

**BRONX COMMUNITY BOARD NO. 8
MINUTES OF THE HOUSING COMMITTEE MEETING**

**HELD ON FEBRUARY 23, 2015
RIVERDALE MENTAL HEALTH ASSOCIATION
5676 RIVERDALE AVENUE, 2ND FLOOR, BRONX NY 10471**

Board/Committee Members Present:

Paul Ellis
Steve Balicer
David Gellman
David Kornbluh
Sergio Marquez
Lucy Mercado
Ruby Palma
Robert Press

Affiliation:

CB8 Housing Committee, Chair
CB8 Housing Committee, Vice Chair
CB8 Housing Committee
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CB8

Guests:

Larry Katz
Sally Dunford

NYC Clean Heat
West Bronx Housing & Neighborhood
Resource Center
Office of Assemblyman Jeffrey Dinowitz
Office of Councilmember Andrew Cohen
Office of Senator Jeffrey Klein
Community resident

Teri Colon
Andrew Sandler
Michael Blaustein
Bob Drake

The meeting was called to order at 7:40 P.M. by Committee Chairperson Paul Ellis.

The minutes of the December 2014 meeting were not approved since a quorum of the housing committee members was not present.

1. Heating Oil Conversion: Current Status and Attention Needed in Community Board 8

Mr. Ellis introduced Larry Katz of NYC Clean Heat.

Mr. Katz began his presentation by noting that NYC Clean Heat is under contract to the Mayor's Office of Sustainability to provide technical and financial support to owners and property managers in the conversion process.

Conversion to clean fuel or gas comports with the goals of Plan NYC for a Greener New York which are:

- Air quality
- Energy efficient systems
- Reduce green house gas

Studies were done on oil emissions, and it was found that as recently as 2008-2009, buildings were emitting excessive fumes and soot which had an adverse impact on the air quality.

In 2011, the Department of Environmental Protection (DEP) banned the further use of Number 6 oil. Certificates to operate boilers using Number 6 oil were eliminated and the last day that Number 6 oil can be used is June 30, 2015, except if it used as a back up fuel.

The second phase of this program is that all buildings must convert to clean fuel by 2030, which will eliminate the use of Number 4 oil. Currently, a certificate to operate a boiler using Number 4 oil will not be issued. The permissible fuels are Number 2 oil, Natural Gas, Biodiesel Fuel and Steam.

The minimum size of the buildings that fall under this regulation are those of 40,000 square feet or a forty (40) unit building. Smaller buildings are exempt from this regulation.

After one year of this program, there has been a significant impact on the air quality of New York City which has improved the health of the general public by reducing the health consequences from the use of dirty fuels.

There are 23 buildings in Community Board 8 that are still using Number 6 oil, and as far as NYC Clean Heat is aware, nine of those buildings have not made any effort to convert to a cleaner fuel.

A suggestion was made that in the event a building owner is not responding, the Department of Housing Preservation and Development (HPD) Code Enforcement Unit can be contacted to find out who is the legally responsible person of a building.

It was observed that converting to a cleaner fuel should not trigger a Major Capital Improvement (MCI) rental increase unless the furnace is old enough that it qualifies to be replaced. An owner might qualify for a J51 tax abatement to assist with the cost of the conversion, which would eliminate the need for an MCI or lessen the MCI.

Converting to a cleaner fuel (Number 4 or 2 oil) entails replacing a burner, but not the boiler, which is far less expensive than converting to gas.

After June 30, 2015, the penalties that can be imposed for the use of Number 6 oil are violations, fines, cease and desist orders, after a hearing is held; and the most drastic penalty is a shutdown of a boiler. DEP inspectors will inspect and issue violations based upon records showing expired certificates to operate boilers using Number 6 oil.

NYC Clean Heat's website is nyc.gov/cleanheat, which has all the pertinent information regarding the clean fuel conversion.

2. Illegal and Abusive Landlord Practices

Sally Dunford, Executive Director of the West Bronx Housing and Neighborhood Resource Center, began the session by stating that most landlords maintain good standards within their buildings. But she went on to note that she estimates that around 10% of landlords are bad players in the industry and have no interest or intention to properly maintain their buildings, and that there are another approximately 10% who are simply sloppy and careless.

In smaller buildings, the major problem is overcrowding. In two or three family houses, basements or attics are rented or apartments are converted into rooms. The new configuration

might not be illegal, but the landlord is still required to have a permit from Department of Buildings (DOB) to do the work necessary to convert.

According to Ms. Dunford, DOB does not bother with converted apartments that meet DOB standards anymore. DOB only issues vacate orders when a building is not safe.

Usually, when there is a lack of a second means of egress, DOB will issue a vacate order since the building is therefore unsafe. Also a vacate order will be issued when a building has a lack of utilities or there is a lack of heat or hot water. A makeshift apartment that lacks a second means of egress will cause DOB to issue a vacate order.

One way to detect an overcrowding situation in a small building is to see the number of people entering and exiting the building. These conversions are major fire hazards due to the lack of a second means of egress.

For the bigger buildings, one significant problem is when landlords provide minimal heat or provide heat and then turn it off. In response, tenants should call 311 and submit a heat complaint. But the tenant must provide his or her name in order for HPD to get back to the tenant to find out if the problem has been resolved. HPD must find that there is no heat, or minimal heat, to issue a violation. In Community Board 8, tenants can call their elected officials to get assistance in reaching a HPD inspector. Also, a tenant can file a Division of Housing and Community Renewal (DHCR) complaint for lack of heat or hot water. Landlords do not like DHCR complaints since it may reduce their collectable rents. A tenant can also start a HP case against the landlord.

