

1 JOINT HEARING BEFORE THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON INVESTIGATIONS AND
3 GOVERNMENT OPERATIONS
4 AND
5 STANDING COMMITTEE ON HOUSING, CONSTRUCTION, AND
6 COMMUNITY DEVELOPMENT
7 -----

8 PUBLIC HEARING:

9 TO EXAMINE HOW CODE ENFORCEMENT ACROSS NEW YORK
10 STATE CAN BE ENHANCED OR ASSISTED
11 -----

12 Newburgh Armory Unity Center
13 321 South William Street
14 Newburgh, New York

15 Date: May 23, 2019
16 Time: 9:30 a.m.

17 PRESIDING:

18 Senator James Skoufis, Chair
19 NYS Senate Standing Committee on
20 Investigations and Government Operations

21 Senator Brian Kavanaugh, Chair
22 NYS Senate Standing Committee on
23 Housing, Construction, and Community Development

24 PRESENT:

25 Senator Allesandra Biaggi

Senator Neil D. Breslin

Senator David Carlucci

Senator Liz Krueger

Senator Zellnor Myrie

Senator Julia Salazar

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First Vice President
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Second Vice President
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Director, Neighborhood Impact
Enterprise Community Partners

1 SENATOR SKOUFIS: Hey, good morning,
2 everyone.

3 I want to welcome you all to this joint
4 hearing between the Senate Investigation and
5 Government Operations Committee, which I'm fortunate
6 enough to chair, alongside Senator Kavanagh, my
7 colleague who chairs the Senate's Housing Committee.

8 Welcome to "housing day" in the city of
9 Newburgh.

10 We have this hearing, and then later this
11 afternoon, Senator Kavanagh will be chairing a
12 hearing on the housing and rent-control issues that
13 we're debating at the end of session here in Albany.

14 I want to welcome my other colleagues, and
15 thank them for being here. I know we'll be joined
16 by a couple of others as we proceed.

17 To my right, I have Senator Zellnor Myrie
18 from Brooklyn, Senator Allesandra Biaggi from
19 Westchester and The Bronx, and to my left -- or, to
20 Senator Kavanagh's left, we have
21 Senator David Carlucci from Rockland County and part
22 of Westchester as well.

23 This is the first code-enforcement hearing
24 that I'm aware of ever taking place out of the
25 Legislature.

1 This is an important issue.

2 It's timely, given the conversations that are
3 taking place up in Albany.

4 And, you know, a lot of people view code
5 enforcement as some esoteric issue that, quite
6 frankly, is more an annoyance for people who have to
7 deal with it than anything else.

8 But as we've seen here in the city of
9 Newburgh, in the town of Ramapo, even just in
10 today's "Journal News," where two girls almost
11 drowned because of a violation at a house where
12 there was no proper secured gates leading into a
13 pool, this can be a matter of life and death.

14 And so we want to get this right.

15 We've been investigating this issue in four
16 municipalities, in Ramapo, Newburgh, the city of
17 Albany, and Mount Vernon, for the past four months.

18 Our team has been gathering findings.

19 We've been speaking with all sorts of
20 officials, elected officials and otherwise;
21 stakeholders, such as FASNY, firefighters, who will
22 be testifying later today; and gathering all sorts
23 of information: what's working, what's not working;
24 and what we as a state should be doing better, what
25 municipalities, quite frankly, should be doing

1 better.

2 And -- and, look, you know, there's been a
3 lot of interest throughout the state in what we're
4 looking at here.

5 We've received calls, our team, from county
6 executives throughout the state, actually asking to
7 be investigated because they feel this is such an
8 issue in their county.

9 But I think that what we find in the report
10 that we issue, which should be forthcoming shortly,
11 will be able to be applied throughout the state, not
12 just in these four municipalities that we're looking
13 at.

14 And so we have a -- a -- a robust list of
15 witnesses who are going to be providing testimony
16 today. I want to thank all of them in advance.

17 And before we get to our first two witnesses,
18 I want to turn it over to my co-chair today,
19 Senator Kavanagh.

20 SENATOR KAVANAGH: Thank you,
21 Senator Skoufis.

22 And thank you all for being here.

23 And thanks to the other members of the
24 Senate, the respective committees that are
25 co-chairing this hearing today.

1 This is the fourth hearing this month of the
2 Housing Committee.

3 We have one additional hearing, as has been
4 mentioned, later today, right here in this room in
5 Newburgh, beginning at 2:30.

6 And then a final hearing on the other major
7 topic we've been focusing on this month, which is
8 the rent-regulation laws and various tenant
9 protections, and that will be in Greenburgh, at
10 Greenburgh Town Hall, on Tuesday -- this coming
11 Tuesday, from 10 a.m. to 2 p.m.

12 But we're very happy to be here.

13 And I do want to just begin by thanking my
14 Co-Chair of this hearing, Senator Skoufis; and the
15 Investigations and Government Operations Committee,
16 and the staff of that committee, for really putting
17 this issue of how code enforcement is working in
18 various localities around the state, front and
19 center in our conversations this year about what we
20 can do differently to support the notion, that
21 I think we all agree on, that everybody deserves a
22 decent place to live.

23 We are on a parallel track having these very
24 in-depth conversations about the rights of tenants
25 vis-a-vis their landlords, around regulations of

1 rent, and the ability to continue to live, and
2 whether -- under what circumstances people can be
3 evicted.

4 But we know that -- from lots of experience
5 over many years, that the ability of our
6 governmental agencies to set basic standards, and
7 then to enforce those standards, not just for the
8 tenants that are most active or most organized or
9 have the best lawyers, but just as a general
10 standard in -- that our society agrees to adhere to
11 in our housing.

12 So it's -- this is a very important part of
13 this conversation.

14 And, again, I -- the -- Senator Skoufis and
15 the Investigations and Government Operations
16 Committee have really led the way, and we're very
17 happy to be partnering with them on this.

18 I do want to acknowledge Nick Rangel, the
19 counsel to the Housing Committee is here, as well as
20 my chief of staff, Shana Mosher, and,
21 Cleveland Stare who is on my staff, and also serves
22 as clerk to the Housing Committee.

23 And they've been a very important part of
24 this as well.

25 So, thank you, and, without further ado, I'll

1 turn it back over to Senator Skoufis.

2 SENATOR SKOUFIS: Thank you,
3 Senator Kavanagh.

4 And before we jump in, I do want to
5 acknowledge and thank Bill Kaplan for allowing us to
6 be here in the Newburgh Armory.

7 For those of you who are not from Newburgh,
8 it wasn't that long ago that the place that we're
9 sitting in right now was a derelict, unused large
10 building.

11 And as you can see, it's been transformed
12 into, really, an incredible space.

13 And if you come here on a Saturday morning,
14 you'll see 600 kids taking part in all sorts of
15 learning activities.

16 And it's really been transformative here in
17 the city of Newburgh.

18 So thank you, Bill Kaplan, for allowing us to
19 be here.

20 I also want to thank my staff for, not only
21 their support at this event, but also my
22 investigative team -- our committee's investigative
23 team, for the work the past four months on this
24 issue.

25 So with that, we'll get started.

1 Our first two witnesses are Assembly Members.

2 One, Assemblyman Jonathan Jacobson from where
3 we are here in the Newburgh area, and
4 Assemblyman Ken Zebrowski.

5 And, you know, if I may, Senator Kavanagh and
6 I have chosen to -- to use the authority sort of
7 vested in our committees, under Section 62-A of the
8 legislative law, to swear in each witness today, so
9 that the testimony that you all provide will be
10 under oath.

11 So, if you may, just raise your right hand,
12 and, do you solemnly swear that you will tell the
13 truth, the whole truth, and nothing but truth, so
14 help you God?

15 ASSEMBLYMAN JONATHAN JACOBSON: I do.

16 ASSEMBLYMAN KEN ZEBROWSKI: I do.

17 SENATOR SKOUFIS: Okay. Thank you.

18 So let's get started.

19 Jonathan Jacobson.

20 ASSEMBLYMAN JONATHAN JACOBSON: Thank you.

21 Thank you, Senator Skoufis and
22 Senator Kavanagh, for having these hearings today on
23 code enforcement.

24 James Peterson, Robert Richardson, and
25 Jewell Cummings, this is why I'm here today.

1 You might have known them, or even heard of
2 them.

3 Mr. Peterson lived at 53 Lander Street.

4 Mr. Richardson and Ms. Cummings lived at
5 55 Lander Street.

6 Lander Street is not far from this hearing.

7 The three of them died within a two-week
8 period in March of 2015 due to carbon monoxide
9 poisoning.

10 Their rented apartments in the buildings
11 which are -- did not have -- because they rented
12 apartments in buildings which did not have carbon
13 monoxide detectors as required.

14 Those three deaths prompted my run for
15 office, and, eventually, election to the city
16 council in 2017, and, currently, in the Assembly.

17 Code enforcement is basic to quality of life.

18 Proper code enforcement leads to stable, safe
19 neighborhoods.

20 Proper code enforcement helps everyone's
21 property values.

22 Children learn better when their homes are up
23 to code and their neighborhood is up to code.

24 In order to have successful code enforcement,
25 a municipality requires two things: First, a

1 commitment; and, second, resources.

2 Otherwise, it is merely wishful thinking.

3 Older cities, such as Newburgh and
4 Poughkeepsie, which I represent, do not have the
5 resources.

6 There must be a commitment by the State of
7 New York to provide the resources for municipalities
8 in order to do code enforcement.

9 The State should develop a CHIPS program for
10 code enforcement so that all municipalities will
11 have the resources necessary.

12 CHIPS, for those who do not know, is one of
13 the programs that the State has to provide funds for
14 repair of streets and roads.

15 That's a commitment that's made every year,
16 it's in the budget.

17 We should do the same for code enforcement.

18 We must also consider the law as it stands.

19 Often, an overworked building department will
20 not know about the problems until they're big
21 problems.

22 Tenants are reluctant to complain for two
23 reasons:

24 First, they are fearful of retaliation and
25 eviction.

1 Second, they're afraid that if code
2 enforcement does inspect the property, the property
3 will be condemned and they will have no place to
4 live.

5 One solution, and this is just a step, would
6 be to have a requirement of a new certificate of
7 occupancy when any property is transferred. This
8 should at least apply to multifamily residences.

9 When I started practicing law many years ago,
10 we had this requirement in the city of Newburgh:
11 Banks would not close on loans if there was a no --
12 if there was no new certificate of occupancy.

13 This requirement should be a state
14 requirement.

15 I believe this would pay for itself, because
16 there would be a charge from the local
17 code-enforcement people, that would pay for the --
18 the people to come by for the inspection.

19 And this way -- this way, we don't just wait
20 at the end, till the roof is falling down, where, at
21 least, each time we do things.

22 Sometimes they'll be in better neighborhoods
23 where the only thing is -- or -- or the house is
24 fine, but we have to do sidewalks.

25 But at least by doing this on a regular

1 basis, we just don't wait till the end when the
2 building is falling down.

3 Senators, I hope that when you finish these
4 hearings and produce a report, you will recommend
5 important reforms.

6 Code-enforcement problems are not -- as you
7 know, are not restricted to any one part of this
8 state.

9 I look forward to working with you and the
10 Assembly to address this pressing problem.

11 Thank you for letting me participate in this
12 hearing.

13 SENATOR SKOUFIS: Thanks, Assemblyman.

14 Assemblyman Zebrowski.

15 ASSEMBLYMAN KEN ZEBROWSKI: Good morning,
16 Chairman Skoufis, Chairman Kavanagh, to the other
17 members, the senators, of the substantive and
18 investigative committees.

19 Thank you for allowing me to be here today to
20 share some of my thoughts and experiences as an
21 Assembly Member who's been involved in these issues.

22 I've represented Rockland County for the past
23 12-plus years; specifically, the towns of
24 Clarkstown, Haverstraw, and a few of the villages,
25 and the town of Ramapo.

1 As you know, we have a system where local
2 governments enforce the uniform fire prevention and
3 building codes.

4 This locally-driven model requires that
5 municipalities employ individuals who inspect
6 buildings and issue violations, and the municipal
7 court system adjudicates these violations.

8 The State has broad authority over the
9 administration and enforcement of the code by local
10 governments in Section 381 of the Executive Law.

11 The State provides for training and
12 certification of code-enforcement officials,
13 inspection procedures, and fees; however, code
14 enforcement varies widely between municipalities,
15 and the State rarely gets involved to ensure proper
16 administration of the law.

17 I've seen a breakdown of code enforcement in
18 Rockland County with a proliferation of illegal
19 structures, including housing and schools.

20 There are hundreds of examples in
21 Rockland County where the failure of proper code
22 enforcement has led to situations, such as, 20 or
23 more individuals living in a single-family home,
24 schools without certificates of occupancy that are
25 operating today as we have this hearing, housing

1 developments that are built significantly outside of
2 the scope of site plans.

3 And many people in Rockland County look at
4 these municipalities and ask, how did we get here?

5 And the fact of the matter is, it's a slow
6 process where a culture of non-compliance is created
7 and eventually becomes the norm.

8 There are two types of recalcitrant
9 municipalities in terms of code enforcement: Those
10 who lack capacity and those who lack a desire.

11 Some municipalities choose to bend over
12 backwards to work with landlords and property owners
13 who are in violation of the uniform code.

14 And although municipalities should work with
15 some properties who are in violation to come into
16 compliance, there must be an understanding that the
17 municipality will pursue legal remedies, swiftly and
18 strictly, to ensure safety and compliance.

19 Without enforcement credibility, there is
20 widespread non-compliance in many municipalities.

21 Temporary certificates of occupancy can
22 continue for years, court cases adjourned
23 continuously until the property seemingly falls
24 through the cracks.

25 A recent example in Rockland is a school that

1 was issued a temporary certificate of occupancy
2 while they worked towards a permanent structure.

3 Their temporary CO expired, but they
4 continued to operate on the property.

5 Literally, years went by, with little action
6 by the municipality.

7 Finally, after pressure and media accounts,
8 the Town petitioned the Court to issue an order to
9 vacate the premises.

10 This is a tool local governments can use,
11 obtaining a judicial order to vacate a premises
12 until the property comes into compliance, and, let's
13 understand, become safe.

14 Despite the Town obtaining the order from the
15 Court, to this day there's been no action upon it.

16 Non-compliance continues, the culture of
17 non-compliance is solidified, and there is sense --
18 there becomes a sense that it's easier to ask for
19 forgiveness than for permission.

20 And while have I concerns countywide, I've
21 worked extensively with the department of state over
22 the past six years, asking for intervention in two
23 specific municipalities: the town of Ramapo and
24 village of Spring Valley.

25 I have written 13 letters to the department

1 of state, spanning two different secretaries of
2 state, urging the department to use their authority
3 in Section 381 to take unprecedented action to
4 correct what I describe as a pervasive lack of code
5 enforcement.

6 The department took a deliberative approach
7 at first, by opening informal investigation,
8 conducting site visits to municipalities, visiting
9 specific properties, and interviewing local
10 officials.

11 After their initial investigation, and
12 finding such failures as, not conducting regular
13 inspections, not maintaining proper records, other
14 inappropriate conduct, including a building
15 inspector convicted on criminal charges related to
16 their official duties, the department issued orders
17 to both the Town of Ramapo and Village of
18 Spring Valley, citing deficiencies in their building
19 departments, and ordering the municipalities to
20 immediately cure the violations.

21 Eventually, the department appointed two
22 state employees as oversight officers to each
23 municipality to oversee their building departments.

24 While I initially celebrated this action,
25 I can testify today before your committees that the

1 State's intervention fell far short of my
2 expectations, and the expectations of the
3 firefighters and community activists I work with.

4 While they may have instituted better
5 procedures, protocols, computer systems, they have
6 failed to change the culture of non-compliance.

7 I'll give you one example.

8 My office and the Illegal Housing Task Force
9 came across a group of trailers that were,
10 literally, plopped on a piece of property in
11 Rockland County and were being used as a school for
12 several hundred students.

13 Water was being provided by a hose from an
14 adjoining property, and electric was, literally,
15 rigged from the next-door property as well.

16 To say these trailers were out of compliance
17 would be a gross understatement.

18 Now, instead shutting this dangerous system
19 down, working to ensure that these children are in
20 other school systems, and treating it as the safety
21 crisis it is, the monitors worked with the property
22 owners to make sure that they -- what they met, what
23 they determined, to be the bare-minimum standards.

24 The bare-minimum standards should not be good
25 enough for children that are learning in this state

1 and in our county.

2 You know what the bare minimum included?

3 These trailers were supposed to have a
4 sprinkler system to meet the code.

5 Because there was no sprinkler system, a fire
6 hydrant was necessary to be in close proximity to
7 the school.

8 The monitor worked with the property owners
9 to install a temporary fire hydrant in order to meet
10 this code; however, this fire hydrant was
11 non-functional, as was found out by the local fire
12 departments.

13 I believe it was because of pressure
14 problems.

15 However, to this day, how a non-functioning
16 fire hydrant can meet the code specifications,
17 literally, shocks me as a legislator that has been
18 involved in this issue.

19 If this is the type of enforcement landlords
20 can expect, why would anyone spend the money
21 necessary to build an appropriate school?

22 Just throw up the cheapest structure
23 possible, and if you get in trouble, work with
24 whoever is in charge to comply with the loopholes
25 and some patchwork fixes.

1 Well, I can tell stories all day.

2 I do want my testimony to focus on some of
3 the concrete bills and regulations that can be
4 changed in order to tackle this issue, and I'll just
5 run through a few.

6 It should mean something to alter a structure
7 in a way that threatens the lives of residents and
8 firefighters.

9 There's Assembly bills pending, 1797, 2128,
10 3343. They increase fines, they set minimum fines,
11 and they create criminal penalties for behavior that
12 create a hazardous condition that can result in
13 injury or death to first responders or residents.

14 A1906, overhauls the school-inspection
15 process.

16 Current rules and regulations go back
17 decades, they provide no meaningful oversight, and
18 allow unqualified people to conduct inspections.

19 A1976, properties that do not comply with
20 zoning codes should not be allowed to have
21 tax-exempt status by the municipality or the State.

22 A3800, the County of Rockland should be able
23 to put unpaid housing violations on property tax
24 bills to ensure compliance.

25 In an era of LLCs, changing ownership, the

1 property tax bill is the safest way -- is a failsafe
2 way to get fines paid, and strict fines can lead to
3 actual compliance, which is what we're looking for.

4 Many of these bills are sponsored by members
5 of your panel, Senator Carlucci, Senator Skoufis,
6 and others, but they've not gotten over the finish
7 line yet.

8 I request your help in getting legislation
9 like this to the top of our list in the Legislature.

10 I do want to touch briefly on the department
11 of education, because, as I said, in my county, a
12 lot of times we're talking about schools, where
13 children learn, right now.

14 We've had a collaboration to overhaul the
15 private-school fire-inspection process.

16 I want to commend Commissioner Elia and her
17 staff who have taken this issue seriously and worked
18 to improve an outdated and ignored system.

19 We started this process after a fire in
20 Rockland County, one that, when the firefighters
21 went in, deplorable conditions were found.

22 After the firefighters came to my office,
23 I asked for a fire-safety inspection report from the
24 school, which is something that's required to be
25 filed annually by all of these schools.

1 And what we find -- found out was, not only
2 was this report not filed in the department of
3 education, it wasn't conducted.

4 And, quite frankly, schools are either
5 sending these reports up to the State, or they
6 weren't.

7 They were either put in a filing cabinet, or
8 they weren't.

9 There was, literally, no enforcement related
10 to these type of inspections.

11 Because of this process and this instance, we
12 have completely overhauled this process.

13 The department now tracks these reports.

14 They send out reminders and delinquency
15 notices, and enforces non-compliance.

16 But what we need to do is to give the
17 commissioner more teeth, specifically authorizing
18 her to order the inspections when a school refuses.

19 As I said earlier, A1976 would achieve that.
20 And I believe Senator Carlucci is the sponsor of the
21 bill in the Senate.

22 In conclusion:

23 This issue is complex.

24 Lax code enforcement can both ruin the
25 quality of life of a neighborhood and also threaten

1 the safety of residents and first responders.

2 It preys upon vulnerable populations, and it
3 rewards irresponsible behavior.

4 Landlords and building owners who skirt the
5 building codes should be held accountable with
6 specific enforcement action that results in
7 meaningful penalties that include bringing the
8 property up to compliance.

9 There are many critical players in the
10 code-enforcement system, and a breakdown at one
11 level, any level, can lead to this culture of
12 non-compliance.

13 Oftentimes, multiple layers of enforcement
14 can become lax. Everyone involved blames each
15 other.

16 Buildings inspectors must diligently inspect
17 properties regularly and cite violations.

18 Local prosecutors should be aggressively
19 ensuring that dangerous conditions do not linger and
20 that building owners are held accountable.

21 And even judges need to adjudicate cases
22 quickly, and ensure that these cases are adjudicated
23 in a manner that acts as a deterrent, and not just
24 the cost of doing business.

25 Not just a \$250 compromise or order.

1 What does that do for a building owner when
2 there's an unsafe condition?

3 And, lastly, I want to say, local elected
4 officials must create a culture where code
5 enforcement is a priority, and the culture and the
6 municipality is one where non-compliance will not be
7 tolerated.

8 Part of this can be fixed by legislation,
9 I mentioned above, and other bills we could draft
10 and work on together. But some of it can't be fixed
11 by legislation.

12 If those that are charged with enforcing the
13 law, prosecuting the crimes, and adjudicating the
14 cases do not push for a culture of compliance, all
15 the legislation in the world will still leave a
16 gaping loophole.

17 Some of you know that I'm running for
18 district attorney, and I'm not here to talk about my
19 candidacy, but one issue really is relevant to this
20 discussion.

21 Many people do not realize that enforcement
22 of these laws lies, actually, with the district
23 attorney's office, and they deputize the
24 municipalities in order to do that process.

25 I've pledged, and other district attorneys

1 around this state should do also, to no longer
2 automatically deputize all of these municipalities
3 to conduct these prosecutions.

4 There should be an annual review of the
5 system and intervention where necessary.

6 The State of New York also needs to
7 understand that the buck stops with them.

8 It may be difficult, it may take additional
9 personnel, it will certainly lead to local
10 controversies, but the state must properly assume
11 its role in this process.

12 We need a robust process, where
13 municipalities are properly trained, and properly
14 investigating, to ensure the safety of the public.

15 I fear a day will come where we have a
16 tragedy.

17 And, afterwards, there will be a big press
18 conference, with calls for change in oversight.

19 But if that day comes, we will all know that
20 we had the opportunity to prevent that tragedy, but
21 we turned the other way.

22 I want to thank you, Chairman Skoufis,
23 Chairman Kavanagh, all the members that are here
24 today, because you're not turning the other way, and
25 you're giving this issue the attention it deserves.

1 I pledge my collaboration with all of you to
2 change the culture of compliance in New York State.

3 Thank you.

4 SENATOR SKOUFIS: Thank you, Assemblyman, for
5 that illuminating testimony.

6 I just have a couple of questions, if I may,
7 and then I'll turn it over to any colleagues that
8 have questions.

9 You know, the department of state is here, we
10 will be hearing from them later.

11 You touched on the fact there was a state
12 monitor sent to the town of Ramapo.

13 Did you have any interaction with that
14 monitor while she was there?

15 Can you talk a little bit about, you know,
16 how that relationship worked, if it worked at all?

17 ASSEMBLYMAN KEN ZEBROWSKI: Minimal, minimal.

18 I envision, and the activists and the fire
19 departments envisioned, a robust collaborative
20 process, where complaints could be filed, there
21 could be collaboration, discussions, about what
22 they've seen.

23 We really have to rely on the first
24 responders in our counties.

25 And, I don't want to speak for them. I think

1 some of them may be here later.

2 But I can speak for my collaboration, the
3 meetings I had with them, and suggest to you that
4 there was very minimal, if not any, real
5 collaboration with the monitors there.

6 The only real meetings I ever had were
7 meetings where the department of state would --
8 I can think of one in my office where they brought
9 the monitors forward.

10 And that just led to a situation where, quite
11 frankly, they were in the building departments, like
12 I said, they made some changes, but there was not
13 the type of, like, robust dialogue that would have
14 been helpful in the county.

15 SENATOR SKOUFIS: Okay. Do you think the
16 monitor was prematurely removed?

17 ASSEMBLYMAN KEN ZEBROWSKI: Yes, absolutely.

18 I don't think that we could -- that you could
19 pack up and say the problems were solved.

20 And, certainly, you couldn't do that without
21 sort of having discussions with our local fire
22 officials who are, literally, out responding to that
23 whistle every day and seeing these conditions.

24 SENATOR SKOUFIS: You touched on another
25 issue that, quite frankly, you know, I and we had

1 come to learn, just as part of this investigation,
2 which is that DAs annually waive this authority,
3 as you mentioned, to prosecute code enforcement.

4 I was pretty shocked to learn that.

5 Why do you think most, if not all, DAs,
6 including the Rockland DA, waive that authority?

7 ASSEMBLYMAN KEN ZEBROWSKI: Tradition.

8 It's historically how it's been done.

9 As you know, everybody is sort of pushed and
10 pulled by budgets, and things like that.

11 And so it's just been something that has not
12 been seen as under the purview of the district
13 attorney's office.

14 However, they have the expertise, they have
15 the logistics, and, really, they have the know-how
16 in order to make sure that these cases are truly
17 prosecuted.

18 As I said earlier, it's like it's not just
19 the inspectors, but, like, after that, you have to
20 have -- you have to have prosecutors and judges that
21 are making sure that the cases just aren't adjourned
22 for months and months, years and years; that the
23 properties are, literally, what you're asking of the
24 judge, is that they be brought up to compliance, not
25 just a \$250 fine.

1 What does a \$250 fine do for a structure?

2 So I think that that is a key component, that
3 district attorneys across the state should sort of
4 be having an annual review process.

5 SENATOR SKOUFIS: And I appreciate that.

6 ASSEMBLYMAN JONATHAN JACOBSON: And I just
7 want to mention that most of the fines are, for
8 example, \$250 a day.

9 And what we should make it, so that the rules
10 for evidence and to prosecute are easy, so that
11 if -- if the inspector goes there on day one, takes
12 pictures and has proof, and then goes back on
13 day 20, and nothing has changed, now it's 20 days.

14 Now it's a \$5,000 fine, plus to get it done.

15 But too often there's only the fine with,
16 really, no teeth into making sure that the repairs
17 are done.

18 So you have to look at both ways and make
19 sure that the process works.

20 SENATOR SKOUFIS: Well, what we found is
21 that, you know, on the onset, it is a 250 -- up to a
22 \$250 fine under state law, and then up to \$1,000 per
23 day, subsequent, to not curing that deficiency.

24 But, you never see that actually implemented;
25 right?

1 So we will talk a little bit more about that
2 with other witnesses.

3 I'm good.

4 Anyone else?

5 Yes, Senator Carlucci.

6 SENATOR CARLUCCI: Well, thank you.

7 Well, thank you, Assemblyman Zebrowski and
8 Assemblyman Jacobson for the testimony. It's very
9 helpful.

10 And thank you to the committee for being
11 here.

12 So, a few things.

13 We talked about the judicial system, and
14 I know that's been a frustration of ours for a long
15 time.

16 What type of recommendations do you think we
17 could make in terms of making sure we have more
18 accountability on the judges?

19 Like we said, \$250 a day, \$1,000 a day, a
20 \$30,000 fine gets let go at \$250.

21 So there's no real incentive.

22 We found that maybe statute of limitations, a
23 requirement to speed up these cases.

24 Do you have any insight on that or thoughts
25 on what we could do to try to hold accountability?

1 I know we have members from the Illegal
2 Rockland Housing Task Force, and they sometimes go
3 to the court to try to just put that presence and
4 that reminder to the judge, that there's an impact,
5 that there's a face to this problem.

6 Do you guys have any thoughts on that?

7 ASSEMBLYMAN KEN ZEBROWSKI: Yeah, a few
8 things.

9 Certainly, I respect the purview of judges
10 and their role within the process.

11 I think there's some things we can do within
12 the law, minimum fines, requiring that there be set
13 structures for unsafe properties, so that there's,
14 like, a given, sort of, road map that judges have to
15 follow.

16 But also I think, as I said, the State needs
17 to be looking holistically at these situations in
18 these counties, and recognizing where properties are
19 remaining in non-compliance for years, and,
20 literally, step in and have much more robust
21 oversight and input into this process, because, as
22 I said, everybody sort of points the finger at
23 somebody else.

24 The inspectors say, Well, I brought the
25 violation, but the prosecutors didn't prosecute.

1 They say, Well, you know, the judges never go
2 for that type of thing.

3 The judges say, Well, the prosecutors don't
4 really ask for compliance. They only ask for the
5 fines and they consent to the adjournments.

6 So it's really tough to figure out where
7 along that line the truth is.

8 So I really think the State needs to have a
9 far more robust process in terms of overseeing these
10 municipalities and ensuring that doesn't happen.

11 ASSEMBLYMAN JONATHAN JACOBSON: If the
12 landlord looks at this as purely a business
13 situation, it might be cheaper to pay the fine.

14 So I think we have to change the law, that
15 would allow the State or the local municipality to
16 come in, make the repairs, and then put that as a
17 lien on the property.

18 Because we have to remember, the reason we're
19 repairing this is not because we have a code.

20 We're repairing it because of the people that
21 live there.

22 So I think, ultimately, we might have to have
23 the power where you come in and step in and get it
24 done.

25 Now, unfortunately, Newburgh or Poughkeepsie,

1 we don't have the money to go in and make the
2 repairs, so now you are in a catch-22.

3 So you want to make sure that there is the
4 authority to do the repairs, but that the State
5 comes in, there's money to do it, so that the
6 landlords know there's going to be this lien on the
7 property. And then you can foreclose on a lien, and
8 so forth.

9 But it has to be more than just the fine, and
10 just making it that it's a business deduction for
11 these landlords.

12 SENATOR CARLUCCI: You know, one of the
13 things we talk about, and was mentioned, is about
14 this culture; the culture of leniency, of not having
15 strict compliance.

16 And we talk about the DAs around the state
17 waiving this right to prosecute code-enforcement
18 penalties.

19 And we've been talking about it, the
20 committee very concerned about this issue.

21 And I think it speaks to the fact that this
22 is not a priority, and we have to change that
23 because it will be devastating. Right?

24 The DA will move in when there's a fire and
25 someone was killed, but they weren't there in the

1 first place to prevent it from happening.

2 How would you feel about possible legislation
3 restricting a district attorney's ability to
4 unilaterally waive that right to prosecute
5 code-enforcement penalties?

6 ASSEMBLYMAN KEN ZEBROWSKI: I think you're on
7 the right path.

8 We'd have to work with the district
9 attorneys' offices and the county executives and the
10 legislatures to ensure that the personnel is there
11 and that the logistics are there, so that they do
12 it.

13 But we should certainly be looking at the
14 situation to figure out, how can we encourage the
15 district attorneys' offices, either through a
16 requirement or through increasing their ability,
17 because I do believe that they have far more
18 expertise in this process.

19 Like I said earlier in my testimony,
20 sometimes it's lack of desire, sometimes it's a lack
21 of capacity.

22 So sometimes it may just be assistance and
23 logistical help to the town or village attorneys.

24 Sometimes it may be actual intervention and
25 taking it over themselves.

1 SENATOR CARLUCCI: And then, just last
2 question: In regards to the monitor, and I know
3 we've worked closely on this together, but, for the
4 committee, would you be able to give us, if we were
5 able to get the monitor back in Ramapo, what would
6 be the recommendations in terms of how we can
7 improve that process?

8 ASSEMBLYMAN KEN ZEBROWSKI: Well, first off,
9 I would suggest that we -- we need to ensure that
10 they are meeting with, sort of, the Illegal Housing
11 Task Force, with the fire departments, that there is
12 a regular set of communication, weekly, biweekly,
13 whatever works, taking into complaints.

14 We should almost have a checklist of these
15 things we've talked about, everything from, how many
16 temporary COs? how long are they on the books?

17 Let's get them down.

18 What happened to allow something to be
19 operating as a school with a temporary CO for a
20 year, two years, three years?

21 We need like almost a checklist, a road map,
22 of where we're going and when we'll feel
23 comfortable.

24 We need to involve the county fire
25 coordinator, all the fire chiefs.

1 That's the type of process I envisioned on
2 the front end.

3 SENATOR CARLUCCI: Well, there's more
4 transparency, with the public, with the
5 stakeholders, to know, exactly, what is the monitor
6 doing on the ground?

7 ASSEMBLYMAN KEN ZEBROWSKI: Yeah, our first
8 responders know the problems, they know the
9 properties.

10 They're just not really being asked or
11 collaborated with in terms of fixing those problems.

12 SENATOR CARLUCCI: Okay. Thank you.

13 Thank you, Chairman.

14 SENATOR SKOUFIS: I failed to recognize that
15 Senator Liz Krueger has joined us, representing
16 Manhattan.

17 Do you have a question?

18 SENATOR KRUEGER: I do, thank you.

19 SENATOR SKOUFIS: Okay, great.

20 SENATOR KRUEGER: Thank you both so much for
21 your testimony this morning.

22 And we had a different housing hearing last
23 night in Albany, and the last group of people to
24 come to testify were actually from Rochester, and
25 they were describing a code-enforcement crisis,

1 literally, for themselves.

2 And now I come to Newburgh, another section
3 of the state outside of New York City, and I hear
4 you testify, and even your recommendations.

5 And I just want to say, not only do they ring
6 correct, I think for the state of New York, I will
7 tell you that these would matter in New York City as
8 well.

9 When you pointed out, Assembly Member, that
10 we really need to be able to use the property-tax
11 section of law to collect fines, that is crucial in
12 New York City as well, because everything is owned
13 by an LLC. No one can figure out who's behind, or
14 even a member of, the LLC.

15 So the ability of a city as big as New York,
16 to figure out who you're penalizing for failing to
17 meet our building codes and having violations build
18 up, is enormous.

19 So, that makes so much sense for your
20 communities right here, as well as it would for the
21 city of New York.

22 I also want to ask, because I think the City
23 does believe it has a building-code enforcement
24 system in place stronger than most other parts of
25 the state, we fund ours using federal

1 community-development block grant funds.

2 Do you know how your communities or counties
3 are trying to fund their code-enforcement efforts,
4 and are they eligible, possibly, to draw down on
5 this source of funding as well?

6 ASSEMBLYMAN KEN ZEBROWSKI: I believe they're
7 funded mainly through local property tax and the
8 local budget.

9 It's a good question, Senator, I don't know
10 the answer to, whether or not they get grant funding
11 from the federal government. And, if they don't,
12 whether or not they should be availing themselves
13 and applying for that.

14 That's a good point.

15 And if I could just add to your first point,
16 it really is a statewide issue, and we should.

17 And we went through this process last year in
18 the Assembly, and they granted authority to only a
19 few municipalities to actually add the violations to
20 the property tax bill.

21 And I found it patently unfair.

22 Rockland County was one of those that was
23 excluded.

24 And, quite frankly, every municipality should
25 be handling -- should be given that tool. It's like

1 a tool in their box.

2 And why some municipalities should allow
3 that, and others, it just seems unfair to me.

4 SENATOR KRUEGER: Thank you.

5 ASSEMBLYMAN JONATHAN JACOBSON: The City of
6 Newburgh has attempted to have a landlord registry,
7 and there was pushback on that.

8 And one of the reasons you need a landlord
9 registry is, if you have a problem, you don't know
10 who the owner is. And the fire department or the
11 code-enforcement people need to contact the
12 landlord, and you don't have a phone number.

13 And so that's something that could be done,
14 that needs to be done, as well.

15 And it's -- it's -- the city of Newburgh is
16 different than, say, in where have you towns where
17 they don't think of code enforcement, because they
18 think they're in suburbs and they don't have
19 problems.

20 When you're in cities, you know you have
21 problems.

22 And, here, it's really lack of resources.

23 I believe there's a commitment, but not as
24 much. And it would be better when you have the
25 resources.

1 SENATOR KRUEGER: Thank you.

2 SENATOR SKOUFIS: Thank you.

3 Senator Kavanagh.

4 SENATOR KAVANAGH: I'll be brief.

5 I just -- first of all, I had the great honor
6 of serving in the Assembly for many years, and
7 particularly serving with Senator -- with
8 Assembly Member Zebrowski.

