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**Gale A. Brewer, Borough President**

## **Testimony of Gale A. Brewer, Manhattan Borough President New York City Council Committee on Housing and Buildings On Strengthening DOB Enforcement for Tenant Protection Monday, April 18, 2016**

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Good morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you Chair Williams and the members of the Committee for the opportunity to testify today regarding this package of legislative introductions that would strengthen tenant protection.

Each day, my office is inundated with complaints and concerns from tenants and advocacy groups regarding construction and alterations taking place in occupied buildings. Some of these cases are extremely serious where tenants are exposed to dangerous conditions, impacting their health and safety as well as their quality of life. My staff has found that in many of these situations, Department of Building's (DOB) permits have been granted, but either the applications contained false information or the construction is occurring outside the scope of the permit. Many of these abuses could be prevented by improving the Department of Building's policies for issuing permits and increasing its resources for citing and enforcing violations. Therefore, I would like to voice support for the following intros.

[Introduction 0934-2015](#) seeks to establish a Real Time Enforcement Unit (RTEU) within the DOB. RTEU will improve responsiveness to complaints related to construction projects working without a permit and to two types of projects with valid permits: 1) projects that alter 10% or more of the existing floor area of the building and 2) projects that construct an addition to the building. I believe this is crucial because in all scenarios, tenants within a building often suffer from noise, dust inhalation, elevator shut-downs, hallways blocked with construction materials, and worse. In the most egregious cases, landlords use construction to harass rent-regulated tenants in order to push them out, generating a vacancy that they would then lease (legally or otherwise) at a steeply increased, unaffordable rent. Too often, the tenants that are driven from their apartments are the most vulnerable: the disabled, ill, or elderly, making the repercussions more severe. Because of the constraints on DOB's current system of enforcement,

response to these cases and subsequent action is often too late to help the tenants being harassed. The result is not only hardship for tenants, but the loss of affordable housing stock. Every day that such abuses go on is a day too long, and I believe that establishing a Real Time Enforcement Unit will help prevent unlawful construction from being used to harass tenants.

[Introduction 0944-2015](#) seeks to increase the transparency and awareness of DOB procedures by requiring the public disclosure of a building's occupancy status. Local elected officials in the district and the Community Board would be notified of any buildings that perform work without proper permits or where construction documents might be falsified. This is a priority for my office. As I noted earlier, one of the biggest sources of tenant harassment is construction work in a building where the owner has certified to DOB that the building is unoccupied, when in fact there are tenants in the building who will be affected by the proposed work and who by law are entitled to protections under a Tenant Protection Plan (TPP). Tenants unfamiliar with DOB filing requirements and process would not know to verify whether their landlord has falsely certified that their building is "unoccupied." As a result, the work continues unmitigated and tenants suffer. In certain instances, tenants are trapped or endangered. Housing advocates have shared with my office countless cases of tenant harassment, including when landlords have removed a tenant's toilet, in the case of 90 Elizabeth Street; a building has 3,000 times the limit of lead in the building, at 102 Norfolk Street; and a landlord has removed the building's ventilation system, leaving gaping holes accessible to rodents, as in the case of 22 Spring Street. This is why it is critical that DOB must verify a building's occupancy status before granting work permits. In addition, DOB should make the status of a building's occupancy easily visible online and at the job site for everyone interested in verifying whether a filing is valid. By allowing tenants, as well as elected officials and advocacy groups, easier access to the reported status of the building's occupancy, falsified documents and illegal work can be halted earlier.

Another important aspect of Intro 0944 is notifying the appropriate Borough President, Council Member, and Community Board when construction documents are submitted for buildings where work has been done without a permit in the previous year. This will prevent bad actors from repeating their violations, adding an increase of checks and balances to their attempt to acquire new permits. As an additional measure of accountability, I also support the sections of Intro 0944 that seek to enhance penalties for violations and impose inspection fees where work has been done without a permit.

I am in support of [Intro 0924-2015](#), which would ensure that DOB Vacate Orders issued in cases where conditions pose an imminent risk to the tenants or the public, are in fact “*Vacate and Repair*” orders. This would bring such DOB orders in line with parallel HPD orders and eliminate the loss of housing that currently transpires under DOB orders. Landlords who move out tenants on the grounds of unsafe building conditions will be held accountable to make the necessary repairs to cure those unsafe conditions. Currently, nefarious landlords can use DOB vacate orders as a method to remove tenants from a building—incentivizing them to allow conditions to deteriorate until a building is unsafe and a vacate order is required. By ensuring that a vacate order includes a requirement to correct unsafe conditions within ten days, the landlord will not be able to keep tenants removed indefinitely under the guise of an active vacate order. Additionally, this measure would stem the loss of rent-regulated housing in vacated buildings based on a tactic that landlords have been utilizing to self-report against their own extremely deteriorated buildings with the goal of obtaining DOB’s permission to demolish the structures. Once demolished, regulated units are lost forever. Tying an obligation to remediate the conditions that trigger the vacate order would provide a much needed safeguard against losing more of the city’s affordable housing.

While I support Intro 0924, I believe further steps can be taken to ensure landlords’ adherence to the conditions of vacate orders. Fines should be assessed in increased increments for every day past the allotted ten days that conditions are not improved. There should be a mechanism for tenants to file grievances if they are having trouble returning to their building and believe that their landlord is actively preventing their return. If these grievances are investigated and found to have merit, fines should be assessed to the landlord, and tenants must be allowed to return to their units.

I believe Intros 0934, 0944, and 0924—with some amendments—will result in a better quality of life for tenants and support for the preservation of affordable, rent-regulated housing. I have heard stories from tenants who have had their locks removed, their heat and gas shut off for months, their hot water turned off, their elevators shut down, their phone and internet lines cut, their medical equipment compromised, their hallways filled with debris, and their lungs filled with dust—due in great part to the construction issues being addressed by this package of bills.

Thank you for the opportunity to testify, and I look forward to working with the members of the Committee to continue to protect the safety of tenants.