



Comments on Intros. 204, 243, 337, 434 and 583

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. We thank the Committee for giving us the opportunity to submit this Memorandum in Opposition to Int. 204 increasing certain inspection fees, Int. 243 regarding posting of space heater safety information, Int. 337 requiring HPD to distribute a list of unresolved violations annually to tenants, Int. 434 that would expand the heat sensor program, and Int. 583 increasing housing maintenance code penalties and creating a landlord watch list that would limit these owners' ability to self-certify violations.

Int. 204

Int. 204 would significantly increase the inspection fees when the department must conduct an inspection multiple times for the same dwelling-unit. The purpose of fees is to recoup the costs of government administration, not to raise revenue or serve as a penalty. Under state law, fees charged must not exceed the cost of service. This fee schedule seems designed to punish certain actors by charging more. In this case it would more than double the fee from \$200 to \$500 and give HPD the rulemaking authority to increase the fee to up to \$1,000. It is also worth noting that the specified period of 12 months can encompass two separate heating seasons, so subsequent violations may not be related.

Int. 243

Currently the city requires more than 20 separate notices to be posted in residential building's public spaces. Posting extensive space heater safety information, as proposed by Int. 243, would add yet one more posting requirement, increasing the visual clutter and minimizing its impact. More targeted information, such as the Fire Department publications such as the Fire and Emergency Preparedness Annual Bulletin or the NYC Apartment Building Emergency Preparedness Guides might be better forums in that they are sent directly to the tenant and are more apt to be read.

Int. 337

When an inspector writes a housing code violation, a copy of this violation is given to the tenant and sent to the landlord. In addition, the city maintains a public database of all buildings and every violation for every building is available for viewing by the public. To require an annual

mailing of open violations seems costly and duplicative in that the mailing would be sent to the people residing in the units, those who most aware of the outstanding issues. This might also be irrelevant and confusing in that there are many open historic violations for violations never removed of record for conditions or units that no longer exist.

Int. 434

This bill seeks to expand the heat sensors program from 50 buildings citywide to 150 buildings per borough. This current program requires owners to install monitoring devices that automatically tracks temperature data and for the city to conduct inspections every two weeks for compliance with the heat and monitoring requirements. The bill proposes to greatly increase the program, by 15-fold, and require special monitoring and inspection of this group of buildings. There is no clear evidence that this large a number of buildings require special attention, that those that do are evenly disbursed throughout the five boroughs, that the program would significantly improve heating conditions or that there is adequate staff to undertake this project. This is likely not the best expenditure of resources to target or solve heat-related problems.

Int. 583

This bill rewrites the monetary penalty provisions for violations of the housing maintenance code with increases up to ten times the current amounts while tacking on additional per diem penalties. We oppose this wide-scale modification imposing more onerous and higher penalties on buildings, many of which already are in financial difficulty only means there is less money available to correct critical safety issues. Then, in crafting a watch-list program, the bill seeks to have the department publish a list of owners who have a building that meets certain criteria such as being in the alternative enforcement program. This overly-broad program would mean conditions driven by any one building could result in inclusion on the watchlist and ignores the reality that unique building conditions may not be relevant elsewhere. Further, it creates new barriers to the removal of corrected violations for those on the watchlist by relying on the department and its staffing ability for owners to clear violations. HPD delays are currently rife. Owners are struggling to comply with filing deadlines due to HPD failing to process landlord submissions. Delay in processing the Multiple Dwelling Registrations impacts other mandated filings such as the Bed Bug Annual Disclosure and the filing of certifications of corrections. This inspection requirement would just cause inordinate delays and confusion and leave buildings in limbo.

Accordingly, the RSA opposes these bills.