9 I did not overlap with Senator (sic)
10 Jacobson.

11 But welcome, both you, and thank you for
12 testifying today.

13 Just -- I -- I just want to follow up on this
14 issue of whether the government has the authority
15 and the resources to make repairs directly.

16 I mean, New York City, as Senator Krueger
17 mentioned, we have emergency repair program, where
18 the City will go in in egregious cases, after
19 attempting to get the landlord to do repairs in --
20 you know, in egregious cases, and make them
21 themselves, and then -- and then impose that as a
22 lien on the property owner.

23 Are you aware of -- are there any localities
24 in your jurisdictions or outside of New York City
25 within the state, that you're familiar with, that

1 have that authority or that run any kind of program
2 like that?

3 ASSEMBLYMAN JONATHAN JACOBSON: To make the
4 repairs?

5 SENATOR KAVANAGH: To make -- to actually
6 make emergency repairs, and then, you know, try to
7 get reimbursed for those (indiscernible).

8 ASSEMBLYMAN JONATHAN JACOBSON: Oh, to step
9 in?

10 SENATOR KAVANAGH: Yes.

11 ASSEMBLYMAN JONATHAN JACOBSON: No, I --
12 I haven't heard of that.

13 I mean, it only happens at the very end,
14 when -- it will happen when the building is
15 abandoned. It will happen when the City takes it
16 over for taxes.

17 And then because there was such a problem
18 with the City having to pay school taxes, we
19 established the land bank, and they will do things
20 before it gets resold.

21 But, generally, no.

22 SENATOR KAVANAGH: They're doing -- they're
23 doing -- at that stage, they're doing work directly
24 on the property, to shore it up, to make it
25 minimally safe, and then try to transfer it off

1 government ownership?

2 Is that --

3 ASSEMBLYMAN JONATHAN JACOBSON: I don't
4 believe so.

5 SENATOR KAVANAGH: Okay.

6 ASSEMBLYMAN JONATHAN JACOBSON: I mean,
7 I know that Chief Horton is here, and others from
8 the city of Newburgh. They can testify more.

9 SENATOR KAVANAGH: Okay.

10 ASSEMBLYMAN KEN ZEBROWSKI: I think there's
11 some tools within the condemnation process, for
12 really unsafe, crumbling-type, sort of, structures,
13 for lack of a better descriptive word.

14 I don't know if they have the tools within
15 what we see sometimes with, you know, 10 or
16 12 apartments, attics, unsafe exits.

17 We've had in schools dead-bolted doors, and
18 sort of things like that.

19 What their process is to go into those
20 structures, which, literally, aren't like crumbling,
21 but are set up in such a way that they are safety
22 risks to the people that are occupants and to the
23 first responders.

24 I'm not sure that they actually have that
25 authority.

1 ASSEMBLYMAN JONATHAN JACOBSON: I know on the
2 city council we had a vote to take down buildings,
3 because the building was going to collapse and
4 destroy the building next door.

5 But, usually, it only -- it's only when it
6 gets to that point.

7 SENATOR KAVANAGH: Right.

8 So I think, you know, Senator Jacobson, you
9 mentioned earlier, that one of the concerns that
10 folks have, when they're seeking to have codes
11 enforced in the places where they live, is that the
12 result may just be, you know, that the place is
13 condemned or there's an eviction order, and people
14 need to be removed.

15 So I think, you know, I hope today, from, you
16 know, witnesses we're going hear from, that we can
17 talk about the question of how to keep people in
18 place and keep their residences safe for occupancy,
19 rather than, you know -- you know, more drastic
20 means that end up, you know, hurting the very people
21 that we're trying to help.

22 But I appreciate your -- the testimony of
23 both you (indiscernible) today.

24 ASSEMBLYMAN JONATHAN JACOBSON: Because, when
25 you don't have enough housing, where are you going

1 put people?

2 And so you're in a catch-22, and they say,
3 Well, I'd rather survive where I got 'cause at least
4 I have a roof over my head. I don't have to -- at
5 least I know where I'm going to live, I know where
6 my kids are going to be. But I don't know what I'm
7 going to do if they come in and say, yeah, the
8 building is terrible, get out.

9 ASSEMBLYMAN KEN ZEBROWSKI: So, 100 percent,
10 Senator.

11 And I believe a lot of these landlords
12 actually have the funds and the money to make sure
13 that they're code-compliant.

14 But, instead, they don't, because it's
15 cheaper.

16 And you do see marginalized communities that
17 are sort of preyed upon, and they're afraid to file
18 complaints because they'll be retaliated against by
19 the landlords, collecting cash, and just forcing
20 people into deplorable conditions.

21 And if we all made this a priority, I think
22 we would make a lot of people's lives better.

23 SENATOR KAVANAGH: Thank you both.

24 SENATOR SKOUFIS: Thanks very much.

25 ASSEMBLYMAN KEN ZEBROWSKI: Thank you so

1 much, Senator.

2 SENATOR SKOUFIS: Next up, from the City of
3 Albany, will be Robert Magee, corporation counsel.

4 As you sit down, if I may, you know, my team
5 that has been working with these municipalities
6 tells me that the City of Albany has been
7 exceedingly cooperative, really above and beyond our
8 expectations.

9 And so I want to thank you personally, and
10 your city government, for your work, and viewing
11 this as an opportunity to really demonstrate to us,
12 what's working well, and how we as a state could be
13 more helpful.

14 So, thank you.

15 And if you may raise your right hand.

16 Do you solemnly swear that you will tell the
17 truth, whole truth, and nothing but the truth, so
18 help you God.

19 ROBERT MAGEE: I do.

20 SENATOR SKOUFIS: Thank you.

21 Welcome.

22 ROBERT MAGEE: Thank you.

23 And I wanted to thank you and the rest of the
24 committee, as well as Chief of Investigations
25 Mazzariello, Ms. DiBernardo, for all their help with

1 our participation in this investigation.

2 I want to thank you for the attention you're
3 focusing on this issue; I think it's really
4 important.

5 So, as you said, my name is Robert Magee.

6 I'm deputy corporation counsel for the
7 City of Albany.

8 Before I was in this role, I was -- I served
9 for three years as the director of buildings for the
10 City of Albany.

11 And in the time I've worked in code
12 enforcement, I've really seen our code-enforcement
13 officers, the people on the street, enforcing the
14 code on existing buildings, really doing some
15 incredible things.

16 I mean, they're routinely called to act
17 outside their job descriptions.

18 I've seen them shelter victims of domestic
19 violence.

20 I've seen them help navigate the channels of
21 bureaucracy for new Americans who have just come to
22 this country.

23 They've resolved disputes between neighbors.

24 And they do this on a routine basis.

25 And the services that they provide as

1 code-enforcement officers are critical for the
2 safety and health and well-being of New Yorkers,
3 particularly renters.

4 I want to, you know, reference the landlord
5 registration program that was just spoken about.

6 We've -- we implemented that in Albany in the
7 late '90s, and since then we've actually seen a
8 reduction of 50 percent of the instances of fire.

9 And that's a pretty, you know, solid
10 statistic that you can point to, but that there's
11 also a substantial benefit to letting
12 tenants/renters know that they have someone that
13 they can go to, who can put eyes on the conditions
14 that they're living in, and be a neutral third-party
15 witness in a court case.

16 And it is also, to a certain extent, a
17 service to landlords who may not be able to see
18 their property.

19 We are keeping an eye on their buildings,
20 we're letting them know about problems, and we're
21 working with them to get those problems resolved.

22 So I was very, very heartened to hear this
23 investigation was happening, and I'm really happy to
24 see this discussion is moving forward in the way
25 that it is.

1 And with that, I'll close, and just open the
2 floor to questions.

3 SENATOR SKOUFIS: Okay, great.

4 Thank you.

5 Do you require, in your registration -- your
6 landlord registry, to -- to sort of have LLCs
7 reveal who their owners are?

8 How do you treat LLCs in the city?

9 ROBERT MAGEE: So the LLC, on their
10 registration form, they'll need to appoint a
11 property manager. There needs to be some individual
12 that we can talk to.

13 So usually it will be, you know, the owner
14 will be, you know, 12 Main Street, LLC, it's
15 typical. And then you'll have, you know,
16 Albany Property Management, and there will be an
17 individual that we would contact, based on that.

18 And then, based on the information that's put
19 on that form, that person becomes someone that we
20 can provide formal notice of code violations, and
21 provide that person.

22 And that becomes kind of a jurisdictional
23 basis for the code-enforcement action that will come
24 later.

25 OFF-CAMERA SPEAKER: (Inaudible.)

1 ROBERT MAGEE: Yes.

2 SENATOR SKOUFIS: How often does your housing
3 court meet?

4 ROBERT MAGEE: Once a week.

5 SENATOR SKOUFIS: Once a week?

6 ROBERT MAGEE: Once a week.

7 On the third Thursday of the month, it
8 doesn't -- once a week, three times a month.

9 SENATOR SKOUFIS: Great.

10 One of the things that we found is, you know,
11 some violations across the state, quite frankly,
12 sort of languish in court for a long time.

13 And, you know, there are motions to adjourn
14 after motions to adjourn after -- and violations can
15 languish for, when -- we've found, for years,
16 literally.

17 Can you speak to that issue in the city of
18 Albany, and, perhaps, the scope of that problem?

19 And what, if anything, the City has done or
20 maybe you should be doing in that respect?

21 ROBERT MAGEE: Yeah, for the very difficult
22 code violations that we find, there's really, like,
23 there's either the very obstinate owner that doesn't
24 want to make a repair, or, it's an owner we can't
25 identify.

1 So, for vacant buildings that's a big
2 problem.

3 What we will do is, essentially, you know, we
4 move each case to a trial.

5 The trial happens.

6 If a case gets to trial, we're routinely
7 imposing, you know, ten to twenty thousand dollars
8 in fines.

9 And then, the next day, the code-enforcement
10 officer is back out there, sees it, and we start
11 that process again.

12 Once we take the judgment from a given trial,
13 though, you know, that gets filed as a lien against
14 the property.

15 And then that individual also gets kind of
16 blacklisted with the buildings department until the
17 situation is resolved.

18 So, if you own multiple buildings, and you
19 want to get a residential occupancy permit, which is
20 something you need to rent property, or if you need
21 to apply for a building permit, you can't get that
22 at the buildings department until you've work out
23 whatever the code violation you have on -- on your
24 other building is.

25 SENATOR SKOUFIS: What's the largest fine in

1 recent years that has been levied?

2 ROBERT MAGEE: Three months ago we got a fine
3 of \$45,000 for a very large vacant building.

4 But I think the highest I've heard of is
5 \$80,000.

6 SENATOR SKOUFIS: Okay. Thank you.
7 Senator Carlucci.

8 SENATOR CARLUCCI: Thank you, Chairman.
9 And, Mr. Magee, thank you for your
10 testimony today.

11 Now with those fines, was that -- did the
12 City of Albany collect the \$45,000?

13 ROBERT MAGEE: No.

14 As far as I know, no.

15 The way we manage enforcement in Albany, is
16 they actually get filed criminal fines, like a
17 speeding ticket.

18 And the fine is actually owed to the court,
19 so the money would come into the court.

20 But, if they had paid the fine, I'm sure
21 I would have heard about it.

22 SENATOR CARLUCCI: And with the landlord
23 registry, how have you found compliance with the
24 registry?

25 And do you have any teeth if you're unable to

1 get an owner or a building manager?

2 ROBERT MAGEE: Yeah, we do have a lot of
3 teeth, and I think it comes from two places.

4 We've had it -- we've had the process up and
5 running so long, that our, you know, department of
6 social services, and just the culture in Albany,
7 they know that, if you're renting, you need that
8 ROP, so people will ask for it.

9 But then, also, if a landlord wants to pursue
10 an eviction against a tenant, our court will not let
11 them do that until they've actually obtained an ROP.

12 So that's -- that's a good -- that's a good
13 sticking point.

14 And then, also, if we know a building is
15 being rented and they don't have an ROP, you know,
16 it gets cited as a normal code violation and it will
17 be subject to fines.

18 SENATOR CARLUCCI: And what would you say is
19 the biggest challenge in terms of code enforcement
20 for the City of Albany?

21 Is it the resources?

22 Is it the culture?

23 ROBERT MAGEE: I think it's always resources.

24 I mean, you can always use more eyes on the
25 street, that would be really important.

1 The problem that we have -- that our
2 code-enforcement officers find, actually, most
3 routinely, is being able to contact the owners,
4 especially for vacant properties.

5 But it --

6 SENATOR CARLUCCI: The biggest problem,
7 you're saying?

8 ROBERT MAGEE: Yeah.

9 So the situation with LLCs is finding
10 someone who will actually answer when you pick up
11 the phone or send a letter. That can be extremely
12 difficult.

13 SENATOR CARLUCCI: And so you're saying that
14 it's not necessarily you're having a compliance
15 problem on the actual apartments, but it's the
16 vacant buildings where you're unable to get
17 compliance with who owns this building?

18 ROBERT MAGEE: That's correct.

19 SENATOR CARLUCCI: So --

20 ROBERT MAGEE: I mean, when someone's --
21 yeah, when someone's at the property, they're
22 invested in it, and you can talk to that person.
23 They usually have an interest in getting it
24 repaired.

25 It was vacant buildings that can be a little

1 more difficult.

2 SENATOR CARLUCCI: Okay, so that -- so you --
3 would you suggest legislation that would require
4 transparency in terms of LLCs, to know who owns
5 these actual properties, have some sort of contact
6 information?

7 ROBERT MAGEE: Yes, (indiscernible
8 cross-talking).

9 SENATOR CARLUCCI: So even with the registry,
10 it's still a problem, but particularly on the vacant
11 properties?

12 ROBERT MAGEE: Yeah, that's correct.
13 And with LLCs, in particular.

14 SENATOR CARLUCCI: And then how about, in
15 terms of infrastructure, we know some
16 municipalities, as the Assembly Members had talked
17 about before, are using -- you know, they have the
18 resources, some don't. It varies dramatically
19 depending on priorities, depending on resources.

20 How do you track your cases?

21 Do you have the appropriate software?

22 Is that something that the State could help
23 with in terms of having a universal software
24 program, or helping municipalities to pay for that?

25 Could you talk about that a little bit?

1 ROBERT MAGEE: Yeah, so we actually
2 implemented a software system while I was buildings
3 director, and that was actually a huge boon to our
4 productivity, and our ability to track landlords and
5 properties across -- well, across -- track
6 properties across landlords.

7 I think a program that would help
8 municipalities do that, and a program that would,
9 you know, standardize how things were done, would be
10 extremely helpful.

11 SENATOR CARLUCCI: So you're talking about a
12 standardization of the type of software used in
13 these departments?

14 ROBERT MAGEE: Yes.

15 SENATOR CARLUCCI: Okay.

16 ROBERT MAGEE: Yes.

17 SENATOR CARLUCCI: And then
18 Assemblyman Jacobson had talked about a proposal,
19 and I wanted to hear your opinion, being the counsel
20 for the City, he had talked about this idea of not
21 being able to sell a property or transfer a property
22 until you have a CO.

23 Sounds good, but I know we would probably, in
24 the city of Albany, maybe have some issues with
25 that, with the amount of buildings that are vacant.

1 Have you thought about that proposal at all,
2 or could you speak to that?

3 ROBERT MAGEE: I have not thought about that
4 proposal at all.

5 I know that, you know, in Albany, anyway,
6 most of our buildings were built before COs were
7 issued. So that would be difficult in a lot of
8 those cases.

9 But I know, informally, a lot of that
10 happens.

11 I mean, we get a lot of inquiries from
12 realtors, people looking to buy or sell buildings,
13 looking to see if their building has a clean bill of
14 health.

15 And I think, you know, a formalization of
16 that process might -- would be useful.

17 SENATOR CARLUCCI: And then, last question:
18 In terms of funding code enforcement, do you receive
19 any support from outside of the city taxpayers?

20 ROBERT MAGEE: Yes.

21 So we have one of our code-enforcement
22 officers is funded through a block grant.

23 But, otherwise, the department actually is,
24 it's a revenue-generating department for the city,
25 through permit fees and our residential-occupancy

1 permit fee, and a couple of our other registration
2 programs.

3 SENATOR CARLUCCI: And can -- can -- you can
4 verify that, that it's actually -- is it making more
5 than it's actually spending?

6 ROBERT MAGEE: Yes.

7 SENATOR CARLUCCI: Okay.

8 Thank you.

9 SENATOR SKOUFIS: Next will be
10 Senator Kavanagh.

11 SENATOR KAVANAGH: Thank you.

12 I have a great many questions, but, given the
13 range of witnesses, I'll try to keep this brief.

14 Just, first of all, you said that, in Albany,
15 you require a residential occupancy permit in order
16 to rent housing to others; is that correct?

17 ROBERT MAGEE: Correct.

18 SENATOR KAVANAGH: Is that for any level, any
19 sort of size?

20 Like, if I have a single-family home and
21 I rent it out, I need a permit?

22 ROBERT MAGEE: Yes.

23 SENATOR KAVANAGH: Okay.

24 And you have high rates of compliance with
25 that?

1 ROBERT MAGEE: Yeah, I think, at any given
2 time, we've estimated we have, probably, around
3 85 percent compliance.

4 SENATOR KAVANAGH: How does -- how -- what
5 is -- what are the implications -- what are the
6 consequences of renting housing without having a
7 residential-occupancy permit in place?

8 ROBERT MAGEE: The concrete one is that, if
9 you try to evict one of your tenants, you won't --
10 our City Court won't let you actually process that
11 eviction until you've obtained the ROP.

12 But, also, it's something the tenants know to
13 ask for.

14 So if you're looking to rent an apartment,
15 often the tenant will know to ask for it.

16 And it's just a tool the tenants can use to
17 ensure that, you know, the buildings that they're
18 living in are in compliance with the building code.

19 SENATOR KAVANAGH: Okay.

20 And the -- the 15 percent, roughly -- rough
21 figure, that are not compliant, is that concen --
22 I mean, do you -- does it tend to be landlords that
23 are otherwise not compliant, or is it just sort of
24 spread (indiscernible) people?

25 ROBERT MAGEE: I think it tends to be lapses,

1 that would -- that -- that -- yeah, it tends to be
2 people who have forgotten to renew it.

3 The way -- I mean, I wasn't there when it was
4 passed, but, the renewal period is every
5 2 1/2 years, and that can be difficult for folks to
6 remember, that they need to renew it.

7 But if they don't renew it, they get a
8 reminder notice.

9 Usually they -- they'll come into compliance,
10 eventually.

11 SENATOR KAVANAGH: And is that -- and that's
12 pursuant to local law --

13 ROBERT MAGEE: Correct.

14 SENATOR KAVANAGH: -- to the city -- to the
15 city law?

16 Okay.

17 And just on the -- just to follow up on
18 Senator Carlucci's questions, can you give us a
19 sense of the scale of the -- of the spending on your
20 code-enforcement operation, and the amount of
21 revenue that's being generated?

22 ROBERT MAGEE: I can provide specific numbers
23 later.

24 I want to say, we spend about 1.2 million per
25 year, and I think we bring in around 1.8.

1 But I -- it's in our budget, I can provide
2 that information.

3 SENATOR KAVANAGH: Okay.

4 Yeah, we would appreciate more specifics.

5 And if there is any breakdown as to, sort of,
6 what the -- you mentioned various -- and you
7 previously mentioned various sources of that, if you
8 could give us a sense of what the breakdown is of
9 the 1.2 and of the 1.8, that would be appreciated.

10 ROBERT MAGEE: Absolutely.

11 SENATOR KAVANAGH: Thank you.

12 SENATOR SKOUFIS: Senator Biaggi.

13 SENATOR BIAGGI: Oh, thank you,
14 Senator Skoufis.

15 Thank you very much for being here with us
16 today.

17 I want to, I think, start from the top.

18 And, you know, you listed lots of different
19 issues, and since you are the corporation counsel,
20 I think it's good to look at this from a legal
21 frame.

22 So if you could rank the issues in order of
23 priority for the Legislature, how would you rank
24 them?

25 ROBERT MAGEE: Well, I'm -- I have to admit

1 to not being fully versed on what's on the
2 Legislature's plate right now.

3 But I think, in terms -- I understand that
4 there's a lot of legislation that is out there, that
5 will stabilize landlord rental relationships, some
6 protections that tenants can have to stay in their
7 apartments.

8 I think that's really important.

9 One of the things, the problems that we face
10 in Albany, is that, especially in neighborhoods that
11 have a high rental population, is there's a
12 population turnover.

13 And there's a population turnover, so
14 neighbors don't get to develop relationships with
15 one another. They don't learn to advocate for
16 themselves before us.

17 And I think anything that the State can do to
18 help keep people in their homes will help us with
19 code enforcement.

20 I think those two things are tied very, very
21 closely.

22 I'm not sure to where to rank this, but
23 I think it would be great if the State of New York
24 had a statewide plumbing and electrical licensing
25 system.

1 Right now, that's done by municipality, and
2 the result, I think, is just a lack of availability
3 of electricians and plumbers.

4 And that's very critical when you're facing,
5 especially in an unsafe/unfit situation, where you
6 have identified faulty wiring.

7 So that's one of our -- the most common
8 issues in which we'll issue an unsafe-and-unfit
9 order, meaning, it's condemnation order, saying that
10 people aren't able to live there.

11 It will be faulty electrical systems.

12 And those buildings will be out of commission
13 for weeks because people can't find a licensed
14 electrician to do the work.

15 So if -- you know, the more licensed
16 electricians we can have, the better.

17 SENATOR BIAGGI: Okay, thank you.

18 You mentioned also that, you know, each year
19 there's a whole host of LLCs that are unable to be
20 identified.

21 And I think that that seems to be the common
22 theme, and I will predict that it probably will be
23 the theme throughout the rest of the day.

24 In Albany, how many LLCs per year do you
25 estimate you're unable to identify an individual

1 that you can be in touch with?

2 And do you think that that is one of the
3 reasons why there's such a large number of vacant
4 properties that just stay condemned?

5 ROBERT MAGEE: Yeah, it's hard to even put a
6 number on it.

7 But it would probably -- when you're talking
8 about vacant buildings, probably on the order of,
9 like, 150 to 200 --

10 SENATOR BIAGGI: A year?

11 ROBERT MAGEE: Yeah.

12 -- are owned by LLCs, so we can't reach
13 them, can't reach -- you know, reach anybody.

14 Among rental properties, what we've done
15 through State, the Attorney General's Office,
16 actually, is we have access to a program called
17 Building Blocks, and that's enabled us to use data
18 to kind of suss out actually who's behind LLCs, in
19 particular, by grouping them by their contact
20 information.

21 So, if all these LLCs have a common PO Box,
22 for instance, if we know who is responding at
23 12 Main Street, we'll know who will respond at
24 18 Main Street.

25 So, that's been helpful.

1 SENATOR BIAGGI: So what do you do when you
2 can't get in touch with an owner of a property;
3 what's the next step?

4 ROBERT MAGEE: Well, we -- so, yeah, so we go
5 based on the tax information.

6 We send out the notice of violation. That
7 gets kicked back.

8 If we -- then we do an informal search on our
9 records.

10 Sometimes someone's applied for a permit
11 somewhere else and used another address. And then
12 we go there.

13 Once we've exhausted our internal records,
14 we'll talk to our police department. They have
15 access to databases that we don't.

16 If they're not able to contact anyone, then
17 we have a private-investigator firm that we use.

18 If they're not able to find anyone, we kind
19 of just start the process over again.

20 SENATOR BIAGGI: I mean, how helpful is it to
21 be able to access the tax records?

22 Because, presumably, the owner is paying
23 taxes on the property.

24 So if -- by accessing the tax returns on the
25 property, would you think that that's a good legal

1 mechanism?

2 ROBERT MAGEE: Yeah, I'm sure, if the taxes
3 are being paid, absolutely.

4 I mean, one of the things we find with vacant
5 buildings in particular, is the property-contact
6 address will be that property.

7 So, I mean, it wouldn't be a silver bullet,
8 but it would definitely be helpful.

9 SENATOR BIAGGI: Okay.

10 And last question, it kind of goes back to
11 what you were talking about earlier:

12 You mentioned ROPs?

13 ROBERT MAGEE: Uh-huh.

14 SENATOR BIAGGI: And you said that tenants
15 know about these, or they know to ask about these,
16 from their landlords.

17 So I think one of the issues that I see, at
18 least, in the district that I represent in
19 The Bronx, mainly, is that a lot of tenants don't
20 know their rights or don't really know what to ask
21 for.

22 So why do the -- or, how, rather, I should
23 say, how do the tenants in Albany know about this,
24 and what have you done to raise awareness?

25 ROBERT MAGEE: Uh-huh.

1 Well, our code enforce -- I mean, our
2 code-enforcement officers are in the field all the
3 time, so they're talking to tenants and they're well
4 versed on it.

5 We're lucky to have really good advocacy
6 organizations. You're going to hear from Laura,
7 United Tenants; we have Legal Society of
8 Northeastern New York; and a couple other
9 organizations, that are really out there in the
10 community, telling people about these sorts of
11 things.

12 It's also -- you know, the information is
13 available on our website.

14 Yeah, those are the main ways
15 (indiscernible).

16 SENATOR BIAGGI: That's helpful.

17 That was mainly a selfish question of how
18 I can do better in The Bronx.

19 Thank you very much.

20 ROBERT MAGEE: Thank you.

21 SENATOR SKOUFIS: Thank you.

22 And Senator Krueger I know has a question.

23 SENATOR KRUEGER: Oh, thank you so much,
24 Senator Skoufis.

25 This is a great hearing this morning today.

1 Thank you very much for having this.

2 So you mentioned, I believe, that, in Albany,
3 you actually can stop landlords from eviction cases
4 or over -- or, charging rent, unless they've met
5 your requirements in code enforcement.

6 New York City also has that rule, although
7 not nearly enough tenants know about it.

8 Were you able to do that through a change in
9 city regulations?

10 Or, how did you put that into place?

11 ROBERT MAGEE: That predates me, but
12 I believe it came from an interpretation by our City
13 Court of our city code that the judges have upheld
14 since the program was put in place.

15 SENATOR KRUEGER: So, actually, so,
16 Senator Skoufis, for my colleagues, I think it's
17 important for all of us to realize that that is
18 another tool we can help our localities choose to
19 use for themselves, because, while I agree
20 completely about the importance of making people
21 register, actually Senator May has a bill that
22 requires, if we pass that, that a landlord must
23 provide every tenant with contact information of,
24 who are the owners of the LLC?

25 So there's -- as you're describing, they have

1 to register in the city.

2 They should register, but sometimes they
3 don't.

4 But if you actually require it, or we require
5 by law, that they have to provide that information
6 to tenants, that's another important tool.

7 But I think it's critical -- and so thank you
8 for bringing it up -- that, you know, it's a
9 contractual relationship between a landlord and
10 a tenant, whether it's residential or commercial.

11 And so, if one side isn't doing what they're
12 supposed to do, you can't penalize people in the
13 court system.

14 And so I do think that's an amazing tool, to
15 remind localities, or build into state law, that we
16 could ensure that every locality knows that they
17 have that option.

18 Thank you?

19 Thank you for your testimony.

20 ROBERT MAGEE: Thank you.

21 SENATOR SKOUFIS: Thank you very much for
22 your testimony, and your assistance over the past
23 many months.

24 Thank you.

25 ROBERT MAGEE: Everyone, have a good day.

1 SENATOR SKOUFIS: Next up will be
2 United Tenants, represented by Laura Felts.

3 (Inaudible) testified yesterday as well in
4 Albany, so thanks for continuing to share your
5 insight.

6 If I can ask to you raise your right hand.

7 Do you solemnly swear that you will tell the
8 truth, the whole truth, and nothing but the truth,
9 so help you God?

10 LAURA FELTS: Yes.

11 SENATOR SKOUFIS: Thank you.

12 LAURA FELTS: Thank you, folks, so much for
13 having me.

14 And to a couple of you, thank you for hearing
15 from me again.

16 Just 16 hours ago, I guess, I was seeing you
17 and speaking with you.

18 So my name is Laura Felts.

19 I'm the Homeless Prevention Program
20 Coordinator at United Tenants of Albany.

21 United Tenants is a community-based,
22 non-profit organization that's located in the city
23 of Albany.

24 United Tenants formed in 1973 in response to
25 poor housing conditions and the lack of code

1 enforcement in the neighborhoods of Albany.

2 Code-enforcement issues in rental housing are
3 of the utmost importance to the work that I do at
4 United Tenants every single day.

5 I've been with the organization for
6 four years, and in that short time I have attended
7 court with over 1,200 households, to stand with them
8 as they face the possibility of losing their home to
9 eviction.

10 An overwhelming number of those families live
11 in deplorable housing conditions.

12 The landlords that file the more than
13 5,000 eviction cases every year in Albany City Court
14 are predominantly not invested in the neighborhoods,
15 and as it stands now, they will continue to pursue
16 eviction every single time a tenant asserts their
17 right to a decent place to live.

18 I repeatedly watch landlords be granted
19 warrants of eviction in housing court, only to see
20 them walk down the stairs to appear or to pay a fine
21 in codes court for failure to repair the same
22 building from which they've evicted still another
23 family.

24 I believe that if a landlord is not making
25 repairs, they should not be eligible to receive a

1 warrant of eviction.

2 In the four short years that I've been with
3 United Tenants, I've attended court with so many
4 households cycling through the exact same horrifying
5 substandard apartment, that I can recite the issues
6 that are going to be on their code-violation report
7 upon simply hearing their address.

8 It's the same issues for the family going
9 through the same building.

10 I'm confident that the problem intrinsic to
11 this disturbing cycle cannot possibly lie with the
12 families that are renting.

13 More recently, in United Tenants' increased
14 communication and collaborative efforts with our
15 buildings department and our corporation counsel,
16 have I been shocked by the overlap between the
17 addresses on my caseload and property owners'
18 material non-compliance with housing codes.

19 For far too many rental-property addresses
20 that I read on violation lists or in codes court
21 calendars, a family's lived nightmare of a housing
22 situation comes to mind for me.

23 There is rain -- in people's bathrooms it's
24 raining.

25 Ceilings are falling down.

1 There's lead paint, mold, rot, floors
2 collapsing, boilers exploding, mice and rats and
3 bedbugs every single day, CO2 leaks, no egress in
4 people's apartments.

5 I can tell you one of my client's stories,
6 but I've decided, instead, that I'll just tell my
7 own.

8 I had insufficient heat in my apartment for
9 two winters.

10 When I say "insufficient," half of my
11 apartment hovered around 40 degrees.

12 I would get ready for work in the morning,
13 walk down to court to help people dealing with the
14 exact same issues that I was having, and my feet
15 would ache so badly, and I wouldn't be able to
16 really get warm until the morning was about done.

17 I had cut a substantial part of my index
18 finger off at a job and had it sewn back on in
19 Tennessee where I'm from.

20 I tell you this because the cold is pretty
21 unbearable if you've had a laceration and sustained
22 nerve damage.

23 Being home in the winter was awful.

24 I had squirrels living in my ceiling, digging
25 holes into my dropped-ceiling panel.

1 I had a toilet that was like an ancient
2 artifact, and the water would well up in it while
3 I was at work or while I was asleep, and, you know,
4 fill my bathroom floor, flood it.

5 I talked to my landlord about it, and he'd
6 stop by.

7 He'd agree that it was mighty cold. He would
8 jump at the amount of ceiling debris coming down.

9 He was obviously disturbed by the amount of
10 damage sustained by my bathroom floor, and he would
11 agree that it needed to be addressed.

12 I'll just say that nothing was ever done
13 about this until he sold the building.

14 And in the roulette that a building sale is
15 for a tenant, the buyer that came in, and he fixed
16 it all. He still hasn't raised the rent.

17 God bless him.

18 But let me tell you what would have happened
19 had I called code enforcement, and what, by the law,
20 and the system as it stands now, you know, how it
21 really would have gone.

22 Code enforcement would have issued an
23 unsafe/unfit order due to the lack of heat,
24 rendering me displaced.

25 At the moment now, the landlord is given

1 30 days to address that issue.

2 Maybe they'd give him an extension he'd
3 probably be entitled to if he hadn't offended
4 previously.

5 If he had a residential occupancy permit, or
6 "ROPs," like we've talked about, it wouldn't be
7 revoked. The law doesn't really allow for that
8 right now.

9 The time would go by, and if I hadn't cut my
10 losses yet and followed up, they might inspect
11 again.

12 If nothing happened and no action was taken
13 by the landlord, hopefully, the case would go to
14 court, but a lot of them really don't.

15 At no point do I have the right to take my
16 landlord to court to enforce my rights under our
17 contract, where he's to provide me a habitable home.

18 But don't worry, he's lost none of his power
19 to give me a 30-day notice.

20 He'll file for holdover, and maybe I'll claim
21 retaliation.

22 I pay my rent early every month.

23 He'll say anything at all to rebut that
24 presumption, and I'll be homeless, or, I could go
25 the route of holding back my rent.

1 My landlord will then have the right to sue
2 me for non-payment of that rent.

3 And if I'm given maybe a 15 percent rent
4 abatement, the amount of attorney's fees that he's
5 going to be granted for having sued me are going to
6 outweigh whatever abatement I might win.

7 In the four years that I've been at
8 United Tenants, not one of my clients has won a
9 retaliatory-eviction case.

10 I can't ask for a rent abatement in a
11 holdover proceeding. And if I ask for an injunction
12 or an order for repairs by the court, I'll be
13 completely ignored.

14 That's the story of my hypothetical call to
15 code enforcement had I gone that route.

16 The code-enforcement process, as it exists
17 now, is an underfunded, haphazard, systematically
18 ineffective means for dealing with the exploitation
19 by landlords of our decaying housing stock in our
20 population that, in Albany, is 60 percent renters
21 who face disproportionate levels of poverty.

22 Where code-enforcement cases do move forward,
23 the repeat-offender landlords in Albany clearly see
24 this process as a negligible cost of doing business.

25 United Tenants informs thousands of tenants

1 every year about their right to access the
2 code-enforcement system, which was put in place, in
3 part, to protect us from the very serious impacts
4 that code violations in housing can have on our
5 physical and mental health.

6 They find, again and again, that the system
7 fails us.

8 The system fails to deliver a true sense of
9 accountability to the entity in violation as any
10 effective enforcement process ought to do.

11 Today, nearly 50 years have passed since
12 United Tenants formed to respond to poor housing
13 conditions in Albany.

14 Our work has not decreased.

15 As representatives of our communities, we
16 hope you will do your part in implementing necessary
17 measures to address issues with code enforcement.

18 For us to achieve what I hope is a universal
19 goal of ours, to have fair and stable neighborhoods,
20 a person's right to a safe, decent place to call
21 "home" must be held as more sacred than one's right
22 to own and to profit off property.

23 To own property in our neighborhoods ought to
24 be seen as a privilege where exists a level of
25 standards, not a source of exploitative and easy

1 profit.

2 We need a code-enforcement system that
3 imposes real penalties, one that effectively
4 discourages repeat offenses, and one that ultimately
5 addresses the fruitful business model that is
6 disinvestment rental-property ownership.

7 Thank you.

8 SENATOR SKOUFIS: Senator Kavanagh.

9 SENATOR KAVANAGH: I'll be brief again,
10 because we have -- we're running a little behind
11 schedule, and we have many witnesses, and, also,
12 because I've had the opportunity here, this is two
13 days in a row, I've heard -- had the opportunity to
14 hear your testimony.

15 But just, can you -- I mean, as -- as has
16 been discussed, the purpose of this hearing is to
17 review the system, from the moment there is a
18 problem in the department, through adjudication and,
19 you know, court determinations, and, hopefully,
20 ultimately, through actually address -- you know,
21 addressing the physical problem on the ground in the
22 apartments.

23 Just -- but you talk -- you talked
24 particularly about the court process and the
25 eviction process.

1 Can you just -- are there -- from your
2 experience in court, are there particular rem --
3 judicial -- legislative remedies that we could --
4 that you would suggest to strengthen the rights of
5 tenants in the -- in the -- in those processes?

6 LAURA FELTS: Yeah, the tenants need to have
7 the right to take action. We shouldn't always have
8 to be on the defensive side of things.

9 The nature of the process now lends itself so
10 that there's always a warrant of eviction on the
11 table that is threatening a tenant who tries to
12 assert their right to a decent place to live.

