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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President
On Intro 722-A in Relation to Minimum Temperatures
Required to be Maintained in Dwellings
January 14, 2016

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

I am proud to have co-introduced Intro 722-A with Councilmembers Williams and Levine. It's my understanding that it is the position of the City's Department of Housing Preservation and Development (HPD) as well as Council Legislative Affairs that as per Section 79 of the Multiple Dwelling Law, the City is pre-empted from changing the daytime temperature for residential buildings. Therefore, I will focus my comments on the areas of the bill that are within our legislative purview. Intro 722-A would amend the minimum required overnight temperature for residential buildings from 55 degrees to 65 degrees between 10pm and 6am during the City's heating season. In addition, the bill would require buildings to maintain this overnight temperature throughout the heating season, as opposed to being triggered by an outside temperature point.

During last year's heating season, between October 1, 2014 and May 31, 2015, the City's 311 system registered 232,086 complaints of inadequate heat citywide; 52,957 of these complaints were made in Manhattan. Over the course of this current heating season, there have been 94,428 heat complaints; 23,418 complaints came from Manhattan. Last Tuesday, January 5, as many New Yorkers woke up to temperatures in the low teens that didn't rise above freezing, the City's 311 system fielded the highest single day complaint volume for this heating season with 5,052 complaints of inadequate heating.

While it's likely that not all of these complaints resulted in violations, it's essential that our residential buildings are heated properly and that HPD and its inspectors have the needed tools at their disposal to enforce the law. Under the current system, outdoor and indoor readings are taken during inspections for violations, often days after the initial complaint. Reliance on an outside

temperature trigger – in an environment that can fluctuate over the course of the day - leads to confusion for tenants and responsible landlords alike. Removing the outside temperature requirement is a common sense simplification of the code that will establish a consistent indoor temperature – to the benefit of both owners and tenants. It will also add clarity and efficiency to the agency’s enforcement efforts.

The primary impetus for this proposal is improving the health and safety of all New Yorkers in their dwellings during the frigid months. While this change would benefit many New Yorkers, it embodies the goals of Age Friendly New York City, as it would particularly help our older residents and young children who are more susceptible to health complications due to lower overnight temperatures.

When buildings are not heated adequately though, residents may turn to additional heat sources like space heaters and cooking ovens, the usage of which can be expensive, inefficient and even dangerous - especially in cramped apartments with few electrical outlets. My Northern Manhattan storefront office has received several complaints of inadequate heat from constituents living in rental buildings and NYCHA developments, whereby they have resorted to using space heaters. On November 10, 2015 unsafe usage of space heaters resulted in serious fires; firefighters removed a Bronx resident in critical condition and a Queens resident sadly died from his injuries.

These two proposed changes are reasonable and well within the range of residential heating regulations in cities like Chicago and Boston, which have similar weather conditions to our city. In neither city are heating regulations triggered by outside temperatures. Also, their current minimum overnight indoor temperatures are consistent with the proposal to move New York City to 65 degrees: Chicago requires at or above 66 degrees and Boston requires at or above 64 degrees.

Thank you for the opportunity to testify before you today. My thanks to the legal services providers who are voicing their support here, as well as LiveOn NY who submitted testimony in support yesterday. I am honored to have introduced this common sense public safety measure with my colleagues in government and I urge all City Council Members to vote in favor of Intro 722-A.