Another problem is rent overcharges. This occurs at times when a landlord gives a tenant a preferential rent or a rent concession, but that rent might be the actual legal rent. To make sure tenants are paying the correct rent, they should obtain a rent history of their apartment from DHCR.

In a rent stabilized apartment, a rent amount is set based upon what the prior tenant was paying plus a 20% vacancy increase and the increase for a one or two-year lease plus any other increases (MCIs). A preferential rent is a lower rent than the legal rent, but both rents must be registered with DHCR. Preferential rent tenants usually avoiding voicing complaints about their apartments to avoid the risk of losing their preferential rent.

Another problem is the tenant blacklist, which is used by landlords to screen tenants. The tenant blacklist shows whether an individual has had a case in housing court. There is pending legislation in the City Council to ban these lists. At this time, refusing to rent to an individual who appears on the tenant blacklist is not discrimination.

The best way to solidify a heat complaint for a court hearing is to create a written heat log, which contains the date, time, the temperature in a specific room and the outside temperature, which can be found in one of the news programs. The other good thing about heat logs is that they show patterns of heat. Tenants must follow up with HPD to resolve a heat complaint.

It is illegal for a landlord to subdivide a rent regulated apartment. DOB should be contacted if this occurs.

Another concern is with rent stabilized senior tenants, who have either SCRIE or DRIE. At times, landlords send these tenants a bill for charges that stem from a fuel cost increase or

something else, and the senior pays the bill instead of routing it to the Department of Finance. This usually occurs when their renewal application for SCRIE or DRIE is being processed by the Department of Finance. What happens in these cases is that the landlord gets paid twice for the charge – by the tenant and by either SCRIE or DRIE. These tenants should be advised not to pay any extra charges.

Pinnacle, which several of the speakers regarded as a particularly troublesome landlord, owns numerous buildings in Community Board 8. Community Board 8 has the highest turn over rate of rent stabilized apartments. Chestnut Holding is reportedly another landlord with a history of bad behavior toward tenants.

Some of the things that can be done against these slumlords is: HP actions, public shaming by putting a landlord on the Public Advocate's 100 Worst Landlords List, or a 7A proceeding to remove the building from the landlord and place it in the hands of a 7A administrator who can apply the rent money to the necessary repairs.

There is also legislation pending before the City Council making it illegal to deny someone an apartment based upon a credit report.

The City Council has increased the penalties on landlords for lack of heat and hot water. The problem with the manner that HPD handles heat complaints is that once HPD gets a heat complaint they immediately contact the landlord, which alerts the landlord that an inspector will be coming soon, so they adjust the heat to what it is supposed to be. But when the inspector leaves, they lower the heat. It was recommended that tenants need to be organized and educated about their rights.

Senator Klein's office conducted a citywide survey on heat complaints and found that the majority of complaints came from subsidized buildings in the Bronx. Senator Klein has recommended the creation of a worst heat offender list of landlords, that would be based on the prior year's heat complaints. HPD would monitor these landlords throughout the heat season. Another recommendation was made to impose a bond on a landlord until necessary repairs are completed.

Assemblyman Jeffrey Dinowitz has a pending bill to do away with landlords who try to charge tenants additional charges for the use of air conditioners, late fees and legal fees unless the charges are ordered by the court. There's also a new law that requires all landlords to post the Tenant's Bill of Rights, both in English and Spanish, by the mailboxes.

3. Old Business

Paul Ellis spoke about the walkthrough the Marble Hill Houses, which was sponsored by Gail Brewer, Manhattan Borough President and Council Member Ydanis Rodriguez. A New York City Housing Authority (NYCHA) representative, who participated in the walkthrough, announced that the maintenance crew would soon be back at full capacity since the eight vacant positions had been filled. Kim Theodore, Manager at Marble Hill Houses, thanked Mr. Ellis and the committee for their efforts in obtaining this result.

The walkthrough confirmed that the illegal dumping of garbage is still a major problem. It was discussed that ticketing might curb this problem, but there were mixed views on this approach.

There was a consensus at the last meeting of the Tenants Association of Marble Hill Houses that residents who illegally dump garbage should be ticketed. NYCHA has to approve this practice. However, the Marble Hill Tenant Association has to lead the charge with the 50th Precinct in implementing the ticketing practice and educating the residents about the proper means of disposing their garbage.

Sergio Marquez suggested that Comptroller Scott Stringer, Senator Jeffrey Klein, Council Member Richie Torres and NYCHA representatives should be invited to a meeting to discuss the funding of the capital projects at Marble Hill Houses. At the January Town Hall meeting, the NYCHA representative informed Mr. Marquez that requests for capital projects have been submitted to the Chair of NYCHA in October 2014, but these requests have remained unanswered.

Lucy Mercado will prepare a letter to be sent to NYCHA to get a progress report on the issues raised at the Town Hall meetings of June 2014 and January 2015 by this committee.

Possible topics of future meetings:

- March - Conversation with tenants at the Promenade
- April - Mitchel-Lama legislation
- May - Housing court forum.

There being no further business before the Committee, the meeting was adjourned at 10:30 p.m.

Minutes recorded by,
Sergio Marquez
Housing Committee Member, CB8 Bronx

Respectfully submitted,
Paul Ellis
Chairperson Housing Committee, CB8 Bronx