13 In Upstate New York, the only power that you
14 have is to either hold back your rent and try to
15 defend yourself in a courtroom where there's
16 standing room only, where the judges are just having
17 to hear the cases, honestly, as quickly as they can.
18 You really can't blame them at a certain point.

19 But, if you're on the defensive side and the
20 burden of proof is immensely on you to prove how
21 your housing is falling down around you, you're just
22 not going to have a good outcome.

23 All we have right now is the capacity to
24 maybe file a small claim to sue for out-of-pocket
25 loss if we have code violations, and that's not

1 meaningful.

2 SENATOR KAVANAGH: And in terms -- so we
3 would -- you -- you would suggest we create a sort
4 of separate right of action that does not hinge
5 on -- that is not a sort of defensive action in
6 response to a landlord either trying to evict or to
7 claim -- to claim non-paid rent?

8 LAURA FELTS: I think that the way that it
9 exists now, the landlord has the right to enforce
10 their side of the contract through the courts.

11 They can say, you failed to pay me, or you
12 violated your contract, you're a nuisance, and I can
13 sue you.

14 But if I'm a tenant and my side of the
15 contract gets violated by the landlord, there's
16 nothing that can I do about it. The court's not
17 there for me.

18 SENATOR KAVANAGH: Okay.

19 I just want -- from prior testimony,
20 I understand that you don't believe that this is a
21 sufficient remedy, but do you believe that some of
22 these phenomena that you're talking about today
23 are -- would be a good basis for at least the
24 beginning of moving forward with a just -- with a
25 good-cause-eviction standard, which you know is a

1 legislative process -- a legislative proposal we
2 have before us?

3 LAURA FELTS: I think that, last night, Ellen
4 from Legal Aid put it perfectly, that a rebuttal
5 presumption is a -- it's a problem.

6 It takes a lot of the muscle out of our
7 protections, and it causes us, again, to be so
8 unbelievably defensive, that we just have an uphill
9 battle before us with every single case.

10 SENATOR KAVANAGH: Thank you.

11 SENATOR SKOUFIS: Senator Krueger.

12 SENATOR KRUEGER: No, I didn't have any
13 questions.

14 I wanted to thank Laura for testifying again.

15 SENATOR SKOUFIS: Senator Biaggi.

16 SENATOR BIAGGI: Thank you.

17 I think, actually, Senator Kavanagh touched
18 on the bulk of my questions.

19 And I just want to say that I'm sorry for
20 what you have had to live through.

21 This is a terrible scenario, and so many
22 individuals are living through that too, which is
23 why we're here today, and also why we take this
24 incredibly seriously.

25 One thing I want to touch on, you mentioned,

1 and I don't remember the name of the specific
2 technique, but you said that, when, oftentimes, you
3 go to court and the judge will not issue certain
4 orders in favor of tenants.

5 What were those orders again?

6 LAURA FELTS: Something that happened when
7 they passed that Unified City Court Act, it gave the
8 court the power to issue injunctive relief.

9 So a tenant could actually ask City Court to
10 order that a repair be made.

11 So that's something that United Tenants has
12 tried and tried to really make a regular part of the
13 court process, where, again, tenants can enforce
14 their rights under their same contract.

15 But we're just not seeing it happen no matter
16 how much we ask.

17 SENATOR BIAGGI: Is it because they refused?

18 Is there discretion with this specific
19 technique?

20 LAURA FELTS: I'm not an attorney, so I don't
21 really understand why it's not happening.

22 I can just tell you that it's really not.

23 SENATOR BIAGGI: Okay, that's very helpful.

24 And just, lastly, has the warrant (sic) of
25 habitability been used in court as a -- something

1 against the landlords as a breach of this specific
2 tenet of the law?

3 LAURA FELTS: Yes, we talk about it every
4 single day in court.

5 We've -- we've been working on a project to
6 demystify the process of raising the
7 warranty-of-habitability issues, but the problem is
8 that, intrinsic to raising that, is that it's a
9 defense.

10 So where your landlord has brought the case
11 against you, and you've had to sign a contract that
12 agreed to pay their attorney's fees, you are going
13 to pay more in their legal fees than you're ever
14 going to get in a rent abatement.

15 SENATOR CARLUCCI: So you're saying that it's
16 a defense that the tenant can use against the
17 landlord, in this specific instance, and so,
18 therefore, the burden of proof, obviously, is on the
19 tenant to prove that there's -- that there's a
20 breach, which is what we've kind of gone through.

21 Okay, that's terrible.

22 Thank you very much.

23 LAURA FELTS: Yeah, thank you.

24 SENATOR SKOUFIS: Thanks very much for your
25 testimony.

1 Next up will be Gordon Wren, retired
2 firefighter, and representing the Citizens United to
3 Protect Our Neighborhoods, otherwise known as
4 "CUPON," from Rockland County.

5 Thank you.

6 GORDON WREN: And thank you, Senators Skoufis
7 and Kavanagh, for conducting these investigations
8 and holding this hearing. They are desperately
9 needed.

10 This area of government is deadly serious.

11 And, having been a firefighter in
12 Rockland County for 53 years, and a former chief,
13 and fire coordinator, and director of emergency
14 services, I've responded to tens of thousands of
15 calls, and I've seen the dead bodies.

16 It's -- so it's not impossible, you know,
17 something that might take place, a remote scenario.

18 I've seen people die in legal buildings where
19 everything met code.

20 And the conditions that we have people living
21 in in Rockland County are deplorable in many cases.

22 So, as you started your comments by saying
23 that county executives from around the state are
24 asking you for a -- to be investigated, we reached
25 out to the State of New York several times over many

1 years, and we weren't getting the cooperation we
2 expected. So we reached out to some of our state
3 representatives, particularly Assemblyman Zebrowski.

4 And I'm not sure if it's a good thing that
5 I'm following him, because I agree with every single
6 comment he made in his testimony, and the way he
7 answered the questions.

8 He has been responsive, as have our other
9 representatives.

10 But, despite our efforts, the conditions
11 still exist, they're expanding to other
12 municipalities, and it's become a major issue in our
13 county.

14 So, somewhere in the '90s I started to get
15 approached by the Ramapo fire chiefs who were very
16 dissatisfied with the fact that they felt they were
17 being ignored.

18 And they're -- when you get -- when you have
19 a major emergency, it's common to reach out to other
20 agencies, you know, Hazmat, DEC, et cetera, and it's
21 very routine to call for a building inspector or a
22 fire inspector. Then you expect it to be taken care
23 of.

24 And then we go back for additional calls and
25 find the same condition exists in months or years

1 later.

2 At one point I suggested that they get
3 together and they all write a letter.

4 So there are eight fire departments in the
5 town of Ramapo, all eight chiefs signed the letter,
6 sent it to the Town. Got zero response back.

7 Waited a while, sent a second letter.

8 Didn't get a response back.

9 They did it a third time.

10 Then we decided to discuss it on the radio,
11 and they did get some responses back, but, still,
12 they have not been responsive to the needs of the
13 volunteer firefighters and the fire departments that
14 supply fire protection to the town and its villages.

15 So we took a different approach.

16 We formed the Illegal Housing Task Force, and
17 the premise was to investigate each town, not just
18 Ramapo and its villages, every town and village in
19 Rockland County.

20 So here's how we did it:

21 We reached out to the media, and we asked
22 people, like, you know, terrorism, "see something,
23 say something," if you see something in your
24 neighborhood or you're aware of a building that may
25 be occupied illegally or is being converted

1 illegally, call this number, we'll keep the
2 information confidential.

3 And the results were rather telling.

4 In some communities, everything went well.

5 The inspectors were well trained. They were
6 dedicated, they responded appropriately, and they
7 took action.

8 When it went to court, the Village or Town
9 attorney, the municipal attorney, functioning as a
10 prosecutor, they were aggressive. They showed
11 compassion when it was needed, when it was an
12 innocent mistake.

13 But, for some landlords, they really hit them
14 hard.

15 And for contractors that work illegally,
16 using unlicensed contractors, and things of that
17 nature, they'd come down really hard on them.

18 In the Haverstraw area we had a Village
19 attorney who asked for a \$10,000 fine for a slum
20 landlord.

21 The judge said, No. You've been here before,
22 20,000.

23 That's a deterrent.

24 In the town of Ramapo and five of its
25 villages, that deterrent does not exist, and this

1 has been going on for years.

2 And I don't want to be redundant.

3 Assemblyman Zebrowski talked about 250- to
4 500-dollar civil compromises.

5 They don't work, they're not effective,
6 especially with property that generates revenue.

7 We have court observers. They're volunteers,
8 they're part of the Illegal Housing Task Force, that
9 attend the court hearings.

10 And they've been going to Ramapos for
11 10 years now, and we have not seen any improvement.
12 It's gotten worse.

13 Recently, we had a dormitory, your chief
14 investigator was at the first hearing, the
15 Monsey Fire Department responded to a call. They
16 found four rooms occupied by six students in each
17 room in overcrowded conditions. Numerous violations
18 were issued by the inspector.

19 And, they were in court last week, and it was
20 disposed of with a -- an adjournment in
21 contemplation of dismissal; no fine, no penalty, an
22 agreement that they'd let the inspectors come back
23 in six months.

24 That's not a deterrent, and it encourages
25 other people to do it.

1 Now, if the fire department hadn't gone
2 there, there would be no knowledge that this
3 building is being utilized in a hazardous fashion.

4 And, suppose we had a fire in there. The
5 fire department would have no knowledge that you
6 have 24 young men living in a cellar.

7 So -- and it didn't have all the safety
8 things it required.

9 So, that's just an example. I'm using it
10 because it's recent.

11 It's not unusual, it's unique. It's what's
12 happening in the town, and happening right now.

13 And your senior investigator was in the
14 court -- in the original court hearing.

15 So, when we found that the -- we watched how
16 cases lingered and there were no major fines,
17 I didn't see any trials, we reached out to the
18 State of New York, several agencies. And those
19 would include New York State Codes, New York State
20 Ed, DOT, PESH, secretary of state.

21 Met with Deputy Secretary of State
22 Mark Patterson. Very little cooperation, or at
23 least results.

24 Initially, State codes asked us for a list of
25 buildings we felt that were not where the state fire

1 and building codes were not being enforced.

2 So we gave them a list.

3 They came down, they did field trips with us.

4 So the commissioner, the deputy commissioner,
5 an architect, an engineer, from State codes came
6 down, spent a lot time, met with the Town.

7 At one point they even laughed. You know, we
8 gave them schools.

9 They said, You're just seeing the bad schools
10 that the Illegal Housing Task Force gave you. We're
11 going to take you out to some of the good schools.

12 And they called me and said, they were full
13 of violations. These were the ones they were
14 bragging about.

15 And that's how bad it is.

16 So to make a long story short:

17 They sent threatening letters.

18 They conducted investigations.

19 Eventually, they wrote reports.

20 Eventually, they did assign the monitors.

21 And, unfortunately, the monitors, the system
22 did not work.

23 There was no communication with us, or very
24 little.

25 They treated us like we were the enemy for

1 having the audacity to actually complain about the
2 system being dysfunctional.

3 The monitor assigned to Spring Valley I've
4 never met. Never spoke to him. I heard some good
5 things about him.

6 The monitor for Ramapo, I've known her for
7 many years. She's a knowledgeable architect, one of
8 the most knowledgeable code officials, in the state.

9 I like her, known her for years.

10 I'm still puzzled by the response.

11 You know, so, it was a dismal failure.

12 Now, Assemblywoman Jaffee arranged for a
13 meeting last October in Albany, where we went up and
14 we met with the current commissioner of codes, and
15 he listened to our concerns.

16 This -- we went up with CUPON and the
17 Illegal Housing Task Force members, and we explained
18 to them, in quite a bit of detail, how the system is
19 still not working, the violations are, you know,
20 serious and numerous and egregious.

21 And he said, Can you send us a list?

22 And I have done this three different times
23 with, you know, code officials.

24 So when we got back, I said, Why don't we
25 just send the same list we sent them five years ago,

1 because most of those buildings, despite actually
2 taking the commissioner there with his deputy and
3 his staff, the violations still continued.

4 News 4, the I-Team, did a series two weeks
5 ago, and one of them showed a trailer with little
6 kids in deplorable conditions.

7 I took the commissioner there, showed him
8 that, and we filed complaint after complaint.

9 Five years later, it's still there, dangerous
10 conditions.

11 So, the response we got back from the State
12 codes department was, we met with them in late
13 October and December, and they decided that Ramapo
14 meets the minimum requirements, and they pulled the
15 monitor from the town of Ramapo.

16 Makes no sense.

17 Things are not better.

18 There may be some progress, a little bit here
19 and there.

20 We don't see it in the courts.

21 We don't see it out in the field where it
22 really matters; that's where the rubber meets the
23 road.

24 We have thousands of people living in
25 substandard housing and extremely dangerous

1 conditions, and I'll give you a few of those
2 examples.

3 And, also, around this time, we formed a
4 group called Citizens United to Protect Our
5 Neighborhoods.

6 We used legal action to sue the Town and the
7 developers when they absolutely refused to follow
8 proper guidelines, and they approved things that are
9 detrimental to the general public and the community
10 as a whole. And they've been very successful.

11 And, by the way, just -- here's an example of
12 how things have been working with the State
13 agencies.

14 One of our first challenges was a school that
15 was going to -- for 750 students, that was going to
16 be built on a residential -- former residential lot.

17 It was six stories in height, and there
18 was -- because it's so tight for space, the
19 playground was going to be on the roof of the
20 six-story building. And it was on a busy state
21 highway at a busy intersection.

22 So we hired a -- CUPON hired a consultant,
23 who did a report, showed all kinds of improprieties.

24 So then I got funding from the local fire
25 department to take legal action against the Town and

1 this developer.

2 While we were preparing, I reached out to
3 DOT, and I asked the engineer for that area, Did you
4 approve a road opening for this school on this busy
5 state highway at this intersection?

6 He said, No, but I'm getting really
7 tremendous pressure from my bosses in Poughkeepsie,
8 who are getting pressure from their bosses in
9 Albany.

10 So he said, I'm going to have to approve
11 this. I've only been on the job a couple of years.
12 You know, I'm worried about my (indicating).

13 So I said, Would a letter from the fire chief
14 help?

15 He said yes.

16 However, then I was approached by the
17 developer, who -- a friend of mine I've known for
18 many years, and he said, You're going to sue us,
19 you'll probably win. And even if you don't --
20 you'll probably win. But if you don't win, you'll
21 tie us up for a couple of years or more, and we
22 can't wait.

23 So this project is still a vacant field right
24 now, three years, four years later.

25 So CUPON is very good -- is a great

1 organization, but why should local residents in a
2 high-taxed area have to take -- generate revenue
3 with fundraisers to sue, take legal action, against
4 our own government?

5 It's just wrong. Something is just sinister
6 about it. It's just wrong.

7 So, despite our requests from the State and
8 from the local municipalities, and we've utilized
9 the media, television, newspapers, radio, social
10 media, and, generally, that works with public
11 officials, elected officials, when you put the
12 spotlight on through the media, they scurry to make
13 things better.

14 Here, they doubled-down.

15 It's absolute hubris. They don't care.

16 They really -- I got -- I think they do not
17 care, or they would respond.

18 Here's an example, and I'm sure some of the
19 speakers that are going to follow me are going to
20 say how great things are and how much improvement
21 has been made.

22 In -- April 26, 2013, I personally received a
23 complaint about a house that had been formerly
24 occupied by -- a one-family house.

25 They torn it down and got approval to build

1 two-families, one on each side with a fire wall.

2 The original complaint, in 2013, was a
3 two-family -- legal two-family house is now an
4 apartment house. Numerous cars in the commercial
5 parking lot.

6 So I filed the complaint with the Town
7 through the Illegal Housing Task Force.

8 Two years later, no response. I heard
9 nothing from the Town.

10 Got another complaint, April of 2015.

11 So I write to the Town.

12 Got a second complaint: All or part of the
13 two buildings may be used as a rooming house.

14 We have no record of response from the Town
15 of Ramapo.

16 No response.

17 July of that year, July 2015, got another
18 complaint, which we also sent to the Rockland County
19 Health Department through the housing division.

20 And then, coincidentally, the day after
21 I filed, I was in my emergency services vehicle, and
22 I heard the EMS and policeman dispatched for an
23 injury in this building, coincidentally.

24 So I went. I didn't go inside, but I asked
25 the police and the paramedics to tell me what they

1 saw.

2 And they saw rooming-house conditions.
3 Locked doors. Every bedroom door had a separate
4 lock on it. Said, all the things you would see.
5 Seven satellite dishes on the roof.

6 So I forwarded that information to the Town,
7 and -- oh, by the way, I had 14 different
8 requests -- I filed 14 different complaints or
9 requests for updates during -- from 19 -- from 2013
10 till 2019.

11 And, eventually, one of the inspectors got
12 back to me in 2016, September of 2016, saying, They
13 haven't been able to get to it. It's on the list.

14 In December of 2016, I spoke to one of the
15 inspectors who said they finally got in.

16 This is December of '16.

17 They issued a summons for local justice
18 court, it is a rooming house. And the owner is
19 supposedly evicting the tenants.

20 So that was three years after the original
21 complaint.

22 My problem is, the -- it didn't work.

23 The building continued to be occupied
24 illegally.

25 SENATOR SKOUFIS: If I may interrupt, I know

1 that there are a lot of questions that people have
2 of you, and we're a little behind.

3 So if you can just wrap up your testimony,
4 and then we can continue with questions.

5 GORDON WREN: To make a long story short,
6 I believe they were fined, as Assemblyman Zebrowski
7 described, 250 or 500 dollars.

8 I went in the building in 2019, with the fire
9 department, partially. And, in one section we found
10 five couples, with an assortment of children, all
11 living in what used to be a one-family unit.

12 More people living in the basement.

13 On the other side there's an open door.

14 There was a young woman living there with a
15 child, renting a small room for \$600 cash per month.

16 And the rest of the building, I believe, was
17 occupied and dangerous.

18 And here it is, 2019, 6-plus years, and the
19 building is still illegally occupied.

20 And there are numerous other cases, where a
21 school opens up in a house.

22 The neighbors complain, that they had no idea
23 it was a school.

24 School buses start pulling in the first day
25 of school.

1 They file a complaint with the Town.

2 The Town, a month later, issues them a
3 temporary permit for one year, to bring in,
4 trailers, used trailers, for classrooms.

5 Here it is 2019.

6 That school is still in operation, and it has
7 spread, from the one-family house and the trailers,
8 they bought additional houses, and they're using it
9 for a school. It's like a campus.

10 Down the road, the group buys three homes in
11 a row, several years ago. Put gigantic tents in the
12 backyard like you have for weddings, that they use.

13 Nothing. No enforcement by the Town.

14 They're so confident nothing is going to
15 happen to them, because there's no deterrent, they
16 buy two properties across the street and occupy them
17 illegally, without a safe plan, without approvals,
18 without building permits.

19 And I could go on and on.

20 I think that -- let me cut things short:

21 We have volunteers fighting with people in
22 government.

23 They're getting paid to do their jobs.

24 They're not doing their jobs. The State has
25 been woefully inadequate.

1 And one of the -- the outgoing commissioner
2 from State codes said to me:

3 "You've been a pain in our asses, but,
4 I admire your tenacity. I admire what you're doing.
5 Keep doing it.

6 "Our department is charged with protecting
7 the safety of the residents of New York State, and
8 we're being prevented from doing it."

9 That is a powerful statement.

10 "We're being prevented from doing our jobs"
11 which -- involving safety.

12 (Indiscernible) bureaucrat or political.

13 I say to the Governor and secretary of state:

14 Turn your employees loose.

15 Let your commissioners and their -- your
16 departments do their jobs.

17 We need some new laws, but if you just
18 enforce laws on the books, we wouldn't be having
19 this hearing.

20 It's really irresponsible on the highest
21 levels of state government, and right down to the
22 poor little person, the little kids with their
23 parents who are desperate and they're living in
24 these rooming houses and cellars and basements and
25 attics and sheds and garages.

1 And I had plenty more to cover, but I've made
2 my points.

3 SENATOR SKOUFIS: Thank you very much.

4 GORDON WREN: And thank you for the hearing.

5 SENATOR SKOUFIS: And I can tell -- thank you
6 very much for your assistance and cooperation over
7 these past many months, as well as your testimony
8 here.

9 And I can tell you, one of the motivations of
10 this investigation has been that, look, you know,
11 you have men and women who put on a uniform every
12 single day, they say goodbye to their family, and
13 their families don't necessarily know that they're
14 coming back home, by virtue of the dangers
15 associated with their job.

16 And to the extent that we as government can
17 provide as safe a work environment, or a volunteer
18 environment for volunteer firefighters, is possible,
19 we ought to be doing that.

20 And I know that, time after time, there have
21 been examples of firefighters running into
22 smoke-filled homes that, you know, are illegal
23 homes, and they're bumping into walls that should
24 not be there, and putting those firefighters' lives
25 at risk.

1 And so I appreciate your service as a
2 firefighter for over 50 years, as well as your
3 continued advocacy.

4 You had -- at the end of your testimony you
5 had quoted or paraphrased the former commissioner of
6 codes, saying, that, We're prevented from doing our
7 job.

8 What do you think he meant by that; prevented
9 by, who?

10 GORDON WREN: Well, I asked that.

11 And the first time I heard it was in 2003
12 when Roy Scott, who was the commissioner before him,
13 said that, We're being prevented by the
14 Second Floor.

15 I didn't know what the "Second Floor" meant.

16 And I found out it was the Governor's Office,
17 apparently.

18 That's how it's referred to in state
19 government, "Second Floor."

20 And this commissioner wasn't the only one who
21 told me that.

22 Other department heads have told me the same
23 thing, that they are being prevented from doing
24 their jobs.

25 I have had commissioners apologize to me, and

1 say, I -- I -- and we know you're right, but we're
2 being prevented.

3 The attorneys for the secretary of state's
4 office have told us, We can't go into this
5 community. We can't do -- we can't take action.

6 SENATOR SKOUFIS: Can you give me a synopsis,
7 in your professional opinion, of the monitor's work?

8 What did you see the monitor doing?

9 Do you believe that she was well-intentioned,
10 that her work was adequate?

11 It certainly sounds like you believe that she
12 was removed prematurely, but can you speak beyond
13 that?

14 GORDON WREN: She's a friend; however, the
15 only time she really spoke to me this whole time
16 that she was there as a monitor was on the local
17 radio station.

18 I or someone else on the radio said, We
19 believe she's drinking Ramapo's Kool-Aid.

20 And she was very angry about that statement
21 that was made on the radio.

22 And I didn't tie it, and she had red
23 lipstick, and I said, "It looks like you're drinking
24 cherry today."

25 So, that was my, pretty much, only

1 interaction with her as a monitor.

2 And I find that strange, since we're the ones
3 out in the field seeing this and filing the
4 complaints.

5 And, by the way, I'm going to add, there was
6 a group of women in the state education department,
7 I call them "women of valor."

8 There was one women who was in charge, and
9 they came out in the field, found deplorable
10 conditions in our private schools, really bad
11 conditions.

12 Took photographs, took them back, and they
13 actually got in trouble for this.

14 Our district attorney at the time had to go
15 to bat for this woman to make sure she didn't get
16 fired.

17 And they have a codes expert, he's an
18 architect. He agreed, but wouldn't come forward.

19 And we're still -- the State of New York is
20 still subsidizing schools that have dangerous
21 conditions in them.

22 It's deplorable.

23 SENATOR SKOUFIS: So as you're aware, you
24 know, you don't have to look very far back to see
25 this issue in the news in Rockland County.

1 In today's "Journal News," the story of two
2 young girls nearly drowning, they had to be
3 resuscitated, because they, I guess, fell into a
4 pool, or somehow wound up in a pool, that did not
5 have a locked gate.

6 And, subsequently, there were violations
7 issued for that item, and for a couple of others.

8 Do you believe something like that could have
9 been prevented; and if so, how?

10 GORDON WREN: When it comes to one-family
11 homes, it's very -- you know, you have your right to
12 privacy.

13 One -- the codes are very, and the
14 Constitution is very, mindful of right to privacy.

15 So that's really tough.

16 I can't -- I'm not going to say I'm going to
17 defend the Town, but it's very hard to get into a
18 one-family house.

19 In this case, apparently, there is a history
20 on this property. And maybe a reinspection probably
21 would have been in order.

22 And I understand there may have been someone
23 living, or had lived, in the cabana associated with
24 the pool and the basement of the building.

25 So that area of the town and the village of

1 Spring Valley, it's very close together, it's
2 rampant.

3 When we have a fire in the building that's
4 legal, we'll say, wow, look at this. We had a -- we
5 had -- have an incident in a legal, code-conforming
6 building, because the -- almost every -- in some
7 neighborhoods, almost every building is illegal;
8 illegally converted, illegally occupied.

9 SENATOR SKOUFIS: My final question is, you
10 know, if there's one or two things that you believe
11 after today that we should be doing, legislatively
12 or otherwise, what, in your professional opinion,
13 would those one or two items be?

14 GORDON WREN: Well, I think we do need some
15 additional legislation.

16 But I think, what I said a few minutes ago,
17 there is a -- I don't know if it's organized, but,
18 the -- your departments are being -- and I can't
19 tell you how many commissioners have told me this,
20 over and over -- they're being told they can't do
21 their jobs.

22 Turn them loose.

23 Let them use their good judgment and their
24 training, and let them do what's right.

25 SENATOR SKOUFIS: Thank you.

1 Senator Carlucci.

2 SENATOR CARLUCCI: Thank you.

3 Well, Mr. Wren, thank you for testifying here
4 today, and thank you for your commitment to our
5 community, and all the work that you've been doing
6 over the years.

7 I know it hasn't been easy, and thank you for
8 your persistence.

9 So a few things.

10 I know there's a lot we can talk about today,
11 but I'll try to keep it as brief as possible.

12 We talk about the -- to just enforce the
13 laws, but we also talk about this "minimum
14 standard."

15 And it seems very concerning to me, this
16 bare-minimum standard, seems like a situation where
17 I wouldn't want my family to be living in these
18 minimum standards.

19 Are there ways that you think we could
20 improve that standard?

21 GORDON WREN: Yes.

22 And I don't -- I think -- we're not meeting
23 the bare-minimum standard in many cases.

24 That's what -- we wouldn't be complaining as
25 much or as vehemently if we were meeting the minimum

1 standards.

2 SENATOR CARLUCCI: No, but, however, in the
3 monitor's report in -- the end of last year, they're
4 saying that they met the minimum standard.

5 Are you saying that is not true?

6 GORDON WREN: It is not true.

7 SENATOR CARLUCCI: Okay.

8 GORDON WREN: They're not meeting minimum
9 standard.

10 I mean, if that's a minimum standard, we need
11 to raise the bar significantly.

12 I mean, that's absolutely -- and --
13 (indiscernible) more of the State codes division.

14 SENATOR CARLUCCI: So there's two things I'm
15 just trying figure out.

16 So, it's possible that they're meeting the
17 minimum standard, but we're saying that that minimum
18 standard needs to be increased?

19 Or, are you saying, you think that they just
20 did not meet the standard?

21 GORDON WREN: I think they are meeting it in
22 certain areas.

23 A lot of buildings meet code, but their
24 enforcement is so poor because there's no deterrent.

25 You need to have a hammer.

1 You know, you need to show compassion when
2 it's called for.

3 But, for slum landlords who put people in
4 danger, and contractors who do illegal things, and
5 then people who use political influence to get
6 things done, that's the root of the problem.

7 You know, politics and safety -- public
8 safety don't go together, and that's, like, my
9 opinion what's happening here.

10 SENATOR CARLUCCI: Now, there have been a few
11 innovative programs that you've been involved in
12 with the apartment registry we now have in
13 Rockland County, and the Rockland Code Initiative.

14 GORDON WREN: That's the success
15 (indiscernible cross-talking) --

16 SENATOR CARLUCCI: And if you could talk
17 about that, yeah.

18 GORDON WREN: I think you're going to hear
19 from the folks that run that program, and it's a
20 success.

21 Our county executive expanded on the housing
22 program that the health department does.

23 And, now, they don't -- some of the -- the
24 sanitary code over -- you know, overlaps some of the
25 State code requirements, but, they're dealing with

1 health-related issues.

2 So, the example I gave a little while ago
3 about the -- over six years, the health department
4 went in and they found they had smoke detectors and
5 CO detectors and access, you know, for getting out.

6 So they could -- and they can't do anything
7 about the building being occupied without a C of O.

8 So, I think it's a success, but we have so
9 much more to do.

10 It's a success, but this is one successful
11 part.

12 And then the slum landlords find a way to get
13 around it. They form condominiums.

14 So instead of rental units, they're forming
15 condominiums where the rental-registry law
16 wouldn't apply. So they're calling everything
17 "a condominium."

18 So it's like a chess game.

19 Check. Check.

20 We need to find -- get some checkmates.

21 SENATOR CARLUCCI: When we talk about the
22 monitor, I know, when we first were -- we were able
23 to get the monitor down, we were excited about it.

24 Now the monitor left. They made their notice
25 that they were leaving before they issued the

1 report.

2 What would be some of the concrete things
3 that you would ask for to get the monitor to return,
4 and then what would be in place?

5 What are the concrete steps that you think
6 need to be taken so that, most importantly, I think
7 that we reverse the culture and that we feel safe in
8 the community.

9 What are some of the recommendations that you
10 have, from your experience?

11 GORDON WREN: Well, we keep coming back to
12 deterrent.

13 If we had an adequate deterrent, it would
14 give -- because this is all about money.

15 The word is out, in my opinion, that you can
16 occupy a building without going to the Town and
17 getting the proper approvals.

18 In fact, I had an individual brag to me --

19 I was with the health department. They
20 thought it was with the health department too.

21 -- and they said, If we went through the
22 proper process, hiring an engineer for site plan,
23 and plans, it would cost us hundreds of thousands of
24 dollars. We just moved in, formed a dormitory,
25 brought in 10 trailers, started a school. Our

1 revenue, you know, is coming in. And then, when we
2 get caught, if we get caught, you get fined a few
3 hundred dollars.

4 It's a good business decision for them to do.

5 We need to change that culture, that, beg for
6 forgiveness after the fact and get hit with not even
7 a slap on the wrist.

8 SENATOR CARLUCCI: In terms of
9 recommendations on the structure of how the monitor
10 actually functions with the Illegal Task Force, with
11 the community, with elected officials, do you have
12 recommendations for that?

13 GORDON WREN: Well, we should be allies, not
14 enemies, and we should not be treated like we are
15 the opposition.

16 We should be part of the solution.

17 And there has been no -- very little
18 communication between stakeholders, let alone the
19 monitors.

20 The monitors are told, we're not -- they're
21 not allowed to even talk to us, really. They're not
22 supposed to interact with us.

23 So they're supposed to be there to monitor.

24 But the example that Assemblyman Zebrowski
25 gave about that fire hydrant, that was a sham.

1 They used -- they ran some firehose across
2 the road into a plastic, makeshift, fake hydrant.

3 When we turned the water on to it, it blew
4 out of ground.

5 And that was just part of the problem there.
6 That was absolutely disgraceful.

7 SENATOR CARLUCCI: Okay. Thank you.

8 Thank you, Chairman.

9 SENATOR SKOUFIS: Senator Krueger.

10 SENATOR KRUEGER: Thank you.

11 So I'm from New York City, and people think
12 maybe I won't understand things that go on outside
13 of the city.

14 And so, just for the record, my husband's
15 worked with the FDNY for 35 years, and so we talk a
16 lot about fire and fire safety.

17 And he points out to me that, even in the
18 city of New York, when you look at the cause of
19 fires in one-, two-, and three-family homes, which
20 is much more the reality in this part of the state,
21 faulty wiring over makeshift, overutilization of old
22 wiring; space heaters when inadequate heating
23 systems for the houses; and these translate in my
24 city to huge fires.

25 I'm assuming, for all the things you

1 presented today, you'll verify for me now that these
2 actually are causing fires that put, as
3 Senator Skoufis pointed out, not only the
4 firefighters and emergency responders at risk, these
5 cause death and destruction for people who end up
6 living in these homes.

7 Am I wrong about this reality?

8 GORDON WREN: No, you're right on target.

9 In fact, your husband has probably seen it
10 all.

11 One of the reasons why we formed the
12 Illegal Housing Task Force is, the fire called
13 "Black Sunday," where firefighters had to jump out
14 of the five-story building because the building had
15 been illegally converted, and they couldn't get to
16 the fire escape or -- to be rescued.

17 So we take it very seriously.

18 And then one of the points I was going to
19 make in my presentation, that when these buildings
20 are converted illegally, they hire contractors who
21 are not licensed contractors, frequently. There's
22 no sides on their trucks. They don't put an
23 announcement sign on the front of the building.

24 And then they'll pick up people on a state
25 road by the McDonald's to work for them, for 20 or

1 25 dollars an hour, cash.

2 And they didn't go through an apprenticeship.

3 They're doing electrical work, which is
4 covered by sheetrock.

5 It's not inspected, we don't know if it meets
6 code.

7 And in most municipalities, when that work is
8 discovered, which doesn't happen in Ramapo very
9 much, they'd say: Take everything out. Everything
10 you did without a permit, tear it all out. All that
11 electrical, plumbing, gas lines, insulation, take it
12 all out, throw it into a dumpster. And, either put
13 it back to its original condition or get a permit.

14 That's what should be done.

15 That's what the Town of Clarkstown does.

16 We even had a seminar to show how Clarkstown
17 does it.

18 Because that's a penalty that doesn't show on
19 the record.

20 They'll fine them tens of thousands of
21 dollars.

22 All that work that they did with the illegal
23 contractor, and then to have to take it out, plus
24 legal fees, it can be a very expensive mistake when
25 you get caught in the town of Clarkstown.

1 That's the message that Ramapo and five of
2 its villages should be sending, but they're not.

3 So, very good question, and that's how it's
4 being done.

5 We talked to some of these workers, and they
6 don't even know where their yard is -- where the
7 construction yard is for the contractor.

8 They just get picked up, and the materials
9 are on the job, and that's how it works.

10 So, we've got some work to do with our office
11 of consumer protection to go after them too.

12 SENATOR KRUEGER: Thank you.

13 SENATOR SKOUFIS: Senator Biaggi.

14 SENATOR BIAGGI: Thank you.

15 Thank you very much for your candid
16 testimony.

17 I think that you took a light and you shined
18 it in a very dark area, and I think that that is
19 incredibly appreciated by all of us here.

20 I want to go back again to the comment that
21 you made about -- from the former commissioner,
22 which is that, quote, We are prevented from doing
23 our jobs.

24 Can you just again repeat how they were
25 prevented from doing their jobs, or by whom were

1 they prevented from doing their jobs?

2 GORDON WREN: The same statement pretty much
3 apply. They're all different.

4 But, with State codes, state ed, PESH.

5 The example I gave, the DOT, with that
6 engineer, he said he knew it was inappropriate.

7 This is a busy -- a bad intersection.

8 The traffic would back up during rush hour
9 every morning and every afternoon.

10 And he felt it was improper to issue -- have
11 a road opening on that state highway for buses and
12 parents and, you know, faculty.

13 So he didn't want to approve it.

14 So his bosses in Poughkeepsie -- his bosses
15 locally, and in Poughkeepsie, and in Albany, were
16 pressuring him to approve this project.

17 Why would they do that?

18 Why would you go against an engineer, a PA?

19 Why would he do something -- why should he be
20 forced to do something?

21 And he said, "Oh, I've only been on the job
22 two years," sort of like, he's worried about keeping
23 his job.

24 And I had a commissioner almost -- I couldn't
25 tell, I was on the phone, she sounded like she was

1 crying.

2 She said, "I am involved in the fire service,
3 and I know this is wrong, but I need this job."

4 SENATOR BIAGGI: So -- so -- okay.

5 So just drawing the link.

6 So the -- you mentioned several State
7 agencies, right, who were overseeing the process.

8 And so they, presumably, were the ones
9 preventing the commissioner from being able to
10 enforce that commissioner's power, right, to the
11 full extent of the law.

12 Who do you think is responsible for that
13 commissioner's power being granted?

14 GORDON WREN: Secretary of state and State
15 codes and PESH and the governor of the state of
16 New York.

17 SENATOR BIAGGI: Uh-huh.

18 So --

19 GORDON WREN: The woman I described -- the
20 women I described from state ed, they uncovered some
21 really, really bad stuff.

22 SENATOR BIAGGI: Uh-huh.

23 What -- what -- can you define "bad stuff"?

24 GORDON WREN: Bathrooms that had been put
25 into a one-family house in the town of Ramapo, with,

1 I mean, urinals, toilets, without permits, and they
2 were leaking. And they -- the products of the
3 toilets and the urinals were leaking, and -- into a
4 classroom. And they tied plastic bags around the
5 leak, which was full of liquid, and it was spilling
6 onto children's desks.

7 She took photographs of that, of those
8 conditions, along with many, many, many other
9 violations, hundreds of violations. Gave them to
10 her bosses. And she was almost fired.

11 SENATOR BIAGGI: Well, presumably, that would
12 not be a fireable offense, but -- and I'm kind of
13 shocked by that.

14 But, fired for what, do you think?

15 GORDON WREN: For doing -- it was more
16 complicated.

17 They were looking at the nutrition program,
18 where they were getting, you know, 6 or 7 dollars
19 per day, per child, for nutrition, for lunch, for
20 food.

21 And I was happened to be -- I was there --
22 I was there with them when the food was delivered.

23 And the food consisted of a 6-ounce bottle of
24 water and spiral noodles, with, each kid got a ladle
25 of diced carrots and peas in that salty brine.

1 And that's they're lunch.

2 That wasn't -- the six or seven, whatever
3 amount was they were getting, that's not the kind of
4 lunch you're -- they're paying for.

5 Where's that money going?

6 SENATOR BIAGGI: Okay. So --

7 GORDON WREN: Those are the type of things
8 they were looking at.

9 And they were told, basically, back off.

10 And this -- it's just wrong.

11 They were very brave to come forward and give
12 a blunt report.

13 And it was a lot more complicated, a lot more
14 violations.

15 SENATOR BIAGGI: So just -- so just going
16 back to the, I think, original undertone, and then
17 I will just close this out:

18 So, it's very clear, right, that a lack of
19 code enforcement can lead to death, and deaths, and
20 that people have died as a result of the failure to
21 enforce the building codes.

22 And that the State agencies are the ones who
23 are overseeing the process in the municipalities?

24 GORDON WREN: If the cities, towns, and
25 villages are unable or unwilling to do it, the State

1 should have enough oversight in all these different
2 areas to come in and force them to do their jobs.

3 SENATOR BIAGGI: And is it -- is it your
4 opinion, just from your experience, that the State
5 has been negligent in the oversight, or has refused
6 to have oversight?

7 GORDON WREN: Yes. Or partial.

8 They'll do -- I think State codes initially
9 did a good job. They wrote great reports, but then
10 nothing happened.

11 And then Senator Zebrowski wrote a -- after a
12 fire we had New Year's Day, I don't know what year
13 it was, 2016, in one of the buildings we had
14 complained about to the State, we had a, you know,
15 dramatic fire. It was close-quarters, the building
16 was occupied.

17 He wrote a really blasting letter to the
18 State codes commissioner. And then they -- I think,
19 they took more action, but, it's still not enough.

20 If the end result is the condition --

21 SENATOR BIAGGI: Right.

22 So I think I'm just -- I'm just trying to
23 draw a line here.

24 So the State is given -- the State agencies
25 have the power, of course, from the executive.

1 And so the executive, perhaps, would you
2 suggest that they look at their oversight of the
3 agencies, and perhaps give them more power to
4 oversee or fulfill their duties so that deaths are
5 prevented?

6 GORDON WREN: Yes, I think they could use
7 more power, in some instances. But just let them
8 use the power they do have now.

9 SENATOR BIAGGI: Right.

10 So do you think that the lack of the ability
11 for these agencies to use their power is the cause
12 of deaths?

13 GORDON WREN: I'm trying -- that's a --
14 that's a -- if I answer that question yes, I'd
15 better come up with some examples. I'd have to
16 think about it.

17 SENATOR BIAGGI: Could you draw an inference,
18 perhaps?

19 GORDON WREN: Yes.

20 If not --

21 SENATOR BIAGGI: Thank you.

22 GORDON WREN: If not, it will.

23 SENATOR BIAGGI: Thank you.

24 SENATOR SKOUFIS: Thank you, Mr. Wren.

25 GORDON WREN: Thank you.

1 SENATOR SKOUFIS: Next we'll hear from the
2 Orange County Landlord Association.

3 I believe we have Michael Acevedo; right?

4 MICHAEL ACEVEDO: That's me.

5 SENATOR SKOUFIS: And, Rafael Rivera; is that
6 right?

7 MICHAEL ACEVEDO: Correct.

8 RAFAEL RIVERA: Correct.

9 SENATOR SKOUFIS: Okay.

10 If you can both please raise your right hand.
11 Do you solemnly swear that you will tell the
12 truth, the whole truth, and nothing but the truth,
13 so help you God?

14 MICHAEL ACEVEDO: I do.

15 RAFAEL RIVERA: I do.

16 SENATOR SKOUFIS: Thank you.

17 Please proceed.

18 MICHAEL ACEVEDO: Okay.

19 My name is Michael Acevedo.

20 I'm a landlord. I've been a landlord for
21 43-plus years.

22 And I have some issues that I -- I think is
23 total opposite of what you want to hear, to be
24 honest with you, but at the end I will explain some
25 things.

1 I've seen fire-code department driving around
2 in their big fire trucks to go to McDonald's to pick
3 up lunch.

4 I don't think that's necessary.

5 Okay?

6 I have seen the fire -- fire code has given
7 landlords violations to have an electrical survey
8 because there was a loose outlet or a blank plate
9 missing on a panel, not a fire hazard.

10 I think that's unnecessary, because it cost
11 the landlord over \$1200 to do that.

12 I want to know, when inspectors go to inspect
13 a property, why are they violating a landlord when
14 it's tenant issues?

15 They should be violating tenants.

16 There was a new law put into place, that
17 tenants are supposed to be held accountable.

18 Why hasn't this law been used?

19 I've asked the local government to set up an
20 appointment with myself and code compliance so we
21 can open channels for communication.

22 It hasn't been done.

23 I had to take it into my own hands and go
24 straight to the fire department and talk to the
25 chief myself.

1 Why didn't they do it the right way, the
2 right channels, the correct channels?

3 Smoke detectors, carbon monoxide detectors,
4 and fire extinguishers are installed by the
5 landlord.

6 All inspections are made.

7 Tenants sign an affidavit stating they are
8 there.

9 Okay?

10 I think that code compliance is using
11 selective enforcement on landlords, certain
12 landlords.

13 They think you're making too much money so
14 they go after you.

15 Not necessary. I think it's uncalled for.

16 I'd also like to mention that I think what
17 you're here -- what you're saying is correct: If
18 you have a bad landlord and he's not doing things
19 properly, you should go after him. He should pay
20 for what he's doing if it's wrong.

21 But I don't think it's all issues tenant.

22 How many people here have rented an apartment
23 in their lifetime?

24 Could you raise your hands? (looking at
25 audience.)

1 Did you go in and not see the apartment
2 before you rented it?

3 Or did you just lay down money and rent it
4 and walk in, after you paid for it, go into it?

5 I don't believe so.

6 That's all I have to say.

7 SENATOR SKOUFIS: Would you like to add
8 anything?

9 RAFAEL RIVERA: I just want to add my
10 personal experiences dealing with the various codes
11 of New York City -- I mean, of city of Newburgh.

12 So, once again, my name is Rafael Rivera, a
13 property owner within the city of Newburgh.

14 Thank you, Senator Skoufis, for this
15 opportunity.

16 I really, really appreciate that we can talk
17 and you can hear our experiences and grievances, and
18 so forth.

19 My intent today in the hearing is to bring
20 attention to the actual experiences and challenges
21 that I have personally gone through in dealing with
22 various ambiguous interpretation of the building
23 codes and the personal enforcement interpretation of
24 those codes; however, not all interaction is
25 directly negative in nature.

1 Some of the men and women who serve the
2 building department in this great city have
3 performed in the best interests of the building
4 department, city council, and the citizens of
5 Newburgh; therefore, this is not an entire
6 reflection of the building department.

7 On May 1st of 2017 I was cited with two
8 building violations.

9 The first, was not having the building
10 labeled with a property number.

11 Within 48 hours I cured that issue.

12 The second building -- the second building
13 violation from the code-compliance officer stated
14 that I required a bond, a vacancy bond, for my
15 building.

16 However, I was under construction with two
17 permits existing on this property.

18 I informed the code inspector of this, and
19 requested that, please go to your computer network
20 to verify that that is the case, and I'm, literally,
21 in compliance of the law.

22 His response, in turn, he continued on
23 informing me that I still will require a vacancy
24 bond regardless that there are existing permits.

25 However, he stated, that all that was

1 required for this particular situation was a \$2,000
2 bond, not a \$10,000 bond.

3 I asked, what would be required as far as the
4 verbiage related to this \$2,000 bond?

5 He directed me to go to the office and pull
6 out a generic form, and that generic form has no
7 specifics as far as what would be required to be
8 labeled and acceptable by the City of Newburgh.

9 I then went to my insurance broker, and she
10 requested, yeah, I'm going to need that information,
11 for sure.

12 I went back to the inspector and informed him
13 of the situation, and I said, I need your guidance
14 and direction as far as how will this bond be
15 labeled, other than, obviously, "additionally
16 insured"?

17 He began to become belligerent and vocal.

18 I let him say what he said, I hung up the
19 phone.

20 The following day I brought a \$2,000 bond,
21 labeling the City of Newburgh as "additionally
22 insured."

23 He immediately stated to me, "Why did you do
24 that when the bond is supposed to be 10,000?"

25 I said, "We spoke yesterday. You told me a

1 2,000 bond is only required because of the existing
2 permits."

3 He then stated, "You obviously got it
4 completely incorrect."

5 Shortly thereafter I said, "I will return
6 with a \$10,000 certificate of a bond."

7 As I walked out the building, and I got to my
8 car, he approached me and stated, "Oh, that bond
9 must be in a check form."

10 Immediately I was getting heated, because it
11 was obvious that there was three different
12 interpretations, three different directions, of what
13 was required.

14 We returned back into the office, and there
15 was a secretary there, or I believe she was a
16 secretary, who came in and started getting involved
17 in the conversation.

18 She immediately stated to me that, yes, a
19 check of a bond is required, not the certificate,
20 and that's what is -- and that's what you have to
21 do.

22 I have to say that a heated discussion took
23 place shortly thereafter.

24 Then, right after that, Assistant
25 Chief Horton came out and requested everyone to

1 lower their voices, and also stated, "You need to
2 come back with a bond."

3 He claimed that I had no existing permits
4 whatsoever.

5 I said, "I will."

6 I then brought that issue to the attention of
7 the city manager.

8 Unfortunately, he wasn't in his office, so
9 I spoke to his assistant. I told her what
10 transpired.

11 I said, I really see what this is going to --
12 how this is, unfortunately, going to play out.

13 And -- and, sure enough, I was -- I received
14 the -- I received orders to report to court, because
15 I'm going -- I was being charged for not complying
16 with the bond, when I was trying to figure out, what
17 is the bond? what is the verbiage? what is the
18 amount?

19 Everything is contradicting to one to
20 another, and I need clarity.

21 Give me orders.

22 I followed my orders.

23 I never got them.

24 SENATOR SKOUFIS: (Inaudible.)

25 RAFAEL RIVERA: Sure.

1 I'll make it brief.

2 Shortly thereafter it was dismissed.

3 I was directed by the ADA to submit a bond.

4 Shortly thereafter I submitted a bond.

5 But as I brought the bond in, the building
6 inspector said, "Why do you have a bond when you
7 have an open permit existing already?"

8 And I said -- I took a minute and a half to
9 calm down, and I explained the situation to the
10 inspector.

11 And the inspector says, "I understand, but,
12 unfortunately, that's not the way it should have
13 been handled."

14 SENATOR SKOUFIS: Thank you.

15 Thanks, for your testimony.

16 And, hopefully, you've come to understand, by
17 virtue of, you know, this invitation, that we are
18 trying to be objective here in this committee.

19 You know, I understand that Mr. Acevedo said,
20 you know, that the testimony would not be what we
21 want to hear, but make no mistake, we're not
22 predisposed to wanting or not wanting to hear any
23 information.

24 And I appreciate your testimony.

25 Would you both agree that it's -- the City of

1 Newburgh's, or any municipality's, obligation to
2 make sure that the housing in that municipality is
3 safe?

4 MICHAEL ACEVEDO: Yes.

5 SENATOR SKOUFIS: Okay.

6 And the primary enforcement mechanism is code
7 enforcement to do that.

8 Would you agree with that?

9 MICHAEL ACEVEDO: I do.

10 SENATOR SKOUFIS: Okay.

11 And, so, how many -- now, how many buildings
12 do each of you own in the city of Newburgh?

13 MICHAEL ACEVEDO: One too many.

14 RAFAEL RIVERA: I only own one, and I won't
15 go any further.

16 SENATOR SKOUFIS: I'm not looking for you to
17 go any further than that.

18 Mr. Acevedo, does 10 properties sound right?

19 MICHAEL ACEVEDO: There's more.

20 SENATOR SKOUFIS: There's more.

21 Okay.

22 LLCs own the properties?

23 MICHAEL ACEVEDO: No. My children own
24 properties as well. They're in their names.

25 SENATOR SKOUFIS: Okay, but, do you have any

1 LLCs, either of you, owning properties?

2 MICHAEL ACEVEDO: No, I don't.

3 RAFAEL RIVERA: (Shakes head.)

4 SENATOR SKOUFIS: No.

5 Okay.

6 MICHAEL ACEVEDO: Not here.

7 SENATOR SKOUFIS: How many -- can you give me
8 a sense of how many violations, ballpark, you've
9 accumulated on the properties?

10 MICHAEL ACEVEDO: The only violation that
11 I had in the past was for the rental agreement.

12 I refused to do it because, we took the City
13 to court, the Orange County Landlords Association,
14 and the inspections were supposed to be every
15 two years, as agreed upon in court.

16 And as soon as we went to do it, they changed
17 the statements and said they were every year.

18 So I refused to do it, to rebel against it.

19 And when I went to court, I explained to the
20 judge.

21 And he asked me to do the inspections, which
22 I did, and I have all the inspections on all my
23 properties.

24 But I'm still unclear if they're every year,
25 every two years, because I keep getting different

1 stories.

2 SENATOR SKOUFIS: So that was one violation?

3 MICHAEL ACEVEDO: That was the one violation,
4 other than the fact that I had grass that was a
5 little high. That was it, grass.

6 SENATOR SKOUFIS: So you've had two
7 violations on your properties over the past number
8 of years; is that right?

9 MICHAEL ACEVEDO: You know, it's hard to say.
10 I mean, I don't recall having many
11 violations, going to court for violations.

12 I think I spoke with Jeremy once or twice
13 through -- in the past three or four years, for
14 housing violations.

15 SENATOR SKOUFIS: Okay.

16 Mr. Rivera?

17 You said you have one property in the city of
18 Newburgh.

19 Can you give us a sense of how many
20 violations that property has had in the last number
21 of years?

22 RAFAEL RIVERA: I would say every two years,
23 maybe minor stuff. Like, I've gotten about grass.
24 So you cut the grass.

25 I've gotten where people have sprayed

1 graffiti on the exterior wall, and removed that.

2 So (indiscernible).

3 SENATOR SKOUFIS: Okay.

4 So between the two of you, a few violations,
5 is your understanding? Yeah?

6 Okay.

7 That's not the information that we have.

8 And I know one of my colleagues is going to
9 discuss that aspect of all this further.

10 So how many times have you appeared in
11 housing court in the last, let's say, five years?

12 MICHAEL ACEVEDO: Couldn't tell you.

13 SENATOR SKOUFIS: You couldn't tell me, why?

14 MICHAEL ACEVEDO: No, because I have "CRS."
15 I can't remember [expletive bleeped out].

16 Okay?

17 I'm sorry, but that's the way it is.

18 I am in court all the time for evictions for
19 non-payment.

20 I never gave out a 30-day notice in over
21 40 years, to anybody, to evict them for any other
22 reason than non-payment of rent.

23 Okay?

24 I have, all my apartments are full, for one
25 reason, because I give nice housing to people.

1 And I work with people.

2 SENATOR SKOUFIS: And, Mr. Acevedo, housing
3 court?

4 RAFAEL RIVERA: I went recently for an
5 eviction with a tenant.

6 And the last time for -- I went to court for
7 violations, I think was this one, 2017, related to
8 it.

9 SENATOR SKOUFIS: Okay.

10 Have you ever received complaints from any of
11 your tenants about conditions; and, if so, what's
12 generally your response when you do?

13 MICHAEL ACEVEDO: "Take care of it right
14 away."

15 SENATOR SKOUFIS: Same?

16 MICHAEL ACEVEDO: That's why I'm not in
17 court.

18 SENATOR SKOUFIS: Okay.

19 Thanks for your answers.

20 Senator Myrie.

21 SENATOR MYRIE: Thank you for your testimony,
22 and coming in today.

23 I want to talk about the violations for a
24 second, and I would remind both of you that you did
25 take an oath before you testified.

1 The information that we have suggests that,
2 Mr. Acevedo, that, over the course of 13 years,
3 between 2005 and 2018, that there were 247 code
4 violations.

5 MICHAEL ACEVEDO: That I appeared in court
6 for?

7 SENATOR MYRIE: Irrespective --

8 SENATOR SKOUFIS: You don't have to appear in
9 court.

10 SENATOR MYRIE: -- yeah, irrespective of
11 whether or not you appeared in court, there were
12 247 code violations on the properties that you own.

13 MICHAEL ACEVEDO: Not that I know of, I'm
14 sorry.

15 SENATOR MYRIE: Okay.

16 According to the information that I have,
17 there were also 264 complaints lodged against the
18 properties that you own.

19 MICHAEL ACEVEDO: Really?

20 Surprise to me.

21 SENATOR MYRIE: Okay.

22 So you dispute this information?

23 MICHAEL ACEVEDO: Yes, I do.

24 SENATOR MYRIE: So that is not correct?

25 MICHAEL ACEVEDO: I don't believe it is, no.

1 SENATOR MYRIE: Is -- are these larger than
2 the two complaints that you said you received,
3 (indiscernible cross-talking) two violations?

4 MICHAEL ACEVEDO: Are those numbers much
5 larger than the two that I have stated?

6 Yes, that is quite a large -- that's a lot of
7 complaints.

8 SENATOR MYRIE: Okay.

9 So I'm going to accept the information that
10 we have.

11 And if we took the average, over the
12 13 years, it would be nearly 20 complaints a year
13 and 20 violations a year.

14 Now, I went to law school because I'm not
15 good at math, so those numbers may be a little off.

16 But if you own a property in which people are
17 complaining at that rate, and you are receiving
18 violations at that rate, you would admit that that
19 is a --

20 MICHAEL ACEVEDO: Absolutely --

21 SENATOR MYRIE: -- problem?

22 MICHAEL ACEVEDO: -- I would admit to it,
23 yes, that is a problem.

24 SENATOR MYRIE: That would be problematic?

25 MICHAEL ACEVEDO: Yes.

1 SENATOR MYRIE: Now, you mentioned in your
2 testimony that the code enforcement is selective
3 because there are certain property owners that are
4 making too much money, and that the enforcement is a
5 mechanism by which to take away money.

6 So can you tell us --

7 MICHAEL ACEVEDO: (Indiscernible
8 cross-talking) --

9 SENATOR MYRIE: -- how much --

10 Hold on, hold on, hold on.

11 I want you to respond when I ask.

12 MICHAEL ACEVEDO: Yes.

13 SENATOR MYRIE: -- how much money have you
14 paid in fines?

15 MICHAEL ACEVEDO: Maybe \$200? \$300? --

16 SENATOR MYRIE: 200 --

17 MICHAEL ACEVEDO: -- in fines --

18 SENATOR MYRIE: -- in fines?

19 MICHAEL ACEVEDO: -- when I -- if I went to
20 court.

21 And that was because of the fines that I had
22 for the -- in the past year, with not doing any
23 inspections. There's a \$25 per house.

24 SENATOR MYRIE: So you have paid a total of
25 \$200 in fines?

1 MICHAEL ACEVEDO: That's about it.

2 SENATOR MYRIE: Okay.

3 So --

4 MICHAEL ACEVEDO: Because I haven't been to
5 court, is what I'm telling you.

6 SENATOR MYRIE: Okay.

7 MICHAEL ACEVEDO: That's why I haven't had
8 the fines.

9 SENATOR MYRIE: Okay.

10 So you would understand why I would be
11 dubious of that number --

12 MICHAEL ACEVEDO: Absolutely.

13 SENATOR MYRIE: -- given our discrepancy --

14 MICHAEL ACEVEDO: Yes.

15 SENATOR MYRIE: -- in the violations and
16 complaints.

17 But let's accept that number, that you have
18 only paid \$200 in fines.

19 How, then, is code enforcement used as a
20 mechanism to take money away from property owners?

21 MICHAEL ACEVEDO: I didn't say it was against
22 me.

23 I'm speaking about a council member stepping
24 up and complaining about a landlord that they said
25 was making much -- too much money, "and we got to

1 stop this."

2 That's what I'm talking about.

3 I watch the council meetings.

4 SENATOR MYRIE: And what I'm trying to
5 understand is, how imposing a fine would take away
6 the money, or a landlord's ability to make money,
7 when you, having violated the law 247 times, have
8 only paid \$200 in fines.

9 MICHAEL ACEVEDO: I haven't violated the law
10 237 times, or whatever numbers you said.

11 I haven't gotten any violations like that.

12 SENATOR MYRIE: Okay.

13 Thank you.

14 SENATOR SKOUFIS: Senator Krueger.

15 SENATOR KRUEGER: Thank you.

16 Mr. Acevedo, in your opening statement you
17 said, "Has anyone been a renter?"

18 And I was one of the people who raised their
19 hands.

20 And then you responded, Well, you know, you
21 take a look at the apartment, and you decide whether
22 or not to rent it.

23 But isn't it true that, I'm not an
24 electrician, I'm not a firefighter, I'm not a
25 plumber.

1 So --

2 MICHAEL ACEVEDO: I have inspections.

3 SENATOR KRUEGER: So I rent an apartment, and
4 then it starts to flood, and then I start to have
5 mold in my walls.

6 And I might not know that it was faulty
7 electrical wiring, until I got there, tried to plug
8 some things in and discover that a fire starts.

9 So I'm confused that you think the definition
10 of a "landlord-tenant relationship" is, I looked at
11 the apartment and I signed a lease, so everything
12 afterwards is my fault?

13 MICHAEL ACEVEDO: It's not only that, ma'am.
14 We have inspections.

15 In order to rent to a social-service tenant,
16 we have to have an inspection prior to them moving
17 in, which is for a CO.

18 And now we have the new inspections, which
19 they do every year, or every two years, to inspect
20 it, to make sure that everything is in order for the
21 tenants to move in.

22 SENATOR KRUEGER: Hence your confusion over
23 having so many violations against you, based on the
24 numbers that were just provided by my colleague,
25 since you assume, because there was some kind of

1 social-service inspections, that you had met all
2 your obligations --

3 MICHAEL ACEVEDO: No.

4 SENATOR KRUEGER: -- as a landlord?

5 MICHAEL ACEVEDO: No.

6 SENATOR KRUEGER: No.

7 MICHAEL ACEVEDO: No.

8 SENATOR KRUEGER: Okay.

9 MICHAEL ACEVEDO: Because I don't have any
10 floods.

11 I mean, maybe somebody blocked up a toilet
12 and it overflowed.

13 We would go there right away and take care of
14 the issue.

15 SENATOR KRUEGER: Okay.

16 That's not a question, but you had made a
17 statement that, as far as you can tell, your
18 firefighters just ride around on their truck and go
19 to McDonald's.

20 MICHAEL ACEVEDO: I've seen that.

21 SENATOR KRUEGER: Well, actually, that's
22 perfectly allowed --

23 MICHAEL ACEVEDO: Okay. I didn't know that.

24 SENATOR KRUEGER: -- because firefighters
25 need to go out and get something to eat sometimes.

1 MICHAEL ACEVEDO: In their fire truck?

2 SENATOR KRUEGER: And they must be in their
3 fire trucks because, if they have a radio call to
4 get to a job --

5 MICHAEL ACEVEDO: Well, thank you for
6 explaining that to me.

7 SENATOR KRUEGER: -- being in the fire truck
8 ensures that they won't have any delay --

9 MICHAEL ACEVEDO: Okay.

10 SENATOR KRUEGER: -- in continuing their
11 work.

12 MICHAEL ACEVEDO: Okay.

13 SENATOR KRUEGER: If they were all in private
14 cars, and had to go back to the firehouse, then get
15 in the truck, then go out, that would be the
16 problem. Not that they're using their firetruck --

17 MICHAEL ACEVEDO: Thank you.

18 SENATOR KRUEGER: -- to do things they need
19 to do while on duty.

20 How did you end up the president of the
21 Orange County Landlord Association?

22 Is that an association that votes?

23 MICHAEL ACEVEDO: How did I end up?

24 SENATOR KRUEGER: Yes.

25 MICHAEL ACEVEDO: Yes, that we re-elected.

1 SENATOR KRUEGER: You get re-elected.

2 MICHAEL ACEVEDO: There's close to
3 170 members.

4 I was the vice president for probably
5 30 years.

6 And when it came time for this president to
7 step down, everybody was asking, who they wanted as
8 the president, and they said me.

9 SENATOR KRUEGER: And are there bylaws of
10 this association --

11 MICHAEL ACEVEDO: Yes, there are.

12 SENATOR KRUEGER: -- and job description?

13 MICHAEL ACEVEDO: Yes, there are.

14 SENATOR KRUEGER: So the committee could ask
15 to get copies of those?

16 MICHAEL ACEVEDO: Sure.

17 SENATOR KRUEGER: Thank you very much.

18 SENATOR SKOUFIS: Senator Biaggi.

19 SENATOR BIAGGI: (Shakes head.)

20 SENATOR SKOUFIS: Senator Kavanagh.

21 SENATOR KAVANAGH: Yeah, I don't want to
22 prolong this because we do have many speakers.

23 But, just, I'm trying to -- I'm perplexed
24 here.

25 So you began by saying that you don't think

1 we want to hear what you have to say, which, of
2 course, we wouldn't be here and asking you to
3 testify if we didn't want to hear what you have to
4 say.

5 But, you know, just, clearly, a
6 code-enforcement system that has selective
7 enforcement, and where representatives of the agency
8 is supposed to enforce don't know the rules and
9 can't state them clearly, are problems.

10 And they're probably problems of training,
11 perhaps they're problems of other -- you know, that
12 result from other aspects of the system, other
13 deficiencies.

14 But just -- I -- you're the president of
15 the -- a county landlord association, and you are
16 not willing to tell this committee how many
17 properties you have an ownership interest in?

18 MICHAEL ACEVEDO: I don't feel that there's a
19 reason for that.

20 I don't feel that you need to know how many
21 properties I have.

22 SENATOR KAVANAGH: You stipulate you own some
23 amount of property, but -- like, if we -- if we had
24 a code-enforcement agency up here and we said, "How
25 many inspectors do you have?" do you think it would

1 be appropriate for them to say, We're not -- We
2 don't see your need to know that?

3 MICHAEL ACEVEDO: They are paid by taxpayers.
4 Right?

5 Nobody pays me for my information.

6 I'm sorry, I just don't agree with it.

7 SENATOR KAVANAGH: So you're not -- in --
8 what we're trying to understand is, how -- how to
9 take your testimony here today, and what your
10 experience is with being a landlord and being with
11 code enforcement.

12 And, an inability to share the most basic
13 information about what -- about your experience as a
14 landlord makes it hard for us to take the rest of --
15 like, you know, the rest of your (indiscernible)
16 sincerely.

17 Do you own one property?

18 Do you own any property?

19 MICHAEL ACEVEDO: I said before
20 (indiscernible cross-talking) --

21 SENATOR KAVANAGH: You own some amount of
22 property?

23 MICHAEL ACEVEDO: -- I have more than
24 10 properties.

25 SENATOR KAVANAGH: More than ten.

1 MICHAEL ACEVEDO: Yes.

2 SENATOR KAVANAGH: How -- and -- and -- but
3 you're not willing -- you're not willing to discuss
4 how many properties you and your family have
5 ownership interest in?

6 MICHAEL ACEVEDO: No.

7 SENATOR KAVANAGH: Okay.

8 MICHAEL ACEVEDO: Thank you.

9 SENATOR KAVANAGH: And the same for,
10 Mr. Rivera, I know you're the spokesperson of this
11 organization, and you own one, and exactly one,
12 property; is that correct?

13 RAFAEL RIVERA: Yes.

14 SENATOR KAVANAGH: And you have no ownership
15 interest in other -- in other residential real
16 estate in the state of New York?

17 RAFAEL RIVERA: No.

18 SENATOR KAVANAGH: Okay.

19 And, again, you -- you know, we've discussed
20 this at some length with Mr. Acevedo, but -- well,
21 let me stick with Mr. Acevedo (indiscernible).

22 You have never -- have you ever received a
23 vacate order on any property that you own?

24 MICHAEL ACEVEDO: Yes, I have.

25 SENATOR KAVANAGH: You have?

1 MICHAEL ACEVEDO: Just this past Friday.

2 SENATOR KAVANAGH: Okay, and what --

3 MICHAEL ACEVEDO: A car hit my building.

4 The inspectors went there, I went there. It
5 was 2:30 in the morning, 3:00 in the morning.

6 They put a "condemned" and a "vacate" sign on
7 the building.

8 Okay?

9 Fine.

10 He was doing things that I thought were
11 unnecessary.

12 When I was standing outside, and so were the
13 tenants, he was breaking down doors to their
14 bedrooms, which I thought was unnecessary when
15 there's somebody standing outside with a key.

16 SENATOR KAVANAGH: What were the conditions
17 that caused that vacate -- that are the basis for
18 that vacate order?

19 MICHAEL ACEVEDO: A car hit the building in
20 two locations, and crashed into a car parked in
21 front of it.

22 SENATOR KAVANAGH: And what was the address
23 of that location?

24 MICHAEL ACEVEDO: Excuse me, I'm sorry,
25 I didn't get that?

1 SENATOR KAVANAGH: The address of that
2 location?

3 MICHAEL ACEVEDO: 73 Carpenter Avenue.

4 SENATOR KAVANAGH: Okay.

5 Have you ever received a vacate order on any
6 property in which you have an ownership interest?

7 MICHAEL ACEVEDO: In the past?

8 SENATOR KAVANAGH: Yes.

9 MICHAEL ACEVEDO: Sure.

10 SENATOR KAVANAGH: Okay, can you give us
11 another example of an instance where you have
12 received a vacate order?

13 MICHAEL ACEVEDO: 86 Johnson Street.

14 SENATOR KAVANAGH: And what was the basis for
15 a vacate order at 86 Johnson Street?

16 MICHAEL ACEVEDO: Tenants that lived there
17 were animals.

18 Okay?

19 SENATOR KAVANAGH: Excuse me, are you
20 characterizing --

21 MICHAEL ACEVEDO: Sorry to say --

22 SENATOR KAVANAGH: -- human beings as
23 "animals" (indiscernible cross-talking)?

24 MICHAEL ACEVEDO: -- I say that only because,
25 when code compliance went in to make an inspection,

1 they violated the tenant, and that was four or
2 five years ago.

3 SENATOR KAVANAGH: Can you discuss the
4 condition -- the physical conditions of the
5 property --

6 MICHAEL ACEVEDO: It was just trashed.

7 SENATOR KAVANAGH: -- that caused
8 (indiscernible cross-talking) --

9 MICHAEL ACEVEDO: The whole house was
10 trashed.

11 They broke windows.

12 There were holes in the walls.

13 This there was garbage everywhere.

14 It was just trash.

15 So they ordered -- they gave an order to
16 vacate.

17 SENATOR KAVANAGH: Can you give -- can you
18 give an additional example of an -- instances or
19 property, that you are the owner -- that you have an
20 ownership interest in, has received a vacate order?

21 MICHAEL ACEVEDO: I can't remember if I've
22 had any others, I'm sorry.

23 SENATOR KAVANAGH: Okay, you don't recall if
24 you've had more than two vacate orders in your
25 career as a landlord?

1 MICHAEL ACEVEDO: I'm sure that I have.

2 It's a long career, it's 43 years.

3 SENATOR KAVANAGH: Okay.

4 And you don't recall the circumstances of any
5 other vacate order that you've received?

6 MICHAEL ACEVEDO: I don't remember, I'm
7 sorry.

8 SENATOR KAVANAGH: I mean, would you
9 acknowledge that a vacate order is a pretty
10 significant thing to occur on a piece of residential
11 property, and that it requires people who are living
12 in the property to leave the premises promptly
13 and -- and -- and, you know --

14 MICHAEL ACEVEDO: Of course.

15 SENATOR KAVANAGH: -- find other shelter?

16 MICHAEL ACEVEDO: Of course.

17 SENATOR KAVANAGH: Okay. So it's just --
18 again, it's for -- I -- there's a -- you know, a
19 clever line about "CRS syndrome."

20 But, you know, we are here to ascertain the
21 facts, and what's going on, and we are seeking the
22 perspective of landlords, as we do in all of our
23 deliberations.

24 You know, it's very difficult to do that when
25 the association of landlords for an entire county of

1 our state declines to give us, you know, forthright
2 testimony, or, you know, sends us representatives
3 who assert that they can't remember the most basic
4 facts about their own experience as landlords.

5 But thank you for, you know, being here
6 today.

7 SENATOR SKOUFIS: Senator Biaggi.

8 SENATOR BIAGGI: Thank you.

9 I just have a few questions, and then I think
10 we are on our end point of our inquiry.

11 I believe that housing is a human right, it's
12 a basic human right, and that the ability to do
13 business in any capacity is really a privilege.

14 So, I just have a few questions about the way
15 in which you operate your properties.

16 So, do you have to file any paperwork or
17 obtain any licenses to operate your properties with
18 the municipalities?

19 MICHAEL ACEVEDO: The registry.

20 SENATOR BIAGGI: The registry, can you
21 explain that a little bit?

22 MICHAEL ACEVEDO: Well, it's -- to me it's an
23 additional tax, but, it's so they have a list of who
24 owns what properties.

25 SENATOR BIAGGI: That -- who is "they"?

1 MICHAEL ACEVEDO: The code compliance, the
2 city hall, whoever you want to call it.

3 I don't know who has them.

4 Okay, we have to fill out a paper.

5 We have to pay their fees.

6 They come and make an inspection.

7 They give you the right to rent the
8 apartment.

9 It gives you a clear inspection.

10 SENATOR BIAGGI: So the municipality gives
11 you the right --

12 MICHAEL ACEVEDO: Yes, ma'am.

13 SENATOR BIAGGI: -- to rent?

14 Okay.

15 So do you operate any affordable-housing
16 units?

17 MICHAEL ACEVEDO: Affordable-housing units?

18 I think all our apartments are affordable,
19 yes.

20 SENATOR BIAGGI: Hmm.

21 Okay.

22 Do you receive any benefit from the
23 municipality or from the State as a result?

24 MICHAEL ACEVEDO: No, I don't.

25 SENATOR BIAGGI: Okay.

1 But you do agree that you obtain a license,
2 so to speak, from the municipality to operate your
3 rental?

4 MICHAEL ACEVEDO: I believe in Newburgh.

5 I don't have any -- I have properties outside
6 of Newburgh, but I don't -- there's no registry yet.

7 SENATOR BIAGGI: Okay.

8 So I believe that it's a privilege to do
9 business with a city or the State, or government,
10 generally, and, that, with that privilege comes
11 responsibility to the people that are renting those
12 units.

13 And that, as a result of being able to have
14 the privilege to do business with the municipality
15 or with the State, that transparency, and the
16 ability for individuals in the community, and
17 otherwise, to understand the number of properties
18 that you are owning for rental units is a pretty
19 significant fact.

20 So I will ask you for the last time, and hope
21 that you will answer the question: How many units
22 do you own, or how many properties do you own, that
23 you are currently renting?

24 MICHAEL ACEVEDO: Where?

25 SENATOR BIAGGI: In Newburgh.

1 MICHAEL ACEVEDO: In the city of Newburgh?

2 SENATOR BIAGGI: Uh-huh.

3 MICHAEL ACEVEDO: 10, 13, 12, around there.

4 SENATOR BIAGGI: In surrounding areas?

5 MICHAEL ACEVEDO: I have more.

6 SENATOR BIAGGI: About 10? 20? 30?

7 MICHAEL ACEVEDO: Around there.

8 SENATOR BIAGGI: 30?

9 MICHAEL ACEVEDO: Yeah.

10 SENATOR BIAGGI: So about 40, total, so far?

11 MICHAEL ACEVEDO: Okay.

12 SENATOR BIAGGI: Would you say that's the
13 totality of how many properties you own?

14 MICHAEL ACEVEDO: Yes.

15 SENATOR BIAGGI: 40?

16 MICHAEL ACEVEDO: Okay.

17 SENATOR BIAGGI: Okay, about 40.

18 Thank you.

19 MICHAEL ACEVEDO: Thank you.

20 SENATOR SKOUFIS: I just want to make one
21 last remark, and, look, I wish I didn't have to say
22 this to a constituent, but, I am still floored, and
23 I'm deeply offended, that you would characterize any
24 human being that you deal with as "an animal."

25 [Applause.]

1 SENATOR SKOUFIS: Hold on.

2 MICHAEL ACEVEDO: Yes. Go ahead.

3 SENATOR SKOUFIS: I don't care what any
4 person did to your apartment, or any apartment.
5 They could be the worst tenant in the world.

6 They're not animals, sir.

7 And I think that speaks volume to the
8 relationship, or lack thereof, that, perhaps, you,
9 and some other landlords -- not -- there are many,
10 many good landlords -- have with their tenants, and
11 the need for government to step in as a municipality
12 and do proper code enforcement, and as a state
13 government to make sure that there are protections
14 in place.

15 Because, if a landlord views their tenant as
16 "an animal," clearly, that landlord is not going to
17 go out of their way to do the right thing by that
18 person.

19 And so, nevertheless, I want to thank both of
20 you for your testimony, and I appreciate your
21 presence here.

22 SENATOR KRUEGER: I have one more question.

23 SENATOR SKOUFIS: Sorry?

24 SENATOR KRUEGER: I have one more question.

25 SENATOR SKOUFIS: Sorry.

1 Senator Krueger has one more question.

2 SENATOR KRUEGER: Thank you.

3 Thank you.

4 Mr. Acevedo, might you have a relationship to
5 a Michael Acevedo, Sr., who was a marshal --

6 MICHAEL ACEVEDO: Yes, that's me, ma'am.

7 SENATOR KRUEGER: -- in Newburgh at the same
8 time?

9 MICHAEL ACEVEDO: Yes, that's right.

10 SENATOR KRUEGER: And you were fired for
11 illegally evicting tenants; is that correct?

12 MICHAEL ACEVEDO: No, that's not true.

13 SENATOR KRUEGER: But you were fired as a
14 marshal?

15 MICHAEL ACEVEDO: I was never fired for
16 illegal evictions of tenants, no, I did not do that.

17 SENATOR KRUEGER: What were you fired for?

18 MICHAEL ACEVEDO: I was asked to resign
19 because a new judge came in and he wanted to place
20 his own marshal in there.

21 That's why I was asked to resign.

22 SENATOR KRUEGER: Do you see any conflict
23 between being a marshal --

24 MICHAEL ACEVEDO: At the time --

25 SENATOR KRUEGER: -- and evicting tenants?

1 MICHAEL ACEVEDO: -- I didn't own the
2 properties, ma'am.

3 My son owned properties.

4 SENATOR KRUEGER: Oh.

5 MICHAEL ACEVEDO: Okay?

6 SENATOR KRUEGER: Okay.

7 MICHAEL ACEVEDO: Anything else?

8 SENATOR KRUEGER: No --

9 MICHAEL ACEVEDO: Thank you.

10 SENATOR KRUEGER: -- I'm very interested.

11 Thank you.

12 SENATOR SKOUFIS: Thank you.

13 All right, we're going to switch the next
14 two, and they've both been notified, and agreed, as
15 far as I know.

16 So, next, given the testimony that we just
17 heard, I'd like to bring up the City of Newburgh.

18 Joe Donat, city manager.

19 And congratulations on your permanent
20 appointment as city manager just this week.

21 Do we have Jeremy Kaufman here, as well?

22 Michelle Kelson, Bill Horton, Allie Church.

23 And I don't know if he's still here, but I do
24 want to acknowledge that the mayor, Torrance Harvey,
25 was at least here, in attendance.

1 Okay.

2 Before we hear from you, if you could please
3 just raise your right hand.

4 Do you solemnly swear that you will tell the
5 truth, the whole truth, and nothing but the truth,
6 so help you God?

7 (All witnesses say "Yes.")

8 SENATOR SKOUFIS: Thank you.

9 Go ahead.

10 JOSEPH DONAT: Thank you, Senator, members of
11 the committee.

12 As you referenced, today is my first day as
13 being the permanent city manager here in Newburgh.

14 For the last six months I served in an
15 interim capacity, and I can tell you, some of the
16 most disturbing and alarming things I've seen over
17 the last several months have been related to the
18 issues that we're discussing here today.

19 It's my intention to talk about solutions
20 rather than problems, but before I do that, I will
21 just say, you may have seen the gentleman to my
22 right jump up about an hour ago, it was right around
23 lunchtime. I'm sure he was hungry.

24 He wasn't going to get lunch.

25 He was going to a three-alarm fire less than

1 a mile away.

2 Thankfully, that fire has been knocked down,
3 and everyone's okay.

4 But that speaks to the amount of different
5 issues, significant problems, that the city faces on
6 a daily basis.

7 For the last 15 years I've worked in the
8 legislative capacity, so I appreciate the work that
9 you are all doing here today, of put together
10 hearings of this nature, and I know firsthand the
11 amount of work that goes into it.

12 So, I commend you, your staff, and others.

13 For the last six years, prior to serving as
14 interim manager here in the city, I worked above the
15 codes office for a member of Congress.

16 I saw the hard work that Chief Horton and his
17 team does on a daily basis.

18 He leads by example, and it's an uphill
19 battle, but he shows up on a daily basis and he
20 makes a difference.

21 I'm here with a cross-functional team from
22 the City because code enforcement is an effective
23 and important tool for our municipality.

24 We've spent countless hours working on this
25 matter, often addressing very severe problems.

1 But as I discussed, our number-one priority,
2 the point of what I'll be providing to you today, is
3 going to be based on safe, affordable, and quality
4 housing, and now I'm going to talk about some
5 solutions.

6 The cities of Buffalo and Syracuse have
7 implemented a number of different initiatives that
8 I believe could, legislatively, be enacted for the
9 city of Newburgh and our fellow cities across the
10 state of New York that will help address some of the
11 issues that we're here discussing.

12 We could allow the City to collect any unpaid
13 housing-, building-, and fire-code violation
14 penalties through placement, by the City, onto its
15 annual tax levy.

16 This was done in Syracuse.

17 It was codified in the Real Property Tax Law,
18 Section 901.

19 Buffalo's law is, more or less, exactly the
20 same.

21 I would encourage for the City of Newburgh to
22 be allowed to do so as well too.

23 As a result of this, default offenders would
24 either have to pay fines or risk losing their
25 property to tax foreclosure.

1 Passage would also encourage people to appear
2 in court and address their violations.

3 Another item that's been successfully carried
4 out in Syracuse and Buffalo, would be to allow for
5 the City to create a municipal code violation
6 bureau.

7 It would allow for cities, like Newburgh, and
8 its code-enforcement officers to treat relatively
9 minor housing-code violations, that have a
10 significant impact on the community, in a similar
11 manner to parking tickets.

12 Violations of this nature could be issued for
13 garbage and debris, basic sanitation, graffiti, and
14 failure to maintain one's sidewalks outside of their
15 residence.

16 These tickets would be issued, and,
17 obviously, adjudicated in a municipal bureau,
18 similar to a parking-violations bureau that the City
19 has.

20 In addition to that, we could revive
21 multiple-dwelling law, including exploring the
22 expansion of receiverships in context of housing,
23 and amend law to cover smaller cities like Newburgh.

24 Currently, regulations of this matter only
25 apply to cities with populations of 325,000 or more.

1 I would encourage, and gladly work with
2 anyone here today, to allow for this, to apply for
3 cities of all nature -- of all different population
4 sizes.

5 This process would result with receiver
6 managing property, to recoup costs, to rent or take
7 title of the property, and, obviously, ensure that
8 the conditions would be improved as a result.

9 In addition to this, we could require
10 property owners who receive government dollars or
11 vouchers or subsidies for housing to certify and
12 submit that they have a valid rental license on file
13 with the municipality.

14 This is something that the City has worked
15 hard at doing, and any additional assistance in that
16 regard will be appreciated.

17 Last, but not least, we can amend the
18 Real Property Actions and Proceedings Law to require
19 more information to any landlord-tenant proceeding.

20 If we were to do this, it would certify that
21 they have an active, valid rental license on file,
22 and, obviously, allow for increased coordination
23 between all parties.

24 As I mentioned, I'm gathered here with a
25 number of different valuable, critical members of my

1 team: Chief Horton, Alexandra Church,
2 Jeremy Kaufman, Michelle Kelson.

3 And I would gladly yield the rest of my time
4 for any further comments that they would like to
5 provide before the question-and-answer session.

6 SENATOR SKOUFIS: Thank you very much for
7 your testimony.

8 And I also want to thank each of you for
9 cooperating, and really providing assistance to our
10 efforts over the past number of months.

11 And thank you, Chief Horton.

12 I was made aware of what you just went and
13 left do earlier today, and it does speak to the
14 important work that happens here in the city of
15 Newburgh.

16 So thank you.

17 I think it's only natural to ask, in light of
18 what we just heard in -- from the previous
19 witnesses, what do you make of that, that was said?

20 I mean, you know, the -- first, I guess, the
21 discrepancy, where, you know, we have information
22 straight from the -- this -- the code-enforcement
23 software, BuildingBlocks, 247 code violations on
24 Mr. Acevedo's properties in Newburgh.

25 And I -- and I guess he has -- his sons who

1 own additional properties, which we weren't aware
2 of, and that's not even including violations against
3 those properties.

4 He said he had a couple of violations,
5 I think, in recent years?

6 I mean, do you want to just confirm that the
7 numbers that we have sound accurate?

8 And, if you have any other response to, you
9 know, the various things that he has said.

10 ALEXANDRA CHURCH: I do want to take a minute
11 and thank the Attorney General's Office.

12 That BuildingBlocks does come from the
13 Attorney General's Office.

14 It was not long ago that we weren't able to
15 do compiling like that.

16 So I just wanted to take a minute to say all
17 that.

18 JOSEPH DONAT: Yes, the numbers you have are
19 accurate, and I think they speak for themselves.

20 SENATOR SKOUFIS: Okay.

21 Thank you.

22 He talked to me about LLCs.

23 Do you run into -- you know, we heard from
24 the City of Albany, especially with vacant
25 properties, they've -- sounds like an enormous

1 difficulty trying to find out who owns these LLCs
2 and who to contact.

3 Same issue here?

4 ASST CHIEF BILL HORTON: Both (inaudible)
5 very similar.

6 SENATOR SKOUFIS: For mostly vacant
7 properties? But also -- or also for tenant -- or,
8 for occupied?

9 ASST CHIEF BILL HORTON: Rentals as well.

10 SENATOR SKOUFIS: Both?

11 ASST CHIEF BILL HORTON: Yes.

12 SENATOR SKOUFIS: Okay.

13 Do you have any kind of landlord registry?

14 It sounded like you did, from the previous
15 witness.

16 ASST CHIEF BILL HORTON: We have a rental
17 registry in which people who rent buildings to
18 families or individuals in the communities are
19 supposed to register with the City, and can have an
20 inspection completed by a code officer.

21 I would just initially start by saying that
22 code enforcement in the city is very difficult.

23 The executive team assembled at this table
24 right now, there's more people at this table than
25 who do code enforcement in the city of Newburgh.

1 There's 10,500 housing units in the city of
2 Newburgh in less than 3 1/2 square miles.

3 That's over 3300 housing units per square
4 mile.

5 There's four code officers.

6 We struggle every day to conduct efficient,
7 effective, and equitable code enforcement, but we
8 can't do it alone.

9 It's a struggle.

10 We are in a reactive posture every day; we
11 react to problems every day.

12 We are not proactive.

13 And that is a problem, for code enforcement,
14 and for the people who live in the city of Newburgh.

15 SENATOR SKOUFIS: You have four code
16 enforcement officers.

17 In your professional opinion, how many do you
18 feel you would need to fully and effectively do the
19 job that needs to be done?

20 ASST CHIEF BILL HORTON: When I was moved
21 into the position, the previous city manager asked,
22 What do you need?

23 I said, I need 10 more code officers in
24 5 years.

25 SENATOR SKOUFIS: Okay, so you need to,

1 basically, almost triple --

2 ASST CHIEF BILL HORTON: Yes.

3 SENATOR SKOUFIS: -- the number that you have
4 right now?

5 Okay.

6 If I could ask my staff to put up Exhibit A,
7 66 Campbell Street, which I know the City is
8 familiar with.

9 Recently condemned, and I want to applaud the
10 City for that.

11 Clearly, it is a building that should be
12 condemned.

13 Can you just walk us through the process of,
14 you know:

15 The violations that were levied against this
16 property?

17 And, you know, sort of what response you got
18 from the landlord, or lack of response?

19 And, what led you to condemn this property?

20 ASST CHIEF BILL HORTON: This property had
21 been, I believe, condemned in 2015 because it was
22 being used as a single-room occupancy, where
23 bedrooms were being rented out to individuals rather
24 than the single family that was -- that had a
25 certificate of occupancy for it.

1 This is an interesting case because, the
2 City, unfortunately, took ownership of 68 Campbell,
3 the building that was adjacent and connected to it.

4 The building was acquired by the City. It
5 was in extreme disrepair. I think there was
6 multiple collapse. And we had to initiate
7 demolition of the building.

8 When the building was demolished, what we
9 found was that, 66 Campbell was highly dependent on
10 68 for structural -- or, the structural, the fourth
11 wall, the west wall.

12 We "re-condemned" the building, which is kind
13 of a terrible term, but, we re-condemned the
14 building and discontinued the utilities to the
15 building because, number one, it was no longer safe
16 because of the removal of 68 Campbell.

17 But the second reason, because it was being
18 used as a single-room occupancy.

19 SENATOR SKOUFIS: Do you think the land --
20 before you condemned it, what was your -- what was
21 the City's interaction with the owner of that
22 property?

23 ASST CHIEF BILL HORTON: I didn't have a lot
24 of interaction with him before.

25 This was one of my earliest buildings I dealt

1 with when I was moved into the position.

2 So I think, for the most part, the building,
3 why it was condemned in 2015 for the SROs,
4 I wasn't in the office at that time.

5 But the landlord is not -- does not live in
6 the city.

7 It was being used as an SRO. I think it was
8 still being used as STAR exemption.

9 So there were some problems with that
10 building.

11 SENATOR SKOUFIS: Okay.

12 I know the City, fairly recently, took the
13 step of issuing a warrant to get a landlord to
14 appear in court. This is maybe a month or two ago.

15 Which I applaud, and I wish every
16 municipality would utilize more.

17 But can you talk to me about, is that a new
18 tool that the City has begun to explore?

19 Is that something that has happened with some
20 frequency in recent years?

21 Is that something that should happen more?

22 You know, my understanding, from what my team
23 has found, is that, in all these municipalities
24 we've looked at, landlords refusing to appear in
25 court is a very frequent problem.

1 So, perhaps, can you just -- or, someone talk
2 about that process; what made you use it in this
3 case, and how frequently should it be used more,
4 et cetera?

5 MICHELLE KELSON: I'm not personally aware of
6 this specific case that you are speaking about;
7 however, as you've heard from prior testimony,
8 building code violations are prosecuted in the
9 municipal courts as a quasi-criminal/quasi-civil
10 action; therefore, some of the availabilities for
11 criminal practice are available in code-enforcement
12 proceedings.

13 So there is the ability for failure to appear
14 if you are an individual landlord, for a judge to
15 issue either an arrest warrant for failure to appear
16 on arraignment, or a bench warrant for failure to
17 appear on a rescheduled or an adjourned date.

18 We are able, where we have the requisite
19 information, to utilize our City of Newburgh police
20 force to execute arrests and bench warrants as they
21 would for any other criminal process.

22 So their jurisdiction is limited by state law
23 to Orange County and adjacent counties. We wouldn't
24 be able to go upstate, we wouldn't be able to
25 dispatch them to Long Island or into the five

1 boroughs.

2 We have used it sporadically over the last
3 18 years that I've been in the corporation counsel's
4 office.

5 Again, it's a matter of resources and
6 information.

7 Our police department is also very overtaxed
8 with various levels of crime, and needs to address
9 that in priorities.

10 So, where we have all of the information that
11 we need to actually execute a warrant, and we have
12 the available manpower, we're willing to use every
13 and any tool that's available to us.

14 And, the more tools that we have in the
15 toolbox, the more -- the better able that we are to
16 address those who would not respond to the normal
17 civil process.

18 SENATOR SKOUFIS: And here's my last
19 question, and thank you for that:

20 Building off of that, can you just speak to
21 the scope of the problem I mentioned before, which
22 is landlords not showing up in housing court, how
23 often does that happen in Newburgh?

24 JEREMY KAUFMAN: I don't have the statistics,
25 but it happens on a fairly regular basis.

1 I don't think that as many individuals
2 recognize that not coming to court is a problem.

3 If you're summoned to appear in court, you
4 need to lay all business aside and appear in court.

5 And our City Court judges take their dockets
6 very seriously, and they will issue -- they will go
7 above and beyond to send additional letters and
8 communications to those property owners, letting
9 them know that they missed a court date, they're
10 expected to appear at the next court date.

11 If they fail to appear at that court date,
12 then a warrant or some other process may be utilized
13 to effectuate their appearance in court.

14 So I think there's a failure to understand
15 that -- that this is a significant and serious
16 matter; it should be taken seriously.

17 Where you don't appear on a traffic offense,
18 your license can be suspended.

19 So there are some severe penalties in other
20 legal parameters that make appearing in court
21 significant to those who have to be there.

22 We just don't have those similar consequences
23 for building- and property-code violations.

24 SENATOR SKOUFIS: Thank you.

25 Senator Kavanagh.

1 SENATOR KAVANAGH: Thank you.

2 Let me just begin, rather than a question,
3 just with a point of information, which is, the bill
4 you described, of permitting municipalities to treat
5 unpaid fines for building- and fire-code violations,
6 is a bill that's pending before the Legislature.

7 And, in fact, the Senate passed it on
8 May 15th of this year. And has, actually, this is a
9 bill that's passed the Senate a couple times
10 previously.

11 Senator Gaughran of Long Island carries it in
12 the Senate.

13 And Assemblyman Magnarelli in the Assembly,
14 and has made some effort to pass it in the -- in
15 previous years.

16 I'm not sure what the holdup has been in the
17 Assembly. There may be some technical concerns
18 about it.

19 But I would urge you to contact your Assembly
20 Members, some of whom have been here today, to
21 discuss that with them.

22 Just to get a -- thank you -- first of all,
23 thank you for bringing, you know, the full team here
24 today, and for your willingness to share your -- you
25 know, your experiences with us.

1 Just, can you -- just to give us a sense, can
2 you discuss, like, your code -- just -- let me just
3 (indiscernible) some brief, sort of,
4 (indiscernible).

5 How many code-enforcement inspectors do you
6 have?

7 ASST CHIEF BILL HORTON: We have four code
8 officers who are assigned to both code enforcement
9 and the building-inspection process, which is, might
10 be new construction, rehabilitation of a building.

11 So they might be moving from a
12 code-enforcement issue of garbage in the yard or
13 problems with a condemned building, to inspecting a
14 framing condition for our rehab.

15 We are very lucky in Newburgh that we're
16 experiencing a true rebirth in the city. And we
17 have a lot of people who have moved to the city, and
18 are looking to do -- raise their families and
19 conduct their businesses here.

20 And they are renovating buildings at a rate
21 that we have never seen before.

22 So at the same time as we have stepped up
23 code enforcement in the city, we've also seen an
24 increase in the amount of work associated with
25 framing inspections, electrical inspections,

1 plumbing inspections.

2 So those four individuals are doing both.

3 SENATOR KAVANAGH: How many in -- how many
4 buildings under your jurisdiction?

5 ASST CHIEF BILL HORTON: There are 6800, or
6 6500, buildings in the city.

7 SENATOR KAVANAGH: So, roughly, one inspector
8 for every 1600 buildings. That sounds like quite a
9 workload.

10 And how many -- just to get a scale, how many
11 sends -- how many violations are issued in a year?

12 ASST CHIEF BILL HORTON: I believe in the
13 last year and a half we've issued nearly
14 3600 violations for buildings in the city.

15 SENATOR KAVANAGH: And can you give us a
16 sense of the disposition of those?

17 Like, how many of them have resulted in
18 fines, how many of them were dismissed; that sort of
19 thing?

20 ASST CHIEF BILL HORTON: We've issued
21 3556 violations.

22 Sorry, I left my glasses in the car when
23 I came back.

24 1900 have been corrected, and nearly
25 1,000 are still open or pending.

1 SENATOR KAVANAGH: And how much does an
2 inspector make?

3 ASST CHIEF BILL HORTON: I believe -- you
4 know, I wanted to the look at that this morning, but
5 I believe an inspector makes around \$38,000 a year,
6 to \$39,000.

7 There's incremental steps, as they gain
8 seniority, in their collective bargaining agreement.

9 I would also add that, of the four code
10 inspectors, three of them have less than three years
11 experience.

12 So we're dealing with new employees who are
13 working really hard to get up to speed with code
14 enforcement.

15 SENATOR KAVANAGH: Okay, that was actually --
16 I was going to ask, how is -- how are inspectors
17 recruited, and how are they trained?

18 ASST CHIEF BILL HORTON: Inspectors are
19 recruited through the civil-service process.

20 We put a posting out to -- that we're looking
21 to hire code-enforcement officers.

22 We look to hire people who already have the
23 class -- the six classes that give you the
24 certifications of a code-enforcement officer.

25 We were struggling with that.

1 We had people who applied to be a
2 code-enforcement officer, and that were offered
3 positions in Westchester for twice the salary.

4 So that makes it very difficult for us to
5 attract strong candidates.

6 We are -- one time before we offered the
7 classes in the city, with the hopes of recruiting
8 some residents.

9 And one of our successful candidates was
10 Tammy Hollings, our (indiscernible) property
11 specialist, who went through the program, and
12 eventually we were able to hire her.

13 We're also working with the school district
14 to, possibly, much like electricians or plumbers, is
15 to actually have a code-enforcement program in the
16 high school, so that, when they graduate, they might
17 be able to get a job with the City.

18 SENATOR KAVANAGH: That sounds like a smart
19 (indiscernible cross-talking).

20 ASST CHIEF BILL HORTON: But the funding is
21 difficult.

22 SENATOR KAVANAGH: How -- in -- just -- we
23 heard from Albany that -- I think we were going to
24 get details on this, but, roughly speaking, they're
25 taking in \$1.8 million in fines, and spending about

1 \$1.2 million on the enforcement effort, which
2 suggests a -- you know, a generous return on their
3 enforcement efforts.

4 Do you have -- the funding for the -- for
5 code enforcement and the revenue that comes in from
6 fines?

7 ASST CHIEF BILL HORTON: I really can't speak
8 to the revenue too much with the fines. I don't
9 typically follow that.

10 Once it goes into the court proceedings,
11 I don't manage that number really effectively.

12 Our code-enforcement budget is, typically,
13 approaches three-quarters of a million dollars.

14 That's what it costs us to put the four
15 officers out, plus the account clerks and the
16 plumbing inspector, and issues like that.

17 So three -- it's nearly \$750,000 it costs us
18 right now.

19 SENATOR KAVANAGH: And, presumably, you know,
20 I didn't mean to suggest that the only way that
21 would be funded would be through fines.

22 There's, presumably, other revenue associated
23 with reviewing plans, and --

24 ASST CHIEF BILL HORTON: (Indiscernible
25 cross-talking) fees, street openings, plumbing

1 permits, electrical permits, all contribute to the
2 cost of doing business.

3 SENATOR KAVANAGH: Great.

4 JEREMY KAUFMAN: If I may answer that, if
5 I may add on to that too?

6 SENATOR KAVANAGH: Please.

7 JEREMY KAUFMAN: That the -- is that the
8 amount of -- is that the -- the fine amounts that
9 are collected aren't necessarily indicative of the
10 overall progress, with respect to what's made in the
11 housing stock, generally.

12 Oftentimes, when a violation is reported up
13 to court, it's generally the policy of this office,
14 and just kind of, in an overall practice, to not
15 offer -- to not make plea offers or settlement
16 offers, unless and until the underlying violations
17 are remediated.

18 It's really important that compliance be
19 done. That's kind of the first -- really, our first
20 job here, at least in terms of prosecuting the -- in
21 terms of prosecuting a lot of these cases.

22 People who have substandard housing, we want
23 to make sure that they're brought up to code, that
24 they are safe, that they are code-compliant.

25 And so the fines, while they are very helpful

1 as far as the, kind of, City's financial health and
2 bottom line in a lot of ways, isn't necessarily the
3 entire picture, and that we also try to focus on and
4 make sure that we get underlying compliance to bring
5 the properties up to code as well.

6 SENATOR KAVANAGH: I appreciate that.

7 And I mentioned up front that we want to hear
8 exactly that kind of, you know, perspective today.

9 The -- how do you become aware of conditions
10 that residents believe might be violations of the
11 code?

12 ASST CHIEF BILL HORTON: They typically
13 contact the code officer either by phone, or stop in
14 many times. They do stop right into the office.

15 SENATOR KAVANAGH: Is there like a widely --
16 is there a hotline or some widely circulated number?

17 ASST CHIEF BILL HORTON: Just the eight --
18 the general number to the code-enforcement
19 officer --

20 SENATOR KAVANAGH: Got you.

21 ASST CHIEF BILL HORTON: -- office, excuse
22 me.

23 SENATOR KAVANAGH: And what -- and how many
24 complaints do you get in a year?

25 ASST CHIEF BILL HORTON: We -- do have you

1 that?

2 JEREMY KAUFMAN: Well -- so in a particular
3 year, what you're really talking about, and this --
4 and the City also has a general policy of -- in its
5 best effort, to try to investigate each and every
6 phone call.

7 So while some may or may not actually have
8 merit to them, ultimately, it's still the City's
9 policy and the City's position that every single
10 phone call that comes in should be treated as though
11 it does have merit.

12 So what often happens is, a phone call --
13 typically, a phone call will come in to the building
14 department. Those numbers, typically, are -- you're
15 looking at, anywhere from, I think, about six to
16 seven thousand, just phone calls, dealing with
17 possible issues.

18 Those issues are then investigated further;
19 some may have some merit, some may not.

20 Some may then grow and turn out to reveal
21 that there are housing-code violations or
22 housing-code issues that come about from that.

23 If there are violations, the code-enforcement
24 officers are told and instructed, basically, if you
25 see it, it's a -- if you see it, then you have to

1 write it, similar to a parking ticket in
2 New York City.

3 If you're beyond a -- if you're beyond a
4 deadline in the -- you know, for the -- for your
5 parking ticket, they're just told to write it. And
6 then dealing with it afterwards kind of escalates --
7 escalates up, accordingly.

8 SENATOR KAVANAGH: So I want to wrap up.

9 But we've heard some testimony today, and in
10 the Housing Committee in recent hearings has heard a
11 lot of testimony, on the notion that tenants have a
12 lot of disincentive to report conditions in their
13 buildings because of concern about retaliation or,
14 you know, other negative consequences that come from
15 reporting conditions, even when they're quite
16 problematic.

17 Do you have a perspective on that, whether
18 that is a significant factor?

19 MICHELLE KELSON: We are -- we are advised by
20 our elected officials that retaliatory conduct is
21 reported to them on a fairly frequent basis.

22 We take complaints, we try to investigate
23 them all.

24 Our policy is to comply with all legal
25 requirements.

1 We are able, within the confines of the
2 Freedom of Information law, to withhold the names of
3 the complainants.

4 So we do try, to the best of our abilities,
5 to protect their identities, to make sure that we
6 are investigating the problem.

7 We're unable to really track retaliatory
8 conduct, but, we hear the same information, that
9 conduct generally gets reported to our elected
10 officials, and then our elected officials then
11 report it back to us.

12 SENATOR KAVANAGH: And -- and one of the most
13 common retaliatory actions that we hear about are --
14 are efforts to evict.

15 Do you -- you know, and we've had legislation
16 before us to strengthen people's protections against
17 evictions for no reason, you know, that -- for
18 reason -- for eviction without a good cause.

19 Do you have a perspective on whether there
20 might be some merit in making it -- making it clear
21 that landlords can't evict tenants for -- without
22 any good cause?

23 MICHELLE KELSON: Our city council has taken
24 an official position to support the state
25 Legislature in their actions to pass state

1 legislation that would provide for those
2 protections, and, from our perspective, we support
3 our legislators.

4 SENATOR KAVANAGH: Thank you.

5 ALEXANDRA CHURCH: And with that, this needs
6 to be part of a larger conversation as well.

7 The City had 42 eviction -- condemnations
8 last year.

9 Those are hundreds of people that the City,
10 on our own action, by finding these non-compliant
11 structures, put out.

12 And we need to have a comprehensive policy to
13 have safe and secure places in New York State where
14 these people can live.

15 SENATOR KAVANAGH: And does that involve
16 having additional resources, to make sure that -- to
17 give you an alternative to condemning the building
18 and removing the residents?

19 We had testimony earlier about emergency
20 repair programs, which are fairly active in
21 New York City.

22 But --

23 ALEXANDRA CHURCH: Absolutely, both emergency
24 repair and emergency housing in -- within the city
25 of Newburgh.

1 SENATOR KAVANAGH: Great.

2 Okay. Well --

3 MICHELLE KELSON: We do try to be sensitive
4 to the fact that, if a building has to be condemned
5 or vacated, that it's, ultimately, the people who
6 are living in those buildings that have to scramble,
7 and that they're -- they face the most difficult
8 challenges.

9 The City has endeavored, in multiple
10 iterations, to work with our county partners, to
11 work with any -- we have multiple not-for-profit
12 agencies that operate in the city of Newburgh.

13 We've done our level best, without legal
14 requirement, to, again, leverage those resources to
15 prevent displacement where we can prevent
16 displacement.

17 We do -- we do support a wide range of
18 housing opportunities.

19 We know that there's no one-size-fits-all,
20 and we try to do our jobs to the benefit of all the
21 interested parties.

22 And there's many stakeholders in this
23 process.

24 ASST CHIEF BILL HORTON: I would also add
25 that (inaudible) abatements are -- can be difficult.

1 Code-enforcement condemnations happen at the
2 worst time. They happen at 6:00 on a Friday as --
3 as offices are closed. Staff is gone -- from the
4 different agencies, have gone to their own homes.

5 And it's very difficult to place somebody at
6 6:00 on a Friday night.

7 Our emergency housing is in the city of
8 Middletown for Orange County. That means the
9 families have to be -- gain transportation out to
10 the city of Middletown, 20 miles away.

11 And their question is:

12 Well, how do I get my kids to school the next
13 day?

14 How do I get to work the next day?

15 What are we going to do?

16 Emergency housing is a significant issue, and
17 sometimes alternatives to condemnation don't always
18 exist.

19 When the building is in a state of disrepair
20 that requires condemnation, there's not a lot of
21 give-and-take about that. It has to be condemned.

22 SENATOR KAVANAGH: And from my -- from my --
23 the difference between condemnation and -- is that
24 what we would -- might also refer as a "vacate
25 order," or is that something different?

1 ASST CHIEF BILL HORTON: It's essentially the
2 same thing.

3 The building's condemned. That means it's
4 uninhabitable, for whatever reason. It could be
5 because there's no water. It could be because
6 there's no heat. It could be because the roof caved
7 in.

8 Any number of reasons causes a building to be
9 condemned.

10 Typically, an order to vacate is also issued
11 that same -- for that same building.

12 SENATOR KAVANAGH: I see.

13 Okay.

14 Well, I will -- I will conclude there.

15 And if you would pass along to your
16 inspectors our thanks for the work they're doing
17 under what sounds like very difficult and
18 underresourced circumstances.

19 But -- you know, and thank you, all of you,
20 for the work you're doing, and the testimony today.

21 SENATOR SKOUFIS: Senator Carlucci.

22 SENATOR CARLUCCI: Thank you.

23 And I want to thank all of you for being here
24 today and testifying and sharing with us your
25 experiences.

1 And I have to say, after the previous
2 testimony from the Orange County Landlords
3 Association, I'm very concerned and, frankly
4 disturbed by some of the responses that we got;
5 particularly, that we have the president of the
6 association, with over 247 code violations, and then
7 we learn that there might be more because we don't
8 know about the properties owned, and the fact that
9 the landlord association would send us someone
10 unwilling to tell us exact numbers, is very
11 concerning.

12 And even more so, and this is the question
13 for you, is that, he was asked -- one of the
14 landlords was asked, with the 247 violations, How
15 much have you paid in fines?

16 And this is a theme that we have seen
17 reoccurring, and one of the problems we particularly
18 have in the community that I represent, is that even
19 when these violations are taken to court, that it's
20 almost not even a slap on the wrist to the
21 landlords.

22 And this has become the culture or the cost
23 of doing business.

24 How is it possible, and if it is even
25 correct, that one of the landlords, with

1 247 violations that was confirmed by the City of
2 Newburgh, could then only pay about \$200 in fines?

3 Is that accurate, and how does that's happen?

4 JEREMY KAUFMAN: Well, I don't know whether
5 or not that particular -- that particular statistic
6 is -- is actually accurate.

7 I mean, the way the -- the other thing to
8 keep in mind is that, the way that violations are
9 generally generated, not every violation
10 automatically escalates all the way up to court.

11 There's a handful of time -- there's a number
12 of, kind of, circuit breakers in the process that
13 allow a -- that allow a property owner to comply.

14 And the other thing to keep in mind is that,
15 you're trying to create a scheme or a system that is
16 applicable to each and every property owner, not
17 just the worst of the worst.

18 So, that's balancing what Chief Horton said
19 before about the scarce resources that the City has.

20 What we try to do is build in opportunities
21 for property owners to comply upon the initial
22 receipt of a violation.

23 They have opportunities to cure.

24 They have opportunities to come back and get
25 a reinspection.

1 They then have opportunities for further
2 inspection.

3 They have opportunities to cure in court.

4 So there's an entire, kind of, system in
5 place for how people can deal with them.

6 Of the 200 and some-odd violations in
7 particular, I don't know, off the top of my head,
8 how many went -- ultimately went all the way to
9 court and were resolved in court with a fine.

10 But that's certainly some information that we
11 can provide at a, kind of, off -- offline there.

12 The other -- the other thing to -- that might
13 be helpful, though, in dealing with some of these
14 issues, is further enforcement, in the manner in
15 which the -- the previous landlord stated, he
16 mentioned that he was -- that he spends time in
17 court, evicting, or trying to evict, you know,
18 tenants who aren't -- or, who he has issues with.

19 Our city manager mentioned a minute ago, one
20 proposal, to, basically, build into any real estate
21 eviction petition a requirement that they verify --
22 that any landlord who wants to evict a tenant
23 verifies whether or not they actually have a rental
24 license on file and in effect with the City.

25 You could add in other things, too, about --

1 about numbers of violations.

2 And make that critical jurisdictional
3 information before entertaining a petition, akin to
4 your name and address, where you don't even get
5 through the door to have your -- to have your
6 petition to evict entertained unless you can, up
7 front, tell the Court that you're in compliance with
8 everything you need to be in.

9 So, that's just one other suggestion for how
10 to address problems similar to what the previous
11 landlord had spoken to.

12 SENATOR CARLUCCI: And just so I understand,
13 I know you don't have the documents in front of you,
14 but it is possible, though, that a landlord could be
15 hit with 247 violations and pay no fine whatsoever?

16 MICHELLE KELSON: It is within the realm of
17 possibility.

18 So a fine is only assessed after a violation
19 is then elevated for enforcement in our municipal
20 court system, and either has been processed through
21 to a verdict after a trial, or has been resolved
22 through what is known in a criminal process as a
23 "plea bargain," in which the fine would then be
24 assessed by the judge.

25 So while the Legislature sets the maximum

1 amount that a fine can be, and there is
2 jurisdictional ways, as the City of Albany
3 indicated, that there intended to be a fine for each
4 day that the violation exists, all of those things
5 need to be properly pled and properly followed in
6 your criminal procedure in order for a judge to be
7 able to assess a fine that would accomplish that
8 order of magnitude.

9 So what I want to reiterate is -- what I also
10 wanted to point out is that, everybody is talking
11 about \$250 a day.

12 So the Executive Law does provide fines for
13 uniform building code violations of -- maximum of up
14 to \$1,000 a day.

15 For some reason, that doesn't seem to be
16 translating back down to some of the municipal
17 judges and other people who prosecute these code
18 violations on a regular basis.

19 Our own city code provides for a maximum
20 fine, in certain instances, of \$250 a day.

21 But, where we're required to enforce the
22 state uniform building code, those fines could be as
23 great as \$1,000 a day.

24 So that's something else that needs, I think,
25 to be publicized, and I think everybody needs to be

1 aware -- made aware that the potential exposure is
2 much higher than it is.

3 And what we have done in our City Court
4 violations, is to try to improve our papers, and
5 improve our presentation, so that the property
6 owners who do come to court, who are called before
7 the judges, can understand that it's not just the
8 one violation.

9 It's one -- that violation times X number of
10 days that you have failed to do anything about it,
11 leading to a potential exposure of tens of thousands
12 of dollars.

13 And that usually gets somebody's attention
14 to, again, at least go down the road of compliance.

15 Now, you can assess 150,000, 200,000 dollars
16 in fines, but that's not going to protect the party
17 who is now being forced to live under those horrible
18 conditions if compliance has not been achieved.

19 So we have a -- kind of a balancing effort to
20 make sure that compliance is one of our significant
21 goals.

22 We know that fines can be a deterrent if they
23 are significant enough and they can be levied in a
24 way that will cause a deterrent effect.

25 And that goes back to one of the bills that

1 we hope the Assembly will take up, that would allow
2 these fines, where they remain unpaid, to be
3 re-levied into the real property tax, and collected
4 in the form of a delinquent tax, if necessary, where
5 the ultimate pain, the ultimate remedy, would be the
6 loss of title to the property, which, if you're a
7 landlord and that's your investment, that's a
8 significant loss.

9 SENATOR CARLUCCI: Well, thank you.

10 And --

11 ASST CHIEF BILL HORTON: And I would just
12 add --

13 SENATOR CARLUCCI: -- yeah.

14 ASST CHIEF BILL HORTON: -- I struggle with
15 the idea of compliance (indiscernible).

16 I'm not fine-driven, I'm not fine-motivated;
17 I'm compliance-driven about these properties.

18 But one of the things that I struggle with
19 is, if somebody has -- a property has a violation,
20 we issued a violation, and we -- you have 7 days to
21 comply, you have 14 days to comply, or whatever it
22 is, equate that to a speeding ticket.

23 If you get a speeding ticket, you're given a
24 ticket, and you move on.

25 You don't gain relief from that ticket

1 because you don't speed for the next seven days.

2 You don't gain relief from that ticket
3 because you're a good person for the next two weeks.

4 If you -- if your building has a violation,
5 there should be a -- there should be a complaint --
6 a violation issued, and it shouldn't matter that you
7 cleaned it up in 29 days when 30 days was the time
8 that you're supposed to get it cleaned up on.

9 No matter what, yes, you should clean it up,
10 but there also should be some type of penalty or fee
11 associated because the violation occurred in the
12 first place.

13 SENATOR CARLUCCI: Right.

14 And that's what it sounds like, that the cost
15 of doing business, the landlords have associated in
16 that, well, catch me if you can, and then, if so,
17 I can rectify it.

18 So there's no real concern for the welfare of
19 the tenants, no -- no real leverage that the
20 government/code enforcement can put on the landlords
21 because, okay, if they catch me, I'll see how long
22 I can go without the four code inspectors --
23 code-enforcement officers in the city of Newburgh to
24 find me.

25 So I think you're right on on that.

1 And I appreciate you paying atten -- or --
2 or -- or, profiling the case of the legislation to
3 add the code violations to the tax levy.

4 And that's a legislation that I've carried,
5 and we've passed in the Senate in the past, and,
6 hopefully, we can get it through both Houses.

7 But now the concern that I have, even with
8 that legislation, and putting that legislation
9 forward, is that you will have situations where the
10 judges still just will plea down these fines.

11 Right now, if we were able to pass that
12 legislation, how would it impact the City of
13 Newburgh?

14 Because, as we know, it has to be violations
15 that are over a year, and then it would added to the
16 tax Levy.

17 Could you tell us, approximately, like, how
18 many outstanding violations do we have over a
19 one-year period in terms of fines?

20 MICHELLE KELSON: Well, I don't know if we
21 have any exact statistics, but what it would -- it
22 would give us -- it would give us a tool that would
23 not require an additional use of resources to try
24 and collect those fines from those who are required
25 to pay.

1 So, a re-levy process is something that we
2 already have in place for unpaid water bills, unpaid
3 sewer bills, unpaid sanitation bills.

4 If we are able to achieve a fine -- a fine is
5 assessed in court, and, for whatever reason, that
6 fine remains unpaid, we can file the -- we can get
7 that fine converted to a judgment. The judgment can
8 be recorded in the county court records.

9 There's a small fee for that, which we gladly
10 pay.

11 That fine can -- that judgment can languish.

12 The mechanism for us to enforce that lien
13 would to be execute on the judgment.

14 There may be superior liens on the property
15 which would make that process ineffectual, and it's
16 an additional resource that we have to engage in in
17 our legal department.

18 Jeremy Kaufman (indicating) and
19 Michelle Kelson (indicating), we're the only two
20 lawyers for the City of Newburgh. We do all the
21 legal work.

22 This is one component of the legal work
23 that's required, and it takes a substantial period
24 of time.

25 Sometimes when the property then gets

1 transferred and these judgments come up in a title
2 search, then, all of a sudden, we get a telephone
3 call, Hey, how can we pay this off because there's a
4 lien on the property?

5 And so then it becomes the cost of doing
6 business because, I want to get the property sold,
7 you know, it will come out of the purchase price.

8 That's fine.

9 But in a re-levy situation, it's automatic.

10 We already do it. It doesn't require any
11 additional legal resources. It's all done
12 automatically, and it's a process that we already
13 have in place.

14 And when people get their tax-foreclosure
15 notifications, you can bet that the people pay a lot
16 more attention to a notice that says, If you don't
17 pay this, you will lose all right, title, and
18 interest to your property by a certain date.

19 So it's a fairly Draconian remedy, it's
20 intended to be a Draconian remedy, and it doesn't
21 require any additional use of resources on the
22 City's part, which is what makes it a little bit
23 better of a tool for us.

24 SENATOR CARLUCCI: Thank you.

25 SENATOR SKOUFIS: Thanks very much.

1 I think that's all of our questions.

2 And I really want to express my gratitude to
3 all of you, who I work with on a whole bunch of
4 different things, but, really, for your
5 participation here, and like I said, for the past
6 number of months, your cooperation.

7 Thanks very much.

8 Okay, next up will be Rockland County
9 Initiative.

10 And if I may, to all the witnesses, and also
11 my colleagues, just be mindful of the time.

12 We do have another hearing this afternoon
13 that we need to get to, and there will be witnesses
14 there.

15 So, with that, welcome.

16 Catherine Johnson Southern; right?

17 CATHERINE JOHNSON SOUTHERN: Correct.

18 SENATOR SKOUFIS: Yep.

19 Thank you for being here.

20 If you may, just please raise your right
21 hand.

22 Do you solemnly swear that you'll tell the
23 truth, the whole truth, and nothing but the truth,
24 so help you God?

25 CATHERINE JOHNSON SOUTHERN: I do.

1 SENATOR SKOUFIS: Thank you.

2 CATHERINE JOHNSON SOUTHERN: Good afternoon,
3 and thank you, Senator Skoufis and other Senators,
4 members of the committee, for inviting me here
5 today.

6 I am thrilled to be here, and to represent
7 Rockland County, particularly the department of
8 health.

9 I am currently the deputy commissioner of
10 health.

11 I am in charge of all public health programs,
12 and the program I'm here to speak about today is
13 "RCI," otherwise known as the "Rockland Codes
14 Initiative."

15 We have now a center in Rockland called
16 The Center for Rockland Codes Investigations, as of
17 February of this year.

18 So a little bit of history.

19 Myself, I've been with the Rockland County
20 Department of Health for 32 years.

21 I started out myself as a housing inspector.
22 Became a supervisor in housing, then left and did
23 other programs, tobacco, body art.

24 And in 2013 I was put back in housing as the
25 program manager in housing.

1 And, at that time, the housing program was
2 getting smaller and smaller because it wasn't, and
3 still is not, a State-mandated program for
4 enforcement.

5 We enforce New York State Public Health Law.

6 We also enforce Rockland County sanitary
7 codes.

8 So, in 2014, after a year of being in charge
9 of the program, our county executive was elected,
10 Mr. Ed Day, and he ran with a platform and an
11 agenda to improve the housing stock in
12 Rockland County.

13 That was half the mission.

14 And the other half of that mission was to
15 protect our first responders in Rockland County.

16 And, again, timing is everything.

17 We all are aware that, in 2007, 2008, we
18 experienced a mortgage crisis throughout New York.

19 And so what we had going on in
20 Rockland County, in addition to the housing stock,
21 you know, inspections not being made, but we then
22 had single-family homes that were going into
23 foreclosure, and that were being bought for cash,
24 and then used as, you know, six apartments.

25 They would be on the tax rolls as a

1 single-family house, but when you make
2 six apartments illegally, convert them -- convert
3 the garage, convert the attic, convert the
4 basement -- it poses very serious and dangerous
5 conditions, not only for the residents, the tenants,
6 but also for our first responders.

7 And so the Rockland Codes Initiative, 4 years
8 young, as I sit here, was -- began, and it commenced
9 enforcing Article 13, Housing, Hygiene, and
10 Occupancy, one of our sanitary codes, under the
11 auspices of Article 1, the commissioner of health's
12 awesome powers, to allow enforcement to take place.

13 And you all have a, you know, folder in front
14 of you, which sets forth our work and what we've
15 done over the past four years.

16 So, at the health department, we do
17 administrative enforcement.

18 And so, with the Codes Initiative, what we
19 sought to do was to enforce Article 13, and to seek
20 the highest possible fines, which are up to \$2,000
21 per day per violation.

22 And, again, enforcement is what we do, but we
23 do seek compliance, and we also educate.

24 We then developed a website where residents,
25 any member of the public, can register a complaint.

1 We also have on our website "The Worst
2 Landlord List," which shows, displays, every couple
3 of months we change it out, the five worst
4 landlords; people who do not correct the violations
5 when given the opportunity to do so.

6 That was initiated four years ago.

7 About two years ago we said, Hey, let's be a
8 little kinder and gentler.

9 So we also have a "Most-Improved Landlord" on
10 the website now.

11 And we also developed a multiple-dwelling
12 rental registry, and this went into effect in 2017.

13 This requires that any landlord who owns,
14 rents, three or more units has to pay a fee -- a
15 one-time fee of \$25 per unit, and register with the
16 Rockland County Health Department.

17 When they register, they must give us the
18 name of the owner, and a responsible party with an
19 address in Rockland County.

20 And I've spoken to Senator Skoufis before,
21 and I explained that, when we have the LLCs, very
22 difficult, because our program is completely
23 complaint-based.

24 And so the first thing we do when we get a
25 complaint, is to find out, who is the responsible

1 party? who is the owner?

2 And oftentimes we find LLCs, and we see the
3 LLC is -- you know, can be sold, you know, to
4 somebody else. It could be ABC, LLC, sold to
5 123, LLC, with the same principal partners.

6 But oftentimes, when we go online to look at
7 the New York Department of State, we don't have a
8 responsible party.

9 So it takes a lot of time and energy trying
10 to find out who we're going to go after when we get
11 these complaints.

12 So that's just one suggestion, where, if we
13 could, develop a way where the department of state
14 required an individual's name and an address in the
15 locality where they're being -- where they're found
16 under violation.

17 So, again, complaint-based.

18 We take complaints from the public.

19 We take them by telephone, people walk in.
20 People meet us out in the field.

21 My -- the team that works with me, we have
22 two supervisors, a program manager, six inspectors,
23 three support staff.

24 And we have, also, a Healthy Neighborhoods
25 component; so again, education, very important. And

1 we have two individuals in that program.

2 This paradigm of enforcement has worked for
3 us over the past four years.

4 As I said, the fines are significant.

5 \$2,000 per day per violation is the maximum.

6 Where, in the past, prior to the innovative
7 approach, we would bring in, maybe, you know,
8 people, fine them, \$200, \$500.

9 When we started this program, it really woke
10 people up.

11 We were now fining, \$20,000, \$30,000,
12 \$40,000. And, again, these are the assessed fines.

13 Collections are not as high as the assessed
14 fines are.

15 But one thing that we found in the past year
16 is that we are gaining compliance, and we do now
17 offer stipulations.

18 So as long as all the violations are
19 corrected, we then accept a stipulated fine amount.

20 But, again, the fines are high, and they're
21 not the purpose of our enforcement.

22 We really want compliance. We want safe
23 housing, sanitary conditions.

24 But we are collecting fines, more now than we
25 were in the past, with the stipulations.

1 In addition to enforcing Article 13, Housing,
2 Hygiene, and Occupancy, we have expanded our
3 enforcement under Article 1, and so we are also
4 doing enforcement in some of the private schools
5 where we're finding egregious unsanitary conditions.

6 We're doing enforcement under Article 3,
7 Offensive Material.

8 Again, these are sanitary codes.

9 Article 4, Sewage.

10 And what we've done is, and to begin with, an
11 intra-department enforcement.

12 So we're working with all the different
13 departments within the health department, so, our
14 environmental division; our community health; our
15 children programs for early intervention and pre-K,
16 the homes where those children are living.

17 We really work with all of our departments
18 within health, as well as, throughout the county,
19 all the other departments. So we work with the
20 department of social services, adult protective
21 services, the office of fire and emergency services.
22 We work with consumer protection.

23 Most recently we formed a liaison with our
24 department of human rights, for fair housing and
25 discrimination.

1 So, from my perspective, and I think that our
2 county executive has done a tremendous job, is, if
3 you take a program and you make it a State mandate,
4 if all counties throughout New York State had to,
5 you know, we're mandated, to have a housing program
6 in their health department, in public health, and
7 work within the community.

8 We work diligently every single day with the
9 municipalities, with the building and fire
10 departments, throughout Rockland County.

11 We are in constant contact, letting them know
12 of violations that we found that would also be
13 violations of their code.

14 Our program manager, who's, unfortunately,
15 not here any longer with us here today, but he is a
16 member of NYSBOC.

17 So he is familiar, he knows; he's been with
18 the department of health for 38 years, and he knows
19 the building and fire code inside out and backwards.

20 We do not do zoning, we don't have
21 jurisdiction for that, but we certainly work with
22 the building department on zoning issues.

23 Rooming houses, they were mentioned earlier
24 today. They are a big problem in Rockland County.

25 And there is information in the packet that

1 I provided.

2 Rooming houses, where there's three or more
3 unrelated individuals living, you know, in the same
4 place, and they are renting units.

5 We will permit, at the Rockland County
6 Department of Health, a rooming house.

7 We do not care if the building department has
8 said, We don't allow them in our jurisdiction.

9 We will bring it to their attention that they
10 do have a rooming house within their jurisdiction.

11 It is then up to them to say, We're not going
12 to allow it; to go out and inspect and disband it.

13 If they do not, the health department will go
14 in and we will permit that rooming house.

15 We will make sure that it is safe and
16 sanitary; that every person living there has a smoke
17 detector, a carbon monoxide detector, water, toilet
18 facilities, and everything is in place.

19 So, again, we get a lot of calls from the
20 building department. I think we make more calls to
21 them.

22 But I think it is, and as, you know,
23 Assemblyman Zebrowski said first thing this morning,
24 everybody needs to work together.

25 And if the State provides oversight and a

1 means for everybody to work together, I think that
2 would be very helpful.

3 State, county, and municipal level, we all
4 need to work together, and I think it's very
5 possible for us to do that.

6 SENATOR SKOUFIS: Thanks very much for your
7 testimony.

8 And when our team and I met with you and some
9 other county officials, it was really quite an
10 illuminating meeting.

11 I just have a couple of questions.

12 First, to your knowledge, is this the only --
13 is Rockland County the only county in New York that
14 has an initiative like this?

15 CATHERINE JOHNSON SOUTHERN: Yes, to my
16 knowledge it is.

17 SENATOR SKOUFIS: Okay, that was my
18 understanding as well, and I agree with you.

19 I think that, you know, there -- this ought
20 to be looked at in other counties, and, you know,
21 we're going to recommend that they do that.

22 I do want to just explore a little bit about
23 this -- you know, the packet that you handed out.

24 So here, clearly, I mean, this is, total
25 number of complaints received, RCI complaints, and

1 complaints to the Town.

2 And it's a pretty startling graph, in that,
3 Ramapo has more than triple the next nearest town in
4 terms of number of complaints to the Initiative over
5 the past number of years.

6 Can you give your sort of synopsis as to
7 (a) why that is?

8 And, also, if you can speak to your
9 relationship with the five towns' building
10 departments, and how your relationship is with
11 Ramapo specifically?

12 CATHERINE JOHNSON SOUTHERN: Sure.

13 I believe that we have an excellent
14 relationship with most of the municipalities.

15 There are five towns, there are also hamlets
16 and villages within all the towns, and we do work
17 well.

18 When the Codes Initiative started, I met with
19 all of the building departments and tried to put out
20 there that we wanted to work together.

21 I would say that, Clarkstown, Orangetown,
22 Stony Point, Haverstraw, we have worked diligently,
23 and I think we have a very successful relationship.

24 Ramapo is a struggle, but we do work with
25 them. We do reach out to them and let them know of

1 the problems that we find.

2 Yes, there are, obviously, the statistics
3 bear out, more complaints come in from Ramapo.

4 And it's, again, we go out and investigate
5 the complaints that are brought to us.

6 So, it speaks for itself.

7 SENATOR SKOUFIS: Would you -- would you --
8 do you believe that Ramapo and the building
9 department there cooperates well with the
10 Initiative?

11 Would you describe it that way, or would you
12 describe it perhaps a different way?

13 CATHERINE JOHNSON SOUTHERN: I would say that
14 the health department reaches out to Ramapo just as
15 much as we reach out to any other municipality.

16 And I would say that there are struggles, and
17 I believe there are issues going on within the town
18 of Ramapo and the various municipalities within
19 Ramapo, that, perhaps, make it, you know, difficult
20 for them to, I guess, have a working relationship
21 with us.

22 A lot of, you know, people --

23 SENATOR SKOUFIS: I know you're being very
24 careful --

25 CATHERINE JOHNSON SOUTHERN: Yes, I am being

1 very careful.

2 SENATOR SKOUFIS: -- with your words right
3 now.

4 But if you can -- if you can, perhaps,
5 illuminate on what exactly you're getting at here.

6 So, local problems that make it difficult for
7 the Town to work with you, what exactly do you mean
8 by that?

9 CATHERINE JOHNSON SOUTHERN: Yes, there --
10 I'm familiar with, just being a resident of
11 Rockland County my entire life, in Ramapo there is
12 not, by the building departments, it doesn't seem,
13 the same kind of enforcement that goes on in the
14 other towns in Rockland County.

15 So other members have already spoken today.

16 Gordon Wren, about the enforcement that is
17 done, the code enforcement, in Ramapo.

18 But I really am not an expert on Town code
19 enforcement, but, again, the fines and the different
20 ways that, you know, problems come about.

21 I will say that it is very difficult to work
22 in the town of Ramapo.

23 There seems to be building that goes on that
24 kind of behooves what should be being done.

25 I think I explained in the past to you,

1 Senator Skoufis, that we have permits for a -- maybe
2 four buildings, a four-family structure, that's
3 going to be built.

4 We turn around and we see, now we don't
5 enforce zoning, but, eight units are built on that
6 property.

7 The health department gets involved and they
8 will ask us for an irrigation-well permit.

9 So we will issue the irrigation-well permit
10 prior to the buildings being built.

11 And, supposedly, perhaps there's going to be
12 a plat of land that's 10 feet-by-12 feet that's
13 going to need an irrigation well.

14 We approve the irrigation well, the building
15 goes up, and, lo and behold, there is no plat of
16 land of grass, of trees, that requires an irrigation
17 well.

18 However, our program manager will get a call
19 from Suez Water, saying, Hey, we have eight units at
20 such-and-such location where there is no water
21 usage, and yet we have eight accounts.

22 When we go out, we find that the irrigation
23 well has been connected, through piping during the
24 building process, to eight of the units.

25 And inside each unit there will be a switch

1 where they can switch from Suez Water to the
2 irrigation well.

3 The irrigation-well water has no chlorine
4 residual, so they're not allowed to use that water.

5 And we do find resistance with builders, with
6 building inspectors, and even with the landlords of
7 these properties, in trying to gain compliance.

8 A very tricky situation.

9 SENATOR SKOUFIS: Just one final question, if
10 I may.

11 You mentioned that you reach out to the --
12 the Initiative reaches out to all five of the
13 building departments when complaints are brought to
14 your attention.

15 Do all five reach out to you when complaints
16 are brought to their attention?

17 CATHERINE JOHNSON SOUTHERN: Yes.

18 Not every single complaint, and not all that
19 we would like, but, certainly, we reach out more to
20 the building departments than they reach out to us.

21 And that's something that we would
22 appreciate, if the State could step in and say,
23 Building Departments, you have to cooperate with
24 your health department.

25 That would be wonderful.

1 SENATOR SKOUFIS: Thank you.

2 Senator Carlucci.

3 SENATOR CARLUCCI: Thank you.

4 Thank you for being here, and for the
5 innovative work that you guys have done in the
6 county.

7 And so, with the Rockland Code Initiative,
8 have you had conversations with the monitor that was
9 in the town of Ramapo?

10 CATHERINE JOHNSON SOUTHERN: No, I have not.

11 SENATOR CARLUCCI: Okay. Do you know if the
12 Rockland Code Initiative worked with them at all?

13 CATHERINE JOHNSON SOUTHERN: No, we have not
14 worked with them.

15 SENATOR CARLUCCI: You have not. Okay.

16 And is that the same with the monitor that's
17 currently -- the building monitor currently in the
18 village of Spring Valley?

19 CATHERINE JOHNSON SOUTHERN: Yes, we have not
20 worked with them.

21 SENATOR CARLUCCI: There's no working with
22 them.

23 CATHERINE JOHNSON SOUTHERN: No.

24 SENATOR CARLUCCI: The health department has
25 not worked --

1 CATHERINE JOHNSON SOUTHERN: No, the health
2 department has not.

3 SENATOR CARLUCCI: Okay.

4 Do you think that would be a valuable
5 process, to have a relationship with the monitor
6 from the department of state, with the health
7 department?

8 CATHERINE JOHNSON SOUTHERN: Absolutely.

9 If there can be a liaison in any way, shape,
10 or form, I think we should all work together.

11 SENATOR CARLUCCI: And so we know, we heard
12 from Gordon Wren, talking about, that the Rockland
13 Code Initiative has made some progress.

14 And we see from the chart here, it seems like
15 some of the -- the -- it seems like it's working,
16 that the -- many of the complaints and violations
17 have gone down.

18 However, what are some of the major stumbling
19 blocks in terms of what could help do your job even
20 more?

21 Now you say, to require the department of
22 state to ask the building inspectors to cooperate
23 with the department of health.

24 How -- could you be more specific about that;
25 what -- what exactly could the department of state

1 do on that level?

2 CATHERINE JOHNSON SOUTHERN: I think the
3 department of state could, whether it's through
4 legislation, or, however it would happen, to mandate
5 that the building department works with the health
6 department, provides information, has certificate of
7 occupancies for all the properties, because, with
8 multiple-dwelling rental registry, which has been a
9 huge success for us, we require that the property
10 owner submits a certificate of occupancy.

11 And we're finding a stumbling block there,
12 that oftentimes they don't have one.

13 So they want to comply with us, they don't
14 want to be in violation, but they can't get their
15 certificate of occupancy.

16 SENATOR SKOUFIS: Well -- and now we see the
17 fines assessed.

18 CATHERINE JOHNSON SOUTHERN: Yes.

19 SENATOR CARLUCCI: It looks like a total of,
20 what, about \$1.8 million since the RCI was formed?

21 CATHERINE JOHNSON SOUTHERN: Yes.

22 SENATOR CARLUCCI: And do you know how much
23 of the fines have actually been collected?

24 CATHERINE JOHNSON SOUTHERN: I can't give you
25 a precise figure, but I would say that,

1 approximately, one-third of the fines are actually
2 collected, with the exception of the past year.

3 We're collecting probably two-thirds of the
4 fine now, because we're off -- fines now, because
5 we're offering stipulations, and people are more apt
6 to pay \$10,000 than \$40,000.

7 SENATOR CARLUCCI: And just to be clear,
8 these fines on this graph, where we talk about the
9 1.8 million -- or, actually, 1.7 million, are those
10 fines going to the department of health or to the
11 respective towns?

12 CATHERINE JOHNSON SOUTHERN: No, those fines
13 are going to the department of health, yes --

14 SENATOR CARLUCCI: Okay.

15 CATHERINE JOHNSON SOUTHERN: -- yes.

16 And we do have collections also.

17 So we work with our department of law, with
18 an attorney there, who does collections through
19 Rockland County Court. And, also, our sheriff's
20 department is very involved.

21 SENATOR CARLUCCI: Okay. Thank you.

22 SENATOR SKOUFIS: Senator Biaggi.

23 SENATOR BIAGGI: Thank you.

24 My question is simply operational, because
25 I think that what you're doing should be replicated

1 across the entire state, in every single county,
2 actually.

3 Can you just, if you know, off of the top of
4 your head, the cost of the operation to do something
5 like this, let's say, and replicate this in other
6 places?

7 And how many people are on staff?

8 And how long it took to get it up and
9 running?

10 CATHERINE JOHNSON SOUTHERN: Okay.

11 So it got up and running pretty quickly.

12 Right now we have, as I said before, one
13 program manager, we have two supervisors, we have
14 six inspectors.

15 And this is civil service, so, of course,
16 the -- somebody starts as an inspector, a Public
17 Health Technician I, and the base salary for that is
18 \$49,002.

19 And then they would be a supervisor, as a
20 Public Health Tech II.

21 And they would be program manager, as a
22 Public Health Sanitarian.

23 But it's all promotional, and I think that's
24 key also, to give people the incentive.

25 We also have support staff, so we have a

1 program specialist, an environmental health
2 assistant, clerical.

3 And then we have a Healthy Neighborhoods
4 program, which has two individuals who work in that
5 program.

6 So a total of 14.

7 SENATOR BIAGGI: Okay.

8 CATHERINE JOHNSON SOUTHERN: We need more,
9 that's for sure.

10 SENATOR BIAGGI: Sure.

11 How long did it take to get it up and
12 running? A year?

13 CATHERINE JOHNSON SOUTHERN: We were up and
14 running, I would say, within -- the kickoff was
15 April 30th of 2015, and we were up and running
16 April 30th of 2015.

17 SENATOR BIAGGI: Wow.

18 CATHERINE JOHNSON SOUTHERN: We had a housing
19 program. As I said, it had been a large housing
20 program 32 years ago, when I started, with
21 8 inspectors. But it had been diminished by 2013 to
22 only two inspectors.

23 And so now we've, you know, tripled that.

24 SENATOR BIAGGI: Great.

25 Would you be willing to go to, or have you

1 traveled to, other counties to talk about what you
2 do?

3 CATHERINE JOHNSON SOUTHERN: I'd be willing
4 to travel to other counties, for sure.

5 I have not yet traveled to other counties,
6 but I've had a few counties call me and ask me what
7 we do.

8 And I've spoken with them at length, and
9 they're exhausted, and they say, It sounds great,
10 but how do you do it?

11 I say, You just do it.

12 SENATOR BIAGGI: Right.

13 Well, I invite you to Westchester County,
14 where I represent a small portion in the Lower
15 Hudson Valley.

16 Thank you very much for being here.

17 LAURA FELTS: Thank you.

18 SENATOR SKOUFIS: Thank you very much for
19 your testimony.

20 Next we'll have the Town of Ramapo,
21 Supervisor Michael Specht and Town Attorney
22 Dennis Lynch.

23 Thank you, and welcome.

24 If you may, raise your right hands.

25 Do you solemnly swear that you will tell the

1 truth, the whole truth, and nothing but the truth,
2 so help you God?

3 MICHAEL SPECHT: I do.

4 DENNIS LYNCH: I do.

5 SENATOR SKOUFIS: Thank you.

6 Please proceed.

7 MICHAEL SPECHT: Thank you, Chairman Skoufis,
8 Senators.

9 My name is Michael Specht.

10 I am the supervisor of the town of Ramapo,
11 and have been since January 2018.

12 Thank you for affording me the opportunity to
13 speak at this hearing.

14 The town of Ramapo is going through a
15 transformation.

16 We have seen our population increase as we
17 become one of the fastest-growing towns in the
18 state, if not the nation.

19 We are proud of the growth of our community
20 and of its great ethnic, racial, and religious
21 diversity.

22 With this growth and transformation comes
23 challenges.

24 As we watch our neighborhoods grow and
25 prosper, the safety and security of all of our

1 residents, visitors, and first responders remains
2 our top priority. This includes making sure that we
3 have an efficient, effective, and proactive building
4 department.

5 When I was elected supervisor by the
6 residents of the town of Ramapo, I vowed to work
7 with our dedicated Town employees to make the needed
8 changes.

9 That is what we have done, and that is what
10 New York State has confirmed that we have done.

11 This has not always been the case.

12 In 2016, prior to my administration, the
13 department of state, after an investigation,
14 determined that the Town's enforcement and
15 administration of the State Uniform Fire Prevention
16 and Building Code did not substantially comply with
17 the minimum standards required by the State.

18 As a result, an oversight monitor was
19 assigned to work with and supervise the Town's
20 progress in this area.

21 After two years, in December 2018, at the
22 close of my first year in office, the State
23 determined that our code enforcement and
24 administration had materially improved, and that we
25 now substantially comply with the standards.

1 As a result, oversight was discontinued.

2 A report was issued, detailing the progress
3 the Town had made in various aspects, including
4 inspections, issuing permits and certificates of
5 occupancy, recordkeeping, training, and enforcement.

6 While I am certainly proud that the State has
7 determined that our practices are now acceptable,
8 I am not content to rest with being just good enough
9 or meeting minimal standards.

10 We seek to always enhance and improve our
11 work in this area so as to minimize any safety
12 threat to our residents and first responders.

13 We are meeting this challenge by implementing
14 new procedures and hiring additional personnel, and
15 investing in state-of-the-art equipment and
16 software.

17 It is the Town's policy that complaints are
18 responded to promptly.

19 If the complaint alleges a potential fire
20 safety violation, it is responded to immediately.

21 If a violation is found, we take action.

22 A notice of violation, specifying the details
23 of the violation, is issued to the occupant or
24 owner, with the demand that the conditions be
25 remedied.

1 In all serious cases, an appearance ticket is
2 also issued, compelling the violator to appear in
3 the Town's Justice Court.

4 The Town attorney's office then works with
5 the code-enforcement personnel to draft and file the
6 accusatory instruments in court.

7 If the fire inspector or building inspector
8 determines that the violation presents an imminent
9 danger to life or safety, he will recommend to me
10 that the Town board authorize the Town attorney's
11 office to bring an action for an injunction in
12 Supreme Court.

13 The Town board will then vote to authorize
14 the injunction, and in every instance in which an
15 injunction was requested, it was authorized.

16 In all cases we seek compliance with the law.

17 In cases which were prosecuted in court, any
18 disposition takes into account whether the offender
19 has a prior history of violations, and how
20 cooperative they were in remedying the unlawful
21 conditions.

22 One new policy that we have implemented this
23 year is that, whenever a case is resolved in court,
24 the Town attorney's office will require, as a
25 condition, that the property owner consent to

1 additional inspections for a period of time after
2 the case is closed to confirm that the property
3 remains in compliance.

4 All Town departments work together in
5 reporting potentially unsafe or illegal conditions
6 to the building department, including our police
7 department and our assessor's office.

8 We have restructured the building department
9 so that zoning and planning matters are handled by a
10 professional planner, and so that the building
11 inspector can focus on permits, inspections, and
12 enforcement.

13 We have hired additional building inspectors,
14 fire inspectors, and plan reviewers. And just last
15 night, voted to hire an additional part-time fire
16 safety inspector.

17 All of our fire safety personnel are, in
18 addition, dedicated volunteer firefighters in their
19 spare time.

20 Do we make mistakes?

21 Are there oversights and errors in judgment?

22 Is there room for constructive criticism?

23 Yes.

24 Are we able and willing to learn from our
25 mistakes and strive towards best practices?

1 Yes.

2 We learned from the period of State oversight
3 how to improve our practices and procedures.

4 We look forward to any recommendations and
5 insight this committee will offer as well.

6 As one example, we have been less than
7 satisfied with the software system we use for record
8 management.

9 Mr. Mazzariello, when he visited the town
10 during the course of his investigation, made some
11 recommendations for alternative platforms that we
12 are now exploring.

13 We have also hired an information technology
14 director to fill a post that had been vacant for
15 several years, and we have tasked him with improving
16 and upgrading our systems.

17 Within two weeks of taking office in
18 January of 2018, I reached out to the various
19 individuals and organizations critical of Town
20 policies, including the Rockland County Illegal
21 Housing Task Force, and I attended a meeting of the
22 task force.

23 I emphasized that my door would always be
24 open to anyone who wished to discuss any issue of
25 concern within the town.

1 I also announced that I wished to revive the
2 Town bureau of fire prevention, which had been
3 inactive for many years, and have the various fire
4 departments within the town nominate members to
5 serve on it, for the purpose of meeting regularly
6 with building department officials, in order to
7 advise and aid in working towards greater fire
8 safety.

9 In February of 2018 I sent a letter to all of
10 the fire chiefs within the unincorporated town,
11 asking for nominations to the bureau.

12 I wrote, "That it is my sincere wish that the
13 existence and operation of the bureau of fire
14 prevention will foster greater communication and
15 cooperation between the town government and the fire
16 services, leading to enhanced safety for our
17 firefighters, responders, and our residents."

18 Receiving no response to my letter, I sent a
19 follow-up in March, again with no response.

20 Likewise, at that time, I invited all of the
21 fire departments to suggest members to be appointed
22 to the Town's planning board and zoning board of
23 appeals. This offer too met with no response.

24 However, my door continues to be open to all,
25 including all emergency services personnel.

1 As this committee considers ways to improve
2 code enforcement, I would respectfully recommend
3 that you consider legislation that will allow code
4 violations in the town to be prosecuted at an
5 administrative hearing, to allow for an expedited
6 and streamlined process in a way that advances
7 public safety and compliance with the law without
8 sacrificing due process.

9 Once again, I thank you for your time, and
10 I welcome any questions that you may have.

11 SENATOR SKOUFIS: Thank you very much for
12 your testimony.

13 And I appreciate you and your Town's
14 cooperation over these past number of months with
15 the committee.

16 As I'm sure you know, and it's been mentioned
17 a number of times, the importance of code
18 enforcement and what we're talking about here is
19 evident, as recently as this week, in the town of
20 Ramapo, with what happened with very -- two very
21 young girls who nearly drowned.

22 As has been also noted, it is very difficult
23 to enforce, you know, single-family homes due to
24 privacy reasons, et cetera.

25 But, it does reinforce just how essential

1 this issue is.

2 I want to jump right into it here.

3 So if my staff can put up Exhibit C, which is
4 a non-public, a private school, on Route 306 in the
5 town of Ramapo.

6 I know it's been the subject of -- of some of
7 tension over the years.

8 Nine violations were issued on February 26,
9 2018, ranging from, problems with the water system;
10 ceiling clearance; problems with the fire alarm
11 system; issues with insulation and maintenance of
12 electrical equipment; means of egress, getting in
13 and out safely of the school.

14 These were violations that were issued.

15 Then, however, the certificate of occupancy
16 expired for this school, actually, previous to those
17 violations, on September 30, 2017.

18 And Rockland County Supreme Court
19 Justice Paul Mark held that, "The Town of Ramapo has
20 an obligation to ensure and enforce compliance with
21 its laws, and are entitled to judgment, in join" --
22 "judgment, in joining defense, from all use and
23 occupancy of the premises, except in conformity with
24 a valid certificate."

25 So, basically, the Court granted you the

1 opportunity to shut this school down.

2 My understanding is that you have not in the
3 number of years since that authority was granted to
4 the Town.

5 Many believe that the students are attending
6 that school in unsafe conditions.

7 Can you explain why the Town has not taken up
8 the Court on your new authority?

9 MICHAEL SPECHT: Yes.

10 First of all, the Court issued that order in
11 the fall of 2018, so it hasn't been years, it's been
12 months.

13 But, either way, we brought the original
14 injunction action in early 2018 because our fire
15 inspector and building inspector determined that
16 there were unsafe conditions at the site.

17 There were also zoning violations because
18 their CO had lapsed, and they had not gone through
19 the complete process to get an approval.

20 The fire safety violations were at some point
21 cured.

22 That was our first concern.

23 Our concern was the safety of the students,
24 the safety of anybody who might have to respond to
25 that site.

1 SENATOR SKOUFIS: At what point?

2 Sorry to interrupt.

3 MICHAEL SPECHT: At what point was it cured?

4 SENATOR SKOUFIS: Yes.

5 MICHAEL SPECHT: It was -- I'm going by
6 memory here, I'm sorry, but I believe it was cured
7 sometime in the spring or summer.

8 There was a reinspection in the summer, found
9 additional violations.

10 Those were cured fairly quickly. They
11 weren't as major as the previous ones.

12 SENATOR SKOUFIS: So the CO expired in the
13 fall of the previous year, and they were cured in
14 the spring or summer of the following year, which
15 begs the question, how could the school operate for
16 that long?

17 I mean, that's, basically, a full school
18 year, right, without curing, and the Town not taking
19 any action.

20 MICHAEL SPECHT: Well, we have to distinguish
21 between a zoning violation and a safety violation or
22 a code violation.

23 This school came to being legally. It
24 applied for a CO under a law that we had at the
25 time, that was since repealed, which allowed the

1 building inspector to issue a temporary permit for
2 modular units on a school that would last for up to
3 two years.

4 After the school received its permits, at
5 some point in time, the Town board repealed that
6 law, found that it was not a -- working the way it
7 should have been working.

8 Repealed it, and the school CO lapsed, and
9 they were not able to get a renewal.

10 They needed to go to the planning board to
11 get a site plan approved.

12 And in order to do that, because of the shape
13 and the layout and the size of the lot, they needed
14 to get area variances from the zoning board.

15 They went to the zoning board at one point
16 last year, and were denied the variances.

17 Again, our concern was to make sure that it
18 was compliant with State code, there was compliance
19 with safety issues, and, that was accomplished.

20 The zoning violation continued on.

21 They -- in the fall they went back to the
22 zoning board, under revised application, seeking
23 lesser variances, and the zoning board approved
24 them.

25 They then applied to the planning board.

1 At that point, since they have every -- we
2 have every reason to believe they will
3 (indiscernible) -- at some point be approved and
4 become legalized, and that the only thing holding
5 them up is their need to go through the entire
6 process, we made the decision not to evict the
7 students, who were mostly young girls, from the
8 site.

9 The main concern that I had was, knowing from
10 past experience, that if these -- if this school was
11 closed down while it was finally now safe and on the
12 road to compliance, they would probably be located
13 in other sites that we weren't aware of, that were
14 not safe, or were potentially not safe, and were not
15 legal as well.

16 So, it was a balancing of the -- what would
17 be the appropriate response, and that was to keep
18 the school -- allow the school to remain open, as
19 long as they were safe, as long as they permitted
20 regular inspections by our staff, and as long as
21 they were working toward getting their final CO,
22 which they have been.

23 So --

24 SENATOR SKOUFIS: I appreciate your response.

25 So I'll just -- from my perspective, at

1 least, you know, the prospect of students, you know,
2 not, sort of, coming down on the school that is
3 unsafe, because the prospect those students might be
4 attending -- or, sent to other schools that are also
5 unsafe, is not really a valid reason, in my mind, to
6 not move forward with proper enforcement.

7 And, quite frankly --

8 DENNIS LYNCH: (Inaudible.)

9 SENATOR SKOUFIS: Well, let me -- if I could
10 just finish.

11 -- you know, the Town should be aware of
12 those others schools that may be unsafe as well.

13 Yes, go ahead, very briefly.

14 DENNIS LYNCH: My point is, and, again, I --
15 I -- I wasn't -- didn't have a chance to give my
16 opening statement, but, responding to your
17 particular point, what's happened frequently is
18 zoning issues are confused with State building code
19 issues.

20 The Town was satisfied that there was no
21 issue of safety under the State building code.

22 The fact that there was zoning code
23 violations is totally separate from what
24 I understand this committee is looking at.

25 I have specific suggestions with regard to

1 how the committee can improve it.

2 For example, Town Law, Section 268, allows
3 for taxpayers to bring claims or bring lawsuits for
4 zoning violations, but not for code violations.

5 You could change that.

6 The Uniform Justice Court allows, under
7 Section 209, for Provisional Remedies, with regard
8 to recovering chattel, a replevin action. But not
9 to go into a place where you can have an order to
10 show cause and act quickly in the Justice Court.

11 So, I mean, some of those issues, if they're
12 safety issues, there's mechanisms, which I submit to
13 this committee, are two specific examples: Town
14 Law, Section 268. Uniform Justice Act, Section 209.

15 SENATOR SKOUFIS: Okay, thank you.

16 I want to let my colleagues get to their
17 questions, but I -- if I may just offer a battery
18 here, and just, sort of, precise answers, succinct
19 answers.

20 How often does your housing court meet?

21 MICHAEL SPECHT: We meet, approximately, once
22 every three weeks.

23 We don't have a dedicated housing court. We
24 have a Town Justice Court.

25 The Town judge/justices hear code-violation

1 cases once every three weeks.

2 SENATOR SKOUFIS: Okay. That seems to be --

3 DENNIS LYNCH: If we go to the Supreme Court,
4 we don't have to wait for the Justice Court calendar
5 to be reached.

6 SENATOR SKOUFIS: Okay.

7 -- once every three weeks does seem to far
8 less frequent than a lot of the other
9 municipalities --

10 DENNIS LYNCH: Maybe the State --

11 SENATOR SKOUFIS: -- (indiscernible) every
12 other (indiscernible cross-talking).

13 DENNIS LYNCH: Maybe the State can get us
14 more funding so we can meet more frequently.

15 SENATOR SKOUFIS: City of Newburgh,
16 I believe, meets once a week, if I'm not mistaken --

17 MICHAEL SPECHT: I would agree with you --

18 SENATOR SKOUFIS: -- (indiscernible
19 cross-talking) --

20 MICHAEL SPECHT: -- and that's an improvement
21 we would like to see happen, with the Court's
22 cooperation.

23 SENATOR SKOUFIS: Okay.

24 Town of Ramapo, let's see, department of
25 state requires that every city, village, town, and

1 county charged with administration and enforcement
2 of the uniform code submit an annual report of its
3 activities to the secretary of state to check for
4 compliance.

5 Has the Town of Ramapo sent that annual
6 report, 2014, '15, '16, '17, and '18?

7 MICHAEL SPECHT: To my knowledge we have.

8 SENATOR SKOUFIS: Okay.

9 Under Town Code 376-140, enforcement
10 officials are required to make any reports required
11 by the Town board.

12 Has the Town board required any reports of
13 code-enforcement officials during your
14 administration?

15 MICHAEL SPECHT: We have asked the Town --
16 the building inspector and the fire inspector to
17 report if there is a condition that we think would
18 need injunctive relief, or some other remedy outside
19 of the normal code enforcement process.

20 DENNIS LYNCH: And, also, the State
21 committee -- the State investigation that did the
22 report, made recommendations for regular meetings
23 with the building inspector and staff.

24 That's being done.

25 And if there's anything that happens, we just

1 had an example, about, I'd say four weeks ago, where
2 there was a need to go to Supreme Court quickly.

3 The building inspector immediately made the
4 recommendation to the Town board, and the Town board
5 voted to go to Supreme Court.

6 SENATOR SKOUFIS: So how many times has the
7 board requested reports for specific cases, because
8 that's what you're talking about here?

9 MICHAEL SPECHT: Right.

10 SENATOR SKOUFIS: And how many times have you
11 requested a general report, a quarterly report, an
12 annual report, about what's going on with code
13 enforcement?

14 MICHAEL SPECHT: Since I've been supervisor,
15 I would say -- specific sites, I would say about a
16 half a dozen times.

17 And, annual or quarterly reports, I don't
18 believe the board has requested that.

19 I will meet -- I meet with the building
20 department officials on a regular basis, I get that
21 information.

22 But, no, the board has not requested it.

23 SENATOR SKOUFIS: Okay.

24 Has the Town ever not enforced the expiration
25 of a building-permit application after 180 days if

1 the permit is not issued or an extension granted in
2 writing?

3 MICHAEL SPECHT: Not to my knowledge.

4 I can't speak to every building permit.

5 If there were oversights or mistakes, I can't
6 answer that.

7 But that would not be the policy.

8 SENATOR SKOUFIS: Okay.

9 Has the Town ever not enforced the expiration
10 of a building permit after 180 days when work has
11 not commenced or 90-day extensions have been granted
12 in writing?

13 MICHAEL SPECHT: I'm not aware.

14 SENATOR SKOUFIS: Okay.

15 Has a Town building official ever suspended
16 or revoked a permit issued in error based on
17 incorrect, inaccurate, or incomplete information by
18 the applicant?

19 DENNIS LYNCH: Mr. Chairman, if we knew these
20 questions ahead of time, we could give you the
21 answers on the spot.

22 SENATOR SKOUFIS: Well, if you don't know
23 them now, then we can follow up with --

24 MICHAEL SPECHT: We'd be happy to send
25 (indiscernible cross-talking) --

1 DENNIS LYNCH: Oh, certainly, we'd be happy
2 to follow up on them.

3 MICHAEL SPECHT: Absolutely.

4 SENATOR SKOUFIS: But you're not aware of
5 any --

6 MICHAEL SPECHT: I'm not aware.

7 I know the building department has, just
8 recently, the building inspector revoked a
9 certificate of occupancy.

10 Revoking a permit, I'd have to find that out.

11 DENNIS LYNCH: And we'll follow up with a
12 written response to your questions, Chairman.

13 SENATOR SKOUFIS: Has the Town ever issued
14 partial permits for site plans?

15 MICHAEL SPECHT: We have done that.

16 We've been advised that, while there is no
17 prohibition in the State code, we would need a local
18 law to do so.

19 So we have actually scheduled a hearing for
20 June, for -- a public hearing, for a proposed local
21 law, amending our code to allow that.

22 SENATOR SKOUFIS: Okay.

23 Especially given that you're -- you deal with
24 these housing issues in court once every three
25 weeks, which is quite a lengthy period of time

1 compared to other places we've looked, I think --
2 I do need to ask about, sort of, the duration of
3 these violations, how long they languish in court in
4 Ramapo.

5 Can you -- do you know what the longest
6 violations have been in housing court?

7 MICHAEL SPECHT: I don't --

8 SENATOR SKOUFIS: And can you speak to these
9 motions to adjourn, right?

10 So we heard from the City of Newburgh,
11 they've recently issued a warrant for a
12 non-appearance from a landlord.

13 Have you ever issued warrants?

14 MICHAEL SPECHT: Yes, we have.

15 SENATOR SKOUFIS: How recently?

16 MICHAEL SPECHT: I would say --

17 SENATOR SKOUFIS: How often?

18 MICHAEL SPECHT: -- well, I would say,
19 probably, within the last month warrants have been
20 issued, bench warrants or arrest warrants.

21 One of the problems that we've had in the
22 past, that we believe we found a partial solution
23 toward, without a birthdate for the defendant, the
24 Court would not issue a warrant because it would be
25 unenforceable, for fear of arresting the wrong

1 person.

2 What we do now, the building inspector
3 requires, anytime somebody applies for a building
4 permit, that a photocopy of their driver's license
5 be provided as well, so, that way, at least we have
6 somebody accountable, and, if need be, we have the
7 pedigree information to issue a warrant.

8 It doesn't help in situations, obviously,
9 where somebody commits a violation without first
10 seeking a permit, but it helps in situations where
11 something starts out lawfully and then goes beyond
12 that.

13 DENNIS LYNCH: And we thank your chief
14 investigator who gave the recommendation about dates
15 of birth.

16 SENATOR SKOUFIS: Okay.

17 MICHAEL SPECHT: Uh-huh.

18 SENATOR SKOUFIS: We heard from Mr. Wren
19 before, that, in his conversations, he believes that
20 there was undue political influence placed on state
21 agencies, other actors here, vis-a-vis the Town of
22 Ramapo.

23 Have you or anyone in town hall, since you've
24 been on the Town board, made phone calls like that,
25 had conversations like that, with either other

1 elected the officials, state agencies, stakeholders,
2 the monitor?

3 Have you been engaged in anything like that?

4 MICHAEL SPECHT: Absolutely not.

5 SENATOR SKOUFIS: Okay.

6 Are you aware of others --

7 MICHAEL SPECHT: Not to my knowledge --

8 SENATOR SKOUFIS: -- on your Town board
9 (indiscernible cross-talking).

10 MICHAEL SPECHT: -- no one that I'm aware of,
11 nor would I -- would I accept that from anybody on
12 the board.

13 SENATOR SKOUFIS: Okay.

14 And my last question for now:

15 We've heard a lot of LLCs.

16 There -- we've experienced a proliferation of
17 LLCs in the town of Ramapo in the few months that
18 we've been looking.

19 And, you know, we've heard some strategies
20 from other municipalities.

21 For example, you know, registries.

22 The County now has a registry where they're
23 slowly being able to sort of identify owners of
24 these LLCs.

25 What steps have you taken as a town, given

1 the enormous, I would call, problem with LLCs and
2 their anonymity, to identify who is actually behind
3 these LLCs, and so when there are issues with a
4 property, you are able to take action?

5 DENNIS LYNCH: Can I respond to that?

6 One of the suggestions your chief
7 investigator said was, that your committee may make
8 a recommendation that New York State law be changed
9 to have requirements for disclosures of LLC members,
10 and even if its transferred.

11 We would welcome that.

12 SENATOR SKOUFIS: And so, yes, that's my
13 bill, and I obviously support my own bill.

14 But, the Town of Monroe, for example, here in
15 Orange County, they actually don't offer local
16 approvals for any applicants that come to them as an
17 LLC, until they get the ownership information of
18 that LLC.

19 So things -- steps can be taken before state
20 legislation is enacted.

21 Have you done anything?

22 MICHAEL SPECHT: Well, one thing we have
23 done, as I mentioned a little earlier, is we now
24 require anyone applying for a building permit, even
25 if it's on behalf of an LLC, to have somebody accept

1 responsibility and give a driver's license.

2 I had a very irate builder come to my office
3 and complain how unfair, because it was an LLC and
4 an LLC can't have a driver's license.

5 And my explanation was, whoever is going to
6 accept responsibility and wants the permit -- to
7 receive that permit will have to give the building
8 inspector a license.

9 That's one thing that we've done.

10 Another thing we've done is that, our
11 prosecutor in court will ask for default judgments,
12 under the law.

13 And LLC or a corporation must appear in court
14 by an attorney on a criminal matter.

15 If the LLC does not appear, or, does not
16 appear by an attorney, within a reasonable amount of
17 time, she will file motions for a default judgment.

18 I believe she has seven or eight motions
19 pending right now.

20 And once the default judgment is issued, we
21 then ask the Court to convert it into a civil
22 judgment, so we can file it with the county clerk's
23 office, it remains a lien on the property, so that
24 when that property, if a builder is building a
25 prop -- you know, a building, developing a parcel,

1 with the intention to sell it or transfer it, we
2 will have a lien that will, presumably, be paid at
3 some point in time when they're ready to sell it.

4 So it's not the most ideal solution, but it's
5 the one we've been able to come up with so far.

6 SENATOR SKOUFIS: Okay.

7 Thank you.

8 Senator Carlucci.

9 SENATOR CARLUCCI: Thank you.

10 Thank you, Supervisor and Town Attorney, for
11 being here today.

12 And, you know, we've -- obviously, we've had
13 a lot of concerns, particularly in Ramapo.

14 And, unfortunately, the perception is, and
15 I -- and you had mentioned that you had inherited a
16 situation, but it seems to still be the perception
17 that there's this culture of, build first, ask for
18 permission later.

19 And it seems like that's gone on again and
20 again.

21 And what could you -- what do you say about
22 that, and is that continuing?

23 DENNIS LYNCH: May I respond?

24 If you had come to a Town board -- to a
25 planning board meeting, I haven't seen you there in

1 quite a while, you would know that's not what's
2 happened.

3 That may be the perception, but it's in the
4 reality.

5 MICHAEL SPECHT: Well, I would also just add,
6 I think we have been increasing our enforcement
7 efforts lately.

8 Just to give some numbers:

9 In 2017 and 2018, we had a combined total of
10 about 350 cases in court.

11 2019, year to date, and we're a little less
12 than halfway done with the year, we're at 149.

13 So if that continues, we'll have over
14 300 cases just for this year alone, instead of
15 350 for 2 years.

16 So I think we have stepped up the level of
17 enforcement.

18 We have a new prosecutor who started a few
19 months ago.

20 And we also have a new judge in the Justice
21 Court.

22 And I think the two of them make a good team.

23 Obviously, there's a separation of powers,
24 but they make a good team in terms of moving the
25 calendar, not having cases linger as long as they

1 have.

2 Chairman Skoufis, you asked earlier, I didn't
3 respond at that time, but there were cases that
4 lingered for one to two years or more.

5 Sometimes that is the result of the fact that
6 we're waiting for someone to go through the process,
7 get variances, and get a site-plan approval.

8 That can be a two- or three-year process.

9 So, to some degree, if we're going to wait
10 till the case is fully disposed of in the
11 administrative part before we can dispose of it
12 judicially, there will be a delay.

13 But, other cases, there have been repeated
14 adjournments by the defendant.

15 And our attorneys have been objecting to
16 those requests when they've been unreasonable.

17 And the Court, I believe, now, lately, has
18 been scheduling trials quicker, and forcing cases to
19 come into a disposition much more promptly.

20 DENNIS LYNCH: If I could supplement that,
21 Senator Carlucci, again, zoning code versus building
22 code.

23 Zoning codes are democratically enacted by
24 local legislatures, as you know, of the towns, and
25 the towns democratically determine what they do.

1 We had a complaint from Mr. Wren that the
2 buildings were too close together.

3 Well, it was pursuant to the code -- State
4 building code, but also our zoning code allows it.

5 So, I mean, again, zoning is unique to a
6 town, the Town can do what they want.

7 But, obviously, your building codes,
8 statewide, must be complied with.

9 SENATOR CARLUCCI: Now, this exhibit right
10 here is -- now you're saying that this is compliant
11 with State code?

12 DENNIS LYNCH: No, I'm answering your
13 question about the perception of build, build,
14 build.

15 What I'm telling you, in this particular
16 case, is that particular matter was in court.

17 But if you're talking about overbuilding,
18 that's a zoning issue, not a code issue.

19 MICHAEL SPECHT: I just have to ask when that
20 photograph was taken?

21 SENATOR CARLUCCI: I'm not sure it is -- when
22 this photograph was taken?

23 SENATOR SKOUFIS: You can -- you can -- just,
24 when was it taken, the photo; do you know?

25 MICHAEL MAZZARIELLO: When?

1 SENATOR SKOUFIS: Yes, when.

2 MICHAEL MAZZARIELLO: Not even a month and a
3 half, two months ago.

4 SENATOR SKOUFIS: Month and a half,
5 two months ago.

6 DENNIS LYNCH: Probably with a ride-along,
7 when we cooperated with your investigator, and took
8 him to every place in Ramapo that he wanted to go.

9 MICHAEL SPECHT: It appears that, from what
10 I see in the photograph, there's a lot of debris on
11 the property.

12 I can't speak as to its condition right now.

13 It's certainly something that we would
14 inspect if we saw that.

15 And we have a -- two new initiatives:

16 One, with our prosecutor, to hold property
17 owners accountable for property maintenance, and
18 littering conditions, through enhanced prosecution.

19 We've had some zombie properties that were in
20 foreclosure, that we've had the banks clean up
21 successfully.

22 We also have created a new unit within the
23 town for cleanup, which cleans up within a
24 right-of-way, but in issues of violations and
25 summonses on private property.

1 And that just started last month, and that's
2 had some success.

3 So, certainly, if this is a current
4 condition, we would have it looked at.

5 I can't speak as to anything beyond that.

6 SENATOR CARLUCCI: Okay.

7 And we've heard from municipalities where, if
8 that is the case, where they build first, ask later,
9 that, not only will they be hit with a fine, but
10 they'll have to rescind the work or take the work
11 out.

12 Have you had examples of that in Ramapo,
13 where there have been cases where people have built
14 before getting proper permits, and you've required
15 them to take what work has been done, out?

16 MICHAEL SPECHT: That has happened.

17 Generally, what the building department will
18 do, if they build something that could be up to
19 code, could be approved, could get a building permit
20 or CO, depending on what it is, they will give them
21 an opportunity to do so.

22 However, if it's something that is clearly
23 not permitted, either under a zoning law, a rooming
24 house, for example, with individual locked bedrooms,
25 single-room occupancy doors, or something not

1 permitted under code, then they would have to remove
2 it, and that's been done too.

3 SENATOR CARLUCCI: It has been done --

4 MICHAEL SPECHT: It has been done.

5 SENATOR CARLUCCI: -- and you could provide
6 some examples (indiscernible cross-talking) --

7 MICHAEL SPECHT: Interior partition walls
8 have been removed.

9 We have forced entrances to -- if an illegal
10 apartment is created in the basement, we've removed
11 any barriers that separate the basement apartment
12 from the rest of the house and made it one dwelling
13 unit.

14 We have asked that kitchens that have been
15 installed illegally be removed, things like that.

16 So it does happen.

17 DENNIS LYNCH: The Town is very much aware,
18 Senator, under the case of Parkview Associates
19 versus the City of New York, which took down about
20 20 stories of building, that they had the right to
21 take down property and order that if there's a
22 violation.

23 SENATOR CARLUCCI: Right, and I'm just asking
24 for examples of that in the town of Ramapo.

25 MICHAEL SPECHT: Generally, a lot of our

1 violations will occur, where you have a family that
2 will add a basement or apartment, or convert a
3 garage, to have a little space to allow family
4 members to move in.

5 We're talking about families that have
6 large -- you know, large members, and they will do
7 that.

8 And, in that case, if they can legally
9 convert it to habitable space, it may be a question
10 of making it an extra bedroom, that's legal, but not
11 necessarily a separate apartment.

12 Or, it may be a question of, if it's in the
13 right zone for it, to make it from a one- to a two-
14 or three-family house, but they have to go through
15 the process.

16 And if they can go through the process, and
17 if they meet the State code, they meet the Town
18 laws, then there's no reason why they can't be
19 permitted to do that.

20 Still leaves open the prosecution in
21 Justice Court for committing the violation.

22 SENATOR CARLUCCI: Okay, and we just heard
23 from the Rockland County Department of Health, with
24 the Rockland Codes Initiative.

25 And they were responding to the Chairman's

1 question about compliance and working with the
2 municipalities.

3 And it was stated, from the deputy county
4 health commissioner, that the working relationship
5 with the Town of Ramapo has been difficult and not
6 forthcoming.

7 Can you respond to that?

8 MICHAEL SPECHT: Well, I'm disappointed to
9 hear that.

10 I'm certainly open to improving our relations
11 with any agency or any part of the county government
12 or any other municipalities.

13 I would be more than happy to meet either
14 with the health department, or with the county
15 executive or anyone from his office, to work out a
16 better line of communication and ensure better
17 communication between our building department staff
18 and the county health department, absolutely.

19 SENATOR CARLUCCI: Okay.

20 And now, with the State monitor that was in
21 the town of Ramapo for a year, under
22 Supervisor Specht's tenure --

23 MICHAEL SPECHT: Right.

24 SENATOR CARLUCCI: -- you know, we were
25 concerned, when the Town -- when the monitor left,

1 saying they left -- they were going to leave before
2 they issued a report publically.

3 And we talk about, and you've admitted, that
4 there's still work to be done.

5 Would you welcome the town -- a State monitor
6 back in the Ramapo building department?

7 MICHAEL SPECHT: I don't believe it's needed.

8 I believe that they've determined that we are
9 able to fly on our own for now.

10 But, at the same time, we have nothing to
11 hide, and we never are looking to turn away from
12 help from any level.

13 So, while I don't believe it's needed, if
14 that's the decision of the State, then we would
15 welcome it, and we would cooperate and work with the
16 monitor.

17 SENATOR CARLUCCI: Okay, thank you.

18 And we talked a little bit, you heard about,
19 the recommendations from the staff of the
20 investigations committee, about the software, and,
21 I guess, the recordkeeping practice for the building
22 department in the town of Ramapo.

23 What are the mechanisms that you plan to
24 implement to turn that around, to change it, to make
25 the records more accessible?

1 MICHAEL SPECHT: Right now we use the
2 Municipality software system, and I know the building
3 department staff has issues with it.

4 They feel it's not very user-friendly.

5 And it -- we have a problem, for example,
6 pulling up an original certificate of occupancy from
7 a property. We have to go to the file to get the
8 hard copy.

9 We can pull up the information that was on
10 the certificate of occupancy, but we can't pull up a
11 digital one and print it.

12 So we're looking at doing two things.

13 One is, looking at alternative software that
14 was recommended, and we appreciate that advice.

15 And we have our IT director looking into
16 that. And if he finds something he thinks meets our
17 needs, the Town board will authorize entering into a
18 license to use it, and training our employees to use
19 it properly.

20 The other thing that we're in the midst of
21 doing, and it's a long-term project, but it's being
22 done, we are scanning and digitizing all of the
23 building department files, so that, eventually, we
24 will have everything online in digital format, and
25 we'll be able to pull up original building permits,

1 original COs, make them accessible.

2 Our long-term goal -- our immediate-term goal
3 would be for the building department to use that.

4 Longer-term goal with that -- for that, to be
5 part of -- accessible through a portal for any
6 member of the public as well as.

7 DENNIS LYNCH: One of the issues is
8 transporting the old data from that old system to
9 the new system.

10 We would welcome State funding to help on
11 that.

12 SENATOR CARLUCCI: And when we talk about
13 funding, now, how many code-enforcement officers are
14 there in the town of Ramapo right now?

15 MICHAEL SPECHT: We currently have nine
16 people that do enforcement work, including building
17 inspectors, assistant building inspectors, fire
18 inspectors, code-enforcement officers, and plan
19 reviewers.

20 Last night we -- as a Town board, we voted to
21 hire a new part-time fire safety inspector, a young
22 man who's a member of a local fire department. So,
23 he has fire experience.

24 He does not have fire inspection experience,
25 but he'll go through the training, and we hope to

1 get him certified and add to our resources.

2 SENATOR CARLUCCI: Okay.

3 So is it fair to say you have nine full-time
4 fire inspector, code-enforcement officer, building
5 inspector, throughout the whole town?

6 MICHAEL SPECHT: That's correct.

7 SENATOR CARLUCCI: And now you're going to --

8 MICHAEL SPECHT: We'll have ten.

9 SENATOR SKOUFIS: -- with another -- well,
10 ten, or a half?

11 MICHAEL SPECHT: Well, part-time. Nine and a
12 half.

13 SENATOR CARLUCCI: Okay. And are all
14 those -- those nine, are they full-time?

15 MICHAEL SPECHT: They are full-time, and
16 they're all certified and up to date on training.

17 SENATOR CARLUCCI: And just so we know,
18 because we heard from the City of Newburgh, which
19 said they had about 6600 -- about 6500 units, and
20 they have four full-time inspectors, and they claim
21 that's far too little.

22 How many units does the town of Ramapo have
23 (indiscernible)?

24 MICHAEL SPECHT: In the unincorporated
25 town -- and as you know, the town of Ramapo has

1 12 villages within the town.

2 So we only have jurisdiction for code
3 enforcement and building matters over the
4 unincorporated town.

5 We have 8,000 buildings.

6 We have about 9500 parcels, but the ones that
7 have buildings on them are 8,000.

8 SENATOR CARLUCCI: Okay. And would -- do you
9 think that you're adequately equipped to handle the
10 building that's going on in Ramapo with the current
11 amount of code-enforcement workers you have?

12 MICHAEL SPECHT: I think with the current
13 amount, and that includes, you know, we've added to
14 our -- over the last two years, we've added to our
15 staff, and with the new hire, we will be adequately
16 equipped.

17 Could we use more?

18 I think we would, and we would still be open
19 to recruit other inspectors.

20 As you know, one of the advantages of hiring
21 this young person part-time, was that we were able
22 to avoid having to go through the county
23 civil-service process, which, while it has its
24 benefits, it also limits and prolongs how we can
25 hire.

1 So, part-time, there's less restrictions on
2 it, but we're certainly would still be looking to
3 increase.

4 SENATOR CARLUCCI: Okay.

5 And the comment was made a couple times about
6 funding, and asking the State possibly for funding,
7 to help increase the improvements in terms of code
8 enforcement.

9 What would be your ask, that you're here on
10 the record with the panel?

11 What is the type of need that you need?

12 Is it for the software importing out of an
13 old program?

14 Is it for code enforcement?

15 DENNIS LYNCH: We'd be happy --

16 SENATOR SKOUFIS: Is it for --

17 DENNIS LYNCH: We'd be happy to give you a
18 laundry list in the next 10 days with specific
19 amounts.

20 MICHAEL SPECHT: But I think, certainly, at
21 the top of the list would be for software, and for,
22 as we said, transitioning the -- from one platform
23 to another.

24 SENATOR CARLUCCI: Okay.

25 Thank you.

1 MICHAEL SPECHT: Thank you.

2 SENATOR SKOUFIS: Just one -- first, I want
3 to introduce, we've been joined by a couple of
4 senators, Senator Salazar and Senator Breslin.

5 Thank you for joining us.

6 Just one final question, as we close with
7 your testimony, and I don't mean to ask this
8 facetiously, but, over the, you know, last number of
9 months we've seen very clearly that there are many
10 residents and advocates and firefighters,
11 stakeholders, who have very hard feelings about this
12 in the town of Ramapo.

13 I understand you believe you've made
14 improvements.

15 Do you owe an apology to those individuals,
16 the stakeholders or residents, for what was done or
17 not done in recent years?

18 MICHAEL SPECHT: I really wouldn't know how
19 to answer that.

20 Do you mean a personal apology?

21 Does the Town owe an apology?

22 SENATOR SKOUFIS: From the Town -- on behalf
23 of the Town.

24 MICHAEL SPECHT: I think that the Town has
25 made mistakes over the years, and that's very

1 evident.

2 I think that we are doing our best to move
3 beyond those and to institute best practices across
4 the town.

5 And I don't think it's a question of
6 apologizing.

7 I think it's a question of doing the right
8 thing.

9 And I would ask everybody to work with us,
10 give us a little bit of good faith, and allow us to
11 show what we can do as we keep improving.

12 I think that is more valuable than whether we
13 would need to apologize or not apologize to anybody.

14 SENATOR SKOUFIS: Okay.

15 Thanks very much for your testimony.

16 MICHAEL SPECHT: Thank you.

17 SENATOR SKOUFIS: Thank you.

18 And we're running up into the second hearing
19 here, so everyone please be mindful of time.

20 Next we have Mount Vernon, the City of
21 Mount Vernon: Mayor Thomas; Kim Knotts,
22 Omondi Odera, housing inspectors; Theodore Beale,
23 fire commissioner.

24 Please have a seat.

25 Before we get started, if you could raise

1 your right hands.

2 Do you solemnly swear that you will tell the
3 truth, the whole truth, and nothing but the truth,
4 so help you God?

5 (All witnesses say "Yes.")

6 SENATOR SKOUFIS: Thank you.

7 Please proceed.

8 MAYOR RICHARD THOMAS: Thank you,
9 Senator/Chairman Skoufis.

10 On behalf of the City of Mount Vernon,
11 I would like to say thank you for the opportunity to
12 appear, to talk with you and your committee about
13 the importance of enhancing code enforcement.

14 I want to thank our senator,
15 Senator Allesandra Biaggi, for making sure that
16 Mount Vernon is not only on the map, but a part of
17 the conversation.

18 It's very important that we recognize that
19 code enforcement is life or death.

20 And in Mount Vernon we have a shocking
21 statistic, where 44 percent of our properties were
22 involved in a fire incident.

23 That's a huge number.

24 And we want to make sure you know that the
25 City is very grateful for your leadership on this

1 matter.

2 We desire to continue this conversation.

3 And before we dive into a few of the things
4 that we'd like to bring to your attention, I just
5 want to introduce who is with me.

6 To my right is Chantelle Okarter. She is the
7 commissioner of planning, as well as the executive
8 director of the Urban Renewal Agency.

9 To my left is the commissioner of fire, this
10 is Teddy Beale. He's been with the fire department
11 for --

12 How many years?

13 THEODORE W. BEALE: 46.

14 MAYOR RICHARD THOMAS: -- 46 years.

15 So we have a wealth of experience with us at
16 the table.

17 As well as, to my far right is Omondi Odera.
18 He is the one, and only, inspector for the city of
19 Mount Vernon, about 80,000 people, 4 square miles.

20 It's ridiculous, I know.

21 So in the correspondence that we have, we
22 point out the common and uncommon challenges we
23 face.

24 Also to my far left is Kim Knotts.

25 Kim is recently been promoted into the role

1 of housing inspector in the building department.

2 She's getting trained up, fully certified,
3 but still getting caught up to speed.

4 But, nonetheless, I just want to begin with
5 David Dinkins.

6 Mayor Dinkins said, "You can tell whether or
7 not a community cares, or a City cares, about its
8 community if the block is clean, if the homes are
9 well-kept, if the sidewalks are straight. But if
10 it's filthy, full of just burnt-out, abandoned
11 buildings, it's clear that the government doesn't
12 care."

13 So, like you, like him, the City of
14 Mount Vernon believes that our neighborhoods should
15 be clean and zombie-free.

16 These zombies, they suck the life out of
17 property values, and they invite all sorts of
18 negative activity that harm quality of life.

19 And we have an exaggeration per se of what
20 the situation is like, with a picture of
21 Count Dracula with a werewolf, greeting the
22 neighbor, because that's exactly what neighbors
23 experience when they see these zombie homes overrun
24 with mosquitoes and rats and rodents, et cetera.

25 So we do our best to communicate with the

1 neighborhoods about what we're doing, and how we're
2 working with you, and, specific, on trying to make
3 sure that we keep the neighborhoods clean.

4 And one of the things that we've done with
5 the leadership of Commissioner Okarter, our zombie
6 task force, which is a cross-cutting task force of
7 police, fire, buildings, law, public works, water,
8 we go and visit these various locations in town, and
9 we apply everything that you're asking us, from the
10 BuildingBlock software that was given to us, access
11 to, through the New York State Attorney General's
12 Office, which we're very thankful for, but, also,
13 the laws that you passed, holding banks and derelict
14 property owners accountable.

15 On January 15th we levied penalties and
16 fines, using state and local laws, on 44 bank-owned
17 properties.

18 As of March 15th, the fines and penalties
19 reached over 4 million.

20 Today those fines, approximately, are
21 \$8 1/2 million.

22 Our goal is to do what you intended, punish
23 the banks to do something with the properties.

24 And our objective is to reclaim those parcels
25 and auction them off to middle-class, hard-working

1 families.

2 That's something that we believe we can do,
3 we're going continue to push it.

4 We ask you to monitor this progress.

5 And we've been keeping Senator Biaggi's
6 office updated as to what we've been doing to remain
7 vigilant on this.

8 As I mentioned, we have some common and
9 uncommon challenges.

10 Common, yes; resources, priorities.

11 We're very limited on resources.

12 But, the priorities, uncommon.

13 For some reason, the funding for our
14 operations by our city council does not include
15 monies to hire inspectors, even though these roles,
16 pay as you go, that's an internal, you know,
17 baseball thing.

18 But we do believe that we're going to win
19 that game for the people of Mount Vernon, and,
20 hopefully, our colleagues will fund the operations
21 much more adequately.

22 Moving on, I just want to point out two
23 things, and turn it over to Commissioner Okarter.

24 We know, as I already described, that, zombie
25 homes, they suck the life out of neighborhoods.

1 They prevent our beautiful gardens from blooming.

2 And we believe we have to take every measure
3 to prune and rid our neighborhoods of these zombies.

4 And there are two points I just want to
5 suggest.

6 One is, perhaps New York State Senate can
7 think about giving communities, cities like
8 Mount Vernon, an additional tool to deal these
9 zombie properties.

10 Perhaps we can explore measures or laws that
11 would require insurance companies to pick up the
12 tab, to require the homeowner, be it a burnt-out
13 parcel, they get their insurance check, they
14 disappear.

15 Or, perhaps there could be a more stringent
16 requirement to say: You have to deal with this, you
17 have to maintain it. You just can't take your money
18 and run.

19 Another one could be, thinking about
20 investing in the database to complement Tolemi,
21 Tolemi software, BuildingBlocks.

22 They have an internal aggregate system that
23 helps municipalities like ours deal with all the
24 data and synthesize it.

25 Maybe there's another software platform that

1 can help create a user -- end-user interface on the
2 constituent end, that can kind of blend the systems
3 per se, and help us even better communicate, than
4 having to use some real simple measures of pen and
5 paper.

6 But with that, I just want to say thank you
7 again.

8 We understand this is the beginning of a
9 conversation; we want to continue the conversation.

10 And with that, I'll just talk -- yield to
11 Commissioner Okarter, and then Commissioner Beale,
12 if they want to add anything in addition.

13 CHANTELLE OKARTER: Absolutely.

14 Thank you very much for allowing to us speak
15 today.

16 So, some of the numbers that we are dealing
17 with:

18 We have about 201 abandoned, vacant
19 properties right now, and one of the large issues,
20 is about 163 of those are owned by LLCs.

21 So we have been having a hard time finding
22 out who is behind the LLCs so we can actually deal
23 with the problem.

24 So as the mayor said, instead of, you know,
25 kind of running into roadblocks, we have decided to

1 go ahead and focus on the bank-owned properties that
2 we have, because at least we have been able to
3 identify the bank-owned properties.

4 So we are also actively trying to work on our
5 City-owned properties as well.

6 We only have about 14 that are zombies, so --
7 which is a good thing, that, you know, in our
8 4.2 square miles, we only have about 14 properties
9 that the City needs to remedy.

10 But, in regards to the fact that we also have
11 been working with very, very limited resources with
12 our code-enforcement officer, one of the things that
13 we've tried to do, is that we received on the list,
14 a zombie grant. And we're trying to make sure we
15 can use some of the those fundings to have -- to
16 hire another code-enforcement officer to help us
17 with direct code enforcement.

18 One of the numbers that I really want to
19 highlight is the 44 percent that the mayor had
20 mentioned, and we have had a lot of, you know, fire
21 instances in the city of Mount Vernon.

22 And I think it's very important that you hear
23 from the commissioner of fire because, these vacant
24 and abandoned homes, they do cause more fire
25 incidences that we have in the city of Mount Vernon.

1 So at this point I'd like to turn the mic
2 over.

3 THEODORE W. BEALE: Thanks, Commissioner.

4 SENATOR SKOUFIS: Just be succinct, please.

5 Yeah, thank you.

6 THEODORE W. BEALE: We have -- we had
7 11,533 structure fire -- incidents in 2018. Out of
8 that, 58 were structure fires.

9 MAYOR RICHARD THOMAS: Repeat the number.

10 THEODORE W. BEALE: 11,553 fire incidents in
11 2018.

12 Out of that, 58 were working structure fires,
13 meaning, we had hose, flames, smoke, putting ladders
14 on the building.

15 In 2017, in December, at 328 Union Avenue, we
16 had a zombie home with smoke coming out of it at
17 10:00 at night.

18 We were there for the next 7 1/2 hours, and
19 we lost a 70-year-old man who was inside the home,
20 trying to stay warm by using Sternos.

21 That's one example of what we could do.

22 That's one life too many.

23 All right, at 151 Union Avenue, we have a
24 similar situation we've been battling for the last
25 three years.

1 The courts, the building department, the law
2 department, the police department, we're all on
3 board, working together as one unit under the
4 mayor's leadership.

5 But this is, we need a little bit more help,
6 and that's what it comes down to.

7 MAYOR RICHARD THOMAS: And in closing, I want
8 to say, you know, very thankful for the opportunity
9 to appear before you, bring this to your attention.

10 It definitely hurts the economy.

11 And just wanted to leave you with one story.

12 A family that lives next door to a zombie,
13 they have a daughter that decides to go to college.

14 The parents, hard-working parents, try to go
15 get equity out of their home.

16 They can't.

17 10 percent vanished because the vampire next
18 door sucked it out.

19 That means one of the parents or relatives
20 has to work a double or triple job to come up with
21 the money to buy books at college.

22 That hurts.

23 So we take it serious, we understand the
24 impact.

25 And we hope that you continue to bring the

1 fight to where it belongs: the people that are doing
2 this are nameless and faceless, and we ask you to
3 keep go getting them.

4 SENATOR SKOUFIS: Thank you very much for
5 your testimony, each of you.

6 And I also want to thank Senator Biaggi for
7 really taking the lead on this component of our
8 effort here.

9 And I thank you for viewing this as an
10 opportunity to share and to learn.

11 And, hopefully, the entire state will be able
12 to get some best practices and further support from
13 the State at the end of this.

14 I will be very brief.

15 If my staff could just put up one property.

16 We have 19 Terrace Avenue.

17 This building caught fire in May of 2016.

18 I suspect, at least you, sir, are aware and
19 remember.

20 But it was -- we found it odd that, you know,
21 you could obviously see the condition of that
22 building there, that there are no violations listed
23 in the software for that property.

24 Can you explain how -- how you reconcile
25 that?

1 THEODORE W. BEALE: The fire department
2 doesn't do those violations. It's all in the
3 building department.

4 And we're using the Muni software.

5 SENATOR SKOUFIS: Sorry, I didn't mean you
6 directly, but I meant, "you," the panel.

7 THEODORE W. BEALE: No, I can't explain it
8 more than, we were there, we've been on top of it.
9 We go there on a weekly basis to make sure that
10 we're trying to get something done through the
11 planning department and the banks and the zombie
12 task force.

13 But, it's -- I think Deutsche Bank owns that.
14 Right?

15 SENATOR SKOUFIS: And perhaps code
16 enforcement can respond?

17 CHANTELLE OKARTER: So I know that, with the
18 zombie task force, we have been actually been
19 focusing on properties like this.

20 We understand that, because we've had limited
21 resources, the amount of violations that should
22 happen, often don't happen because we have one
23 inspector.

24 So when we actually have a zombie
25 (indiscernible), this is one of the properties that

1 we actually went out and violated.

2 I'm not sure if it fed into BuildingBlocks,
3 but there are violations that have been placed
4 recently on this property.

5 SENATOR SKOUFIS: Thank you.

6 Before I just turn it over to Senator Biaggi,
7 who I know wants to make some remarks and ask a
8 question or two, I just would like to say that
9 I'm -- I totally get the constraints on resources,
10 and we've heard it from Newburgh and elsewhere.

11 But I'm sort of astounded that, for a city of
12 80,000 people, I think you said, there's only one
13 code-enforcement inspector.

14 That's a lot of people for one person, and so
15 I don't envy your work.

16 But I would encourage the City to perhaps
17 better prioritize code enforcement, moving forward.

18 Thank you.

19 SENATOR BIAGGI: Thank you, Senator Skoufis.

20 Thank you to all of you for being here today.
21 I appreciate you making the journey up here, and
22 also prioritizing this very important issue.

23 As you know, you can draw a direct line from
24 the lack of code enforcement to the loss of life,
25 and so we do take this seriously.

1 And, of course, this is a matter of life and
2 death.

3 And so our aim is to make sure that we
4 understand the needs of the cities and the
5 municipalities that are here today, as well as
6 understand the system better.

7 I think that what we have seen today is a
8 pattern of lack of resources, a pattern of
9 enforcement and accountability.

10 And so I think that what I would love to
11 start with is the comment, Mayor Thomas, that you
12 made about the funding.

13 So can you talk a little bit about the way in
14 which the code-enforcement aspect of the city's
15 operation would be funded?

16 Because you made a reference to the city
17 council, so I want to just be clear as to how that
18 works, and to understand your involvement in the
19 budget.

20 At a state level, I'm sure you're very aware
21 that our budget process is very different.

22 It's incredibly imbalanced by the Executive
23 over the Legislature.

24 So I'm just trying to understand, from your
25 perspective, so we can understand how you allocate

1 your resources.

2 MAYOR RICHARD THOMAS: So the system performs
3 as designed.

4 And for those that are just learning about
5 Mount Vernon, that -- or watching this online,
6 Mount Vernon is structured like a three-legged
7 stool.

8 You have the mayor's office, you have the
9 city council which is independently elected, and a
10 comptroller who is also independently elected, and
11 the three have, you know, various responsibilities.

12 As mayor, I set the vision.

13 I try to present -- I present a budget that
14 I believe meets the needs of the people.

15 And then the city council makes the
16 determination, whether or not to allocate resources
17 according to that vision.

18 For the past few years, they have chosen a
19 different approach, an approach that does not put
20 the dollars toward protecting the people, or dollars
21 toward funding inspectors and code enforcement.

22 SENATOR BIAGGI: Is there -- is there a
23 housing agency in -- or, excuse me, not a housing
24 agency -- a housing committee in the city council?

25 MAYOR RICHARD THOMAS: There is buildings and

1 codes.

2 It is chaired by Councilwoman Lisa Copeland,
3 and she's been very adamant about getting the proper
4 funds allocated.

5 And she attended with us a seminar at the
6 Harvard Kennedy School of Government just yesterday.
7 There was a great discussion on code enforcement as
8 well.

9 That's included in your packet, our
10 presentation.

11 And it takes, you know, as you know, votes.

12 And we've been unsuccessful in getting
13 cooperation from our colleagues.

14 Commissioner Okarter can speak more at length
15 about that.

16 But the bottom line is, we presented a
17 pay-as-you-go budget each year, and will continue to
18 do so.

19 The inspections pay for themselves, and
20 that's, essentially, what we hope our colleagues can
21 embrace.

22 SENATOR BIAGGI: That makes sense.

23 Do you -- so, I mean, looking at the numbers
24 here, I think that the fire commissioner speaking
25 about the fact that, in 2018, there were

1 11,553 fires that --

2 I'm sorry?

3 THEODORE W. BEALE: Fire incidents.

4 SENATOR BIAGGI: Fire...?

5 THEODORE W. BEALE: Fire incidents.

6 SENATOR BIAGGI: Fire incidents.

7 THEODORE W. BEALE: That's natural structure
8 fires.

9 SENATOR BIAGGI: Fire incidents.

10 And you said 58 percent of those were...?

11 THEODORE W. BEALE: 58 of them were structure
12 fires.

13 SENATOR BIAGGI: 58 of them were structure
14 fires.

15 I mean, there is a direct correlation between
16 zombie properties and fires, and zombie properties
17 and abandoned properties and code enforcement that
18 is necessary in these areas.

19 And so what would it take for the City of
20 Mount Vernon to be able to, from your office, say,
21 this is actually an emergency, so we need to
22 actually allocate funds to assess this?

23 Because, I mean, the portion of Mount Vernon
24 that I represent is Fleetwood, and so there's not
25 much -- it's not a huge portion of Mount Vernon.

1 But I have seen, over the years, having grown
2 up in the adjacent town, an increase in abandoned
3 homes, more so than I've ever seen in my entire
4 almost 30 years living there.

5 So would I argue that this is an emergency,
6 and that this is something that needs to be taken
7 care of and assessed and prioritized quickly, mainly
8 because it is, again, a matter of life and death in
9 many instances.

10 And we don't want people to lose their lives,
11 and we don't want firefighters to go into areas
12 where they don't know what the layout of the
13 building is or what possible harms could be in their
14 way.

15 THEODORE W. BEALE: That's right.

16 CHANTELLE OKARTER: So I think that the mayor
17 has definitely prioritized this exact point.

18 That's why he's led the zombie task force,
19 and just -- we've also been working on, you know,
20 trying to get the grants, like the Cities Rise
21 (indiscernible).

22 We have done our part to try to get the
23 funding.

24 We have also explored using CDBG funding to
25 also fund a code-enforcement practice.

1 Those are the things that are within our
2 power and our purview.

3 Unfortunately, we're still struggling to get
4 the other parties on board, but --

5 SENATOR BIAGGI: Do the other parties include
6 the State?

7 CHANTELLE OKARTER: So I know that we have
8 definitely communicated with your office, and wanted
9 to keep you updated, and that's why we're here
10 today --

11 SENATOR BIAGGI: Sure.

12 CHANTELLE OKARTER: -- because I think we do
13 need to start to partner more with the State,
14 because we just need the State's input to help us
15 get it together.

16 SENATOR BIAGGI: What would the amount that
17 you need, you think, for the operation to run
18 effectively, or at least to address some of these
19 issues, and make sure that some of these properties
20 are taken care of?

21 CHANTELLE OKARTER: I would say at least,
22 about, 200,000.

23 So, you know, we have actually tried to fund
24 one or two code-enforcement officer roles, and those
25 are at least sixty to eighty thousand to get someone

1 that's actually certified.

2 One of the issues that we have, is that a lot
3 of people are not really certified. They say they
4 can go in and look at the properties.

5 But we definitely want them to be
6 State-certified and trained, because we know that
7 our properties have a lot of issues that we need --

8 SENATOR BIAGGI: Sure, sure.

9 Okay, that's -- that's --

10 MAYOR RICHARD THOMAS: I just want to add one
11 more point to that.

12 Before we arrived here this morning, a street
13 collapsed adjacent to a construction site in
14 Fleetwood.

15 SENATOR BIAGGI: Oh, great.

16 SENATOR SKOUFIS: Broad Street.

17 SENATOR BIAGGI: Not great.

18 MAYOR RICHARD THOMAS: Not great.

19 But -- but, it happened.

20 And I share that because there's a lot of
21 construction going on. And no matter how many
22 different management approaches we put in, we still
23 need warm bodies to kind of go into and do the
24 quality control.

25 Where I'm going with this is, yes, we dodged

1 a bullet, but, one of the workers that were inside
2 came out, and he said, he's a plumber, he's very
3 concerned about the inspections and the delays that
4 are involved.

5 And the only thing we could do is invoke
6 State law and City law to outsource some of this
7 work.

8 SENATOR BIAGGI: So when you say -- so
9 I don't want to get us off track, because I do have
10 questions, and I want to make sure that we answer,
11 and I know we're very tight on time here.

12 But when you say "the resources," so is that
13 because it's a state road? Or --

14 MAYOR RICHARD THOMAS: No, no, no, no.

15 SENATOR BIAGGI: Or, I'm sorry.

16 Not the resources.

17 My apologies.

18 For the permits.

19 Isn't that something that is -- that is --

20 MAYOR RICHARD THOMAS: It's locally
21 administered.

22 SENATOR BIAGGI: Right.

23 MAYOR RICHARD THOMAS: It's just, the system
24 performs as designed.

25 If we only have one inspector, and we have --

1 you know, if you go to McDonald's, or you go to a
2 fast-food establishment, if you're waiting on line
3 long, you're going to walk out, you're going
4 somewhere else.

5 So that's basically the experience people
6 have.

7 SENATOR BIAGGI: What is the average time
8 that --

9 MAYOR RICHARD THOMAS: So we've been --

10 SENATOR BIAGGI: -- it would take for a
11 property --

12 MAYOR RICHARD THOMAS: -- we've been able to
13 reduce the intake, in terms of processing permits,
14 down, from 80 days, to 3 days.

15 That's an electronic approach that we've
16 implemented, but it still requires people to go and
17 inspect.

18 And what I'm pointing to is, we have created
19 a vendor list to conduct inspections, but that's,
20 again, pay as you go.

21 There are hazards with it.

22 We're doing our best to maintain quality
23 control.

24 SENATOR BIAGGI: I understand.

25 MAYOR RICHARD THOMAS: But when you have --

1 SENATOR BIAGGI: I got you.

2 MAYOR RICHARD THOMAS: -- a deliberate,
3 quote/unquote, unfunding of the government --

4 SENATOR BIAGGI: Sure, sure.

5 MAYOR RICHARD THOMAS: -- that's what we're
6 dealing with, and we're doing the best to keep up.

7 And Omondi who's here can speak, if you want,
8 you know, he can speak to the time it takes,
9 because, if he has to go to court and provide
10 testimony (indiscernible cross-talking) --

11 SENATOR BIAGGI: No, I get that, I understand
12 that.

13 And I want to just, like --

14 MAYOR RICHARD THOMAS: -- yeah, sure.

15 SENATOR BIAGGI: -- if we could do shorter
16 answers, then we can get to our other witnesses --

17 MAYOR RICHARD THOMAS: Done.

18 SENATOR BIAGGI: -- because we do have a rent
19 hearing after this as well.

20 Is the building department fully automated,
21 or is it based on paper too? Is there an
22 integration?

23 Because I know you mentioned the system that
24 you're using, which a lot of the municipalities are
25 using.

1 CHANTELLE OKARTER: So the integration is
2 pretty much complete.

3 We had a building commissioner that came in
4 at the end of last year, and he is focused solely on
5 integrating the intake process.

6 So I would say that, from speaking to him,
7 it's about 80 to 90 percent done. But there is
8 still some paper that still needs to be integrated.

9 SENATOR BIAGGI: That's great.

10 In terms of the relationship between the
11 code-enforcement office, even though you're one
12 person, you're an entity, and also the fire
13 department, how are you communicating with each
14 other?

15 And how -- how do you -- how would you be
16 made aware, as the fire commissioner, of any new
17 properties that are eminent, you know, providing a
18 risk or could possibly provide a risk?

19 And then how are you communicating with code
20 enforcement about things that your firefighters are
21 seeing so that they understand what they need to do,
22 and vice versa?

23 THEODORE W. BEALE: Basically, we do it all
24 by e-mail,; e-mail back and forth between myself,
25 my captain in charge of fire prevention, and the

1 building commissioner, and we have a pretty steady
2 flow going on.

3 Plus, we're also in BuildingBlocks.

4 So, BuildingBlocks, we put it into our
5 system, it goes into there, and they put it in.

6 And, at the end of the day, when the
7 BuildingBlocks data mines the information, it comes
8 up in the report.

9 SENATOR BIAGGI: Okay. Do all of the
10 firefighters see what's in BuildingBlocks?

11 THEODORE W. BEALE: No.

12 SENATOR BIAGGI: So how would the rest of the
13 firefighters get the information to make sure that
14 they're safe?

15 THEODORE W. BEALE: All right, we use a
16 system called Red Alert, and Red Alert is part of
17 our system, and that's where our fire inspections
18 are in.

19 So if there is an incident at one of these
20 buildings, there's a flashing scene, while the
21 dispatcher puts the call out, to be aware that there
22 is an incident or a hazard or a violation
23 outstanding on that property line, so we know, when
24 we go in, to be aware of it.

25 SENATOR BIAGGI: So there is any process by

1 which any of the abandoned properties, or a list of
2 properties, that would provide risk to the
3 firefighters, has been implemented to say, let's
4 say, a weekly briefing, or a monthly briefing, where
5 the firefighters are getting this information in a
6 way that is -- that makes sense for the turf that
7 they cover?

8 THEODORE W. BEALE: So, you know, we do it.

9 What we do is, we put on it paper at every
10 watch staff, 'cause also on the computer. So
11 when -- there's screens in every firehouse, they'll
12 put the calls out.

13 So if you're going to a call at 123 Main
14 Street, for example --

15 SENATOR BIAGGI: Sure.

16 THEODORE W. BEALE: -- and there's a
17 hazard --

18 SENATOR BIAGGI: I understand that part.

19 THEODORE W. BEALE: -- it starts flashing, so
20 it immediately kicks in.

21 SENATOR BIAGGI: I get that, I get that part.

22 I think the thing I'm just -- I'm getting at,
23 that I'm suggesting that you do, if it's not already
24 there, is to implement a system or a process whereby
25 the firefighters have this information, and it's in

1 a place where they can access it, regardless of, if
2 this flash comes up on the screen, because you could
3 imagine that, systems fail, and this is a way to
4 prevent loss of life.

5 I have so many questions, but I'm just going
6 to end on this one.

7 We heard from Newburgh earlier about the way
8 in which their code-enforcement officers are put
9 into their jobs.

10 It's a civil service job. Right?

11 So that's a job that, as we -- we know what
12 the definition of "civil service" is.

13 Would you recommend that -- I mean, I should
14 actually back up for a second.

15 The code-enforcement positions, are they
16 appointed?

17 Are they --

18 MAYOR RICHARD THOMAS: (Indiscernible.)

19 SENATOR BIAGGI: They're -- just -- just the
20 civil service.

21 So it's a civil-service process as well.

22 Okay, that's great.

23 My time is up.

24 I have so many more questions for you, and,
25 luckily, I represent Mount Vernon, so I can ask you

1 anytime.

2 Thank you very much for being here.

3 SENATOR SKOUFIS: Thank you very much for
4 your testimony, appreciate your presence here.

5 Yeah, thank you.

6 MAYOR RICHARD THOMAS: I heard your next
7 topic is rent.

8 I just want to point this out, something
9 I think may be important for you to think about.

10 New York City Mayor de Blasio implemented a
11 new policy, about having people rent outside of
12 New York City for at least one year, where New York
13 City will pay the rent.

14 After that, what happens?

15 It's a concern.

16 We understand that we want to create new
17 housing, but we also don't want to artificially
18 increase the cost of rent in our local community,
19 because renters may not be able to compete with
20 New York City.

21 Thank you.

22 SENATOR SKOUFIS: Okay.

23 Thanks very much.

24 Next we'll hear from the department of state,
25 John Addario, director, division of building

1 standards and codes.

2 MATTHEW FERNANDEZ KONIGSBERG: My name is
3 Matthew Fernandez Konigsberg. I'm special counsel
4 for ethics, risk, and compliance of the department
5 of state.

6 I'm going to be counseling Mr. Addario in his
7 official capacity as the director.

8 SENATOR SKOUFIS: Okay.

9 Thanks very much to both of you being here.

10 If you may, as we've done with the other
11 testimony -- the other witnesses, if you could raise
12 your right hand.

13 Do you solemnly swear that you'll tell the
14 truth, the whole truth, and nothing but the truth,
15 so help you God.

16 JOHN ADDARIO: I do.

17 SENATOR SKOUFIS: Thank you very much.

18 Please proceed.

19 JOHN ADDARIO: Chairman Skoufis,
20 Chairman Kavanagh, and other distinguished members,
21 thank you for this opportunity to address the Joint
22 Committee.

23 My name is John Addario.

24 I am the director of buildings -- of the
25 division of building standards and codes at the

1 department of state.

2 As you know, the division of building
3 standards and codes provides a variety of services
4 related to the New York State Uniform Fire
5 Prevention Building Code and State Energy Code,
6 including, but not limited to:

7 Serving as a secretary to the New York State
8 Building Code Counsel, which is the governing body
9 for modifications and updates to the uniform code;

10 Assisting the code council with development
11 and adoption of periodic updates and amendments to
12 the uniform code and energy code;

13 Providing technical assistance to local
14 governments and to regulated parties;

15 Administering applications for variances to
16 the uniform code and energy code;

17 Delivering training for the basic training,
18 certification, and education to code-enforcement
19 officials;

20 Overseeing the code-enforcement practices of
21 local governments;

22 Approving modular-home construction plans;

23 Among many other statutory requirements under
24 Article 18 of the Executive Law.

25 Under Article 18, a local government, which

1 is a city, town, or village, is responsible for
2 administration and enforcement of the uniform code
3 and energy code with respect to buildings and
4 structures located in the municipality.

5 The department of state has no
6 code-enforcement authority at any local government;
7 however, the department of state does oversee
8 code-enforcement activities in all local governments
9 throughout the state.

10 The local governments are required to enforce
11 the uniform code and energy code in accordance with
12 the minimum standards established by the department
13 of state's regulations.

14 A local government can opt out of enforcement
15 of the uniform code, but in no case can the local
16 government opt out of applicability of the uniform
17 code.

18 When a local government opts out, the
19 responsibility for administration and enforcement of
20 the uniform code in that local government transfers
21 to the county.

22 Executive law provides that the secretary of
23 state shall promulgate rules and regulations
24 prescribing the minimum standards for administration
25 and enforcement of the uniform code in local

1 governments.

2 The regulations, including Part 1203 and 1208
3 of Title 19 of the Rules and Regulations of the
4 State of New York, establish the minimum standards
5 to be used for administrating and enforcing the
6 uniform code.

7 The minimum standards provide that each local
8 government and each county that is responsible for
9 administration and enforcement of the uniform code
10 must adopt one or more local laws, ordinance, or
11 other appropriate regulations that establish a
12 code-enforcement program.

13 The minimum standards further provide that
14 each such code-enforcement program must include the
15 features described in Part 1203.

16 Those features include, but are not limited
17 to, provisions relating to building permits,
18 construction inspections, stop-work orders,
19 certificates of occupancy or compliance, temporary
20 certificates of occupancy, establishing procedures
21 for identifying and addressing unsafe structures and
22 equipment, operating permits, fire safety and
23 property maintenance inspections, establishing
24 procedures for addressing bona fide complaints, and
25 periodic condition assessments of parking garages,

1 and recordkeeping.

2 When the department of state is reviewing
3 aspects of the local government's program for
4 administration and enforcement of the uniform code,
5 these are the features that are used as a basis to
6 judge whether they are meeting the minimum
7 standards.

8 The division of building standards codes has
9 the authority to review aspects of a local
10 government's program for administration and
11 enforcement of the uniform code and energy code.

12 The uniform code is a regulation that
13 provides requirements on how to build a building or
14 structure, whereas a local zoning or ordinance
15 regulate where to build a building or structure.

16 Buildings must comply with both the uniform
17 code and any local zoning requirements.

18 The department of state does not have the
19 authority to review local zoning or land-use laws or
20 regulations, including actions taken by local
21 planning boards.

22 Issues related to local zoning or land-use
23 laws, ordinances, or regulations are administered
24 and enforced by the local government.

25 The uniform code on one hand, and local

1 zoning and land-use laws on the other, are separate
2 and distinct laws.

3 The division has the authority to grant
4 variances to the uniform code and energy code, but
5 does so under the assumption that all other laws,
6 regulations, are complied with.

7 If a variance is required under any other law
8 or regulation, those requirements would need to be
9 addressed by the governing body of those
10 regulations.

11 A variance to the one does not preclude
12 regulated parties from requirements of the other.

13 If a party has information or proof that any
14 local government is not properly enforcing or
15 addressing specific property that is in violation of
16 the uniform code, the department asks that that
17 party provide such information to the division of
18 building standards and codes, and that they also
19 include, with the information, as much detail as
20 possible, including, but not limited to, the address
21 of the property, the name of the local government,
22 the nature of the violation, the information already
23 provided to local government, the information that
24 the party has with respect to the manner in which
25 the local government has addressed or attempted to

1 address the situation.

2 Article 18 of the Executive Law grants the
3 secretary of state the power to investigate whether
4 administration and enforcement of the uniform code
5 complies with the minimum standards.

6 The department has an array of possible
7 actions it may take, pursuant to Executive Law, to
8 help ensure the health and welfare of occupants and
9 users of the buildings within the locality.

10 If the secretary determines that the local
11 government has failed to properly administer and
12 enforce the uniform code, the secretary may take any
13 of the actions set forth in Executive Law,
14 including, but not limited to, issuing an order to
15 local government compelling compliance with the
16 minimum standards.

17 In the case of the Town of Ramapo, the
18 secretary of state issued an order to the Town on
19 April of 2016, compelling compliance with the
20 minimum standards.

21 Thereafter, an oversight officer was assigned
22 to the Town by the means of a memorandum of
23 agreement on December 2016.

24 The oversight officer reviewed the Town's
25 activities relating to administration and

1 enforcement of the uniform code, and used the
2 previously-stated features as a basis of comparison.

3 In addition, the oversight officer was
4 authorized by the agreement to review applications
5 for building permits, accompany Town inspectors on
6 construction inspections, review reports prepared by
7 the Town inspectors of construction inspections,
8 review building permits, observe court proceedings,
9 and provide technical assistance and advice to the
10 Town related to the uniform code.

11 In no case was the oversight officer
12 responsible for administration and enforcement of
13 the uniform code within the town of Ramapo.

14 Our oversight within local governments is
15 limited to administration and enforcement of the
16 uniform code and energy code, and does not cover
17 issues such as land use, congestion, overcrowding of
18 land, undue concentration of population, court
19 proceedings, provisions for adequate transportation,
20 water, sewage, power, schools, parks, or other
21 public requirements.

22 Based upon the oversight's observations
23 during the two-year period, which includes
24 interviews with the Town building department staff
25 and examination of the Town's code-enforcement

1 administration records, the observations made during
2 site visits, the oversight officer and the division
3 of building standards and codes recommended that the
4 secretary find and determine that the Town had
5 demonstrated compliance with the minimum standards.

6 Thereafter, on December 2018, the secretary
7 terminated the memorandum of agreement.

8 The Town of Ramapo is now subject to normal
9 oversight procedures of the department of state as
10 on applied to all local governments statewide.

11 When the Legislature enacted Article 18, it
12 established a system under which local governments
13 administrator and enforce the uniform code.

14 This was a logical choice, since building
15 construction is a local matter and local governments
16 are already on-site.

17 Local governments are best able to coordinate
18 enforcement of the uniform code with enforcement of
19 local zoning and land-use laws.

20 With respect to new buildings, local
21 governments are best able to monitor construction
22 and perform construction inspections.

23 With respect to existing buildings, local
24 governments are best able to observe local
25 conditions, and identify and address problems.

1 With respect to periodic fire and safety and
2 property maintenance inspections, the local
3 government is familiar with the buildings, and the
4 local government is best suited to create an
5 inventory of their buildings.

6 If the matter is referred to a local court,
7 the attorney for the local government will be
8 familiar with the local practice of the court.

9 When the Legislature enacted Article 18, the
10 Legislature declared that it is public policy of the
11 State to encourage local governments to exercise
12 their full power to administer and enforce the
13 uniform code.

14 SENATOR SKOUFIS: I apologize for
15 interrupting.

16 Can you just summarize, perhaps, the rest, if
17 you're not near the end?

18 I know there are many questions that people
19 have.

20 JOHN ADDARIO: Yeah, sure.

21 The department of state helps implement the
22 public policy by assisting local governments
23 establishing and implementing local code-enforcement
24 programs, and by providing the training and
25 technical assistance necessary to help local

1 governments fulfill their obligation, and enforce
2 the uniform code and they do it in a proper manner.

3 Through the efforts of the 45 men and women
4 in the division of building standards and codes, the
5 department of state helps 1600 local governments in
6 the state fulfill their responsibility to extend to
7 the public protection from the hazards of fire and
8 inadequate building construction.

9 Thank you.

10 SENATOR SKOUFIS: Thank you very much for
11 your presence here and your testimony.

12 I know everyone up here is grateful.

13 I'm going to start broad, and then I'm going
14 to get specific, if I may, and please keep answers
15 as succinct as possible.

16 Let me first start with the codes council.

17 Are there any vacancies?

18 JOHN ADDARIO: Yes, there are.

19 SENATOR SKOUFIS: Yes.

20 How many?

21 JOHN ADDARIO: I believe six.

22 SENATOR SKOUFIS: How long have they been
23 vacant for?

24 JOHN ADDARIO: I don't know that.

25 SENATOR SKOUFIS: Do you know the longest

1 vacancy? Are we talking over a year?

2 JOHN ADDARIO: That's fair to say, yes.

3 SENATOR SKOUFIS: Okay.

4 Who's responsible for filling the vacancies?

5 THEODORE W. BEALE: There are certain
6 positions that are appointed by the Governor, and
7 then confirmed by the Senate.

8 SENATOR SKOUFIS: Okay, so all -- just to be
9 clear, all six of those vacancies require
10 appointments -- or, nomination by the Governor?

11 JOHN ADDARIO: Yes.

12 SENATOR SKOUFIS: Do you know why they've
13 been left vacant?

14 JOHN ADDARIO: I know it's a lengthy process.

15 I know we had some -- some, unfortunately,
16 some, you know, deaths on -- in -- on the council.

17 So...

18 SENATOR SKOUFIS: Okay.

19 There's been some talk about minimum
20 standards.

21 And, you know, with Ramapo specifically, the
22 department of state determined that they met, you
23 know, minimal -- minimum standards of the building
24 code.

25 My understanding is that there -- you know,

1 there are no tiers of building code, where, okay,
2 here's excellent compliance, here's, you know,
3 minimum compliance.

4 So can you just briefly explain what the
5 "minimum standards" are?

6 I mean, it might mean there are just
7 standards. There aren't, you know, maximum
8 standards, minimum standards; they're just
9 standards.

10 So where does that phrase come from; what
11 does it had actually mean?

12 JOHN ADDARIO: Well, it comes from our --
13 I believe, you know, our regulations set the minimum
14 standards for enforcement and administration of the
15 uniform code.

16 But keep in mind that -- that local
17 governments can -- can increase that standard.

18 There's no -- there's no approval process
19 that's done on the local level.

20 So, when we say "minimum standards,"
21 that's -- that's -- you know, that you have -- you
22 know, that you look into complaints, that there's
23 procedures and policies in place for that; that
24 there's a plan review, you're doing the proper plan
25 review; you're following through and issuing

1 certificates of occupancy correctly; you're doing
2 your fire safety and property maintenance
3 inspections.

4 All those things are the minimum standards.

5 But, again, local municipalities have the
6 luxury of increasing those.

7 SENATOR SKOUFIS: Okay.

8 We just heard from the previous witness --
9 or, set of witnesses that there's only one
10 code-enforcement inspector in the entire city of
11 Mount Vernon of, approximately, 70,000 people,
12 I think.

13 Does that seem adequate to you?

14 Is there anything the department of state can
15 do, speaking of standards, are there any standards
16 in terms of, you know, ratio of inspectors?

17 Does the department of state believe --
18 should you be concerned when you hear something like
19 that?

20 How can one person possibly inspect or, you
21 know, provide safety on behalf of 80,000, 70,000,
22 people, however many are in Mount Vernon?

23 Certainly, there are fiscal constraints, and
24 we've heard them from Newburgh and others.

25 But what are your feelings, and what are the

1 department of state's feelings, what's your
2 position, when you hear something, in my opinion, as
3 egregious as that?

4 JOHN ADDARIO: Yeah, there's no minimum
5 standard for the number of code-enforcement
6 officials at a municipality.

7 SENATOR SKOUFIS: Should there be?

8 JOHN ADDARIO: You'd be asking for my
9 opinion.

10 I mean, I can't give you my opinion now.

11 SENATOR SKOUFIS: Okay.

12 Have any -- you mentioned that municipalities
13 can opt out of enforcement.

14 Have any opted out in New York State?

15 JOHN ADDARIO: Yes, there are municipalities
16 that are opted out, that it goes to the county.

17 SENATOR SKOUFIS: Do you know how many?

18 Is it a small number?

19 JOHN ADDARIO: I want to say 240, about.

20 SENATOR SKOUFIS: And that then goes to the
21 county for enforcement, is that how it works?

22 JOHN ADDARIO: Yes.

23 SENATOR SKOUFIS: Okay.

24 Have any counties opted out?

25 JOHN ADDARIO: Yes, twelve.

1 SENATOR SKOUFIS: And then that -- the
2 enforcement then falls to the State?

3 JOHN ADDARIO: To the State, correct.

4 SENATOR SKOUFIS: Okay.

5 Do you believe the department of state is
6 best suited for this oversight for code enforcement,
7 or would, for example, the office of fire prevention
8 be better suited?

9 What's your feeling?

10 JOHN ADDARIO: Yeah, I believe the department
11 of state is better suited.

12 I mean, we have a highly technical staff;
13 architects, engineers, code-compliance specialists.

14 Yeah.

15 SENATOR SKOUFIS: Okay.

16 What do you do when you receive a complaint?

17 JOHN ADDARIO: Normally, a complaint -- and
18 there's two types of complaints: You've got a
19 complaint on a specific building or you've got a
20 complaint on a municipality.

21 Which, either one? Or --

22 SENATOR SKOUFIS: A specific complaint?

23 JOHN ADDARIO: About a property or about a
24 municipality?

