3) to provide a means for determining noncompliance and tenant harassment.

Minimizing Negative Impact of Service Interruption

The intent of this bill is practical. Picture this scenario: A person in wheelchair leaves for work in the morning. He doesn't know the building's elevator is going to be out of service for repairs starting at 6 pm because the owner has only put up a notice of non-emergency repair at noon that same day. Instead of having sufficient time to adjust his work hours so he can be home before the elevator goes offline, the tenant returns to find that he has no way of reaching his apartment. There is nothing he can do but to wait around until the workers finish and reactivate the elevator.

In situations like this and in other similar ones involving heat, hot water, electricity, or other utilities or building amenities going out of service due to non-emergency repairs, having at least 72 hours of advanced notice will allow tenants to prepare for planned service losses and minimize any negative impact that might result. I understand that many landlords and management companies already provide notice at least 72 hours before a scheduled non-emergency repair. This is the standard the bill seeks to establish as the baseline for sufficient advanced notice throughout New York City.

Protect and Inform Tenants

As winter approaches, it is even more important that buildings expected to be without heat or hot water due to non-emergency repairs provide adequate notice to tenants. We just entered the heat season on October 1, which goes until May 31 of next year. Under Multiple Dwelling Law §79 and New York City Administrative Code §27-2029, during heat season, each apartment must be heated at or above the specified minimum indoor temperature based on the time of day and outdoor temperatures. Sadly, as I'm sure many of you know, heat and hot water aren't always provided when they should be. This can be a result of many things, including negligent landlords or bad management. As of October 21, 2014—only three weeks into the heat season—New York City has already received more than 9,000 complaints filed via 311 for lack of or inadequate heat.

But sometimes, heat and hot water must be stopped for several hours for maintenance or if a building repair issue arises, and these legitimate reasons for service interruption embodies Intro 222's intent to protect and inform tenants. Advanced notice not only allows tenants to plan ahead and prepare for heat or hot water outages, but tenants would also know if a planned repair is legitimate, separating genuine repair needs from unscrupulous landlords' bogus claims of same-day service interruptions that are in reality unrelated to building repairs.

Minimize Intentional Landlord Harassment

I am fully aware that there are instances when a tenant is concerned not about a landlord's unintentional oversight in posting sufficient non-emergency repair notice, but that a delay or withholding of proper notification is a tactic of overt tenant harassment.

CAAAV, a housing rights organization in Chinatown and the Lower East Side, has been assisting a constituent on an anti-harassment case. This tenant lives in a tenement building on Forsyth Street, where a work crew member had climbed through his apartment's window to access the building for repairs—without any notification for entry into either the building or the apartment. This caused the tenant to feel unsafe, especially with children at home. In other Chinatown buildings, "notification" wouldn't happen until the morning of when workers are knocking on the doors of the tenants. Some of the tenants work night shifts in restaurants, which causes disruption to their daily schedule.

I understand that these and other tenant harassment tactics will not go away with Intro 222, nor will it prevent landlords from allowing sub-par repair work to be done so that the need for continued, repeated repairs will create *de facto* ongoing service interruptions. These situations all severely impact tenants' quality of life and we all continue to work together with tenant advocates, legal service providers and organizers to provide much needed support. Furthermore, this is precisely why it is vital to pass Intro 222 in order to establish a baseline for tenant notification and a tool for recourse for tenants of noncompliant landlords. When incorporated into the Housing and Building Committee's larger goal to advance additional measures to stop harassment and elevate quality of life under the Quality Housing Act, I believe that this legislation leads to the overall improvement of a tenant's enjoyment of his or her home.

I urge the committee to vote in favor of Intro 222. Thank you again for the opportunity to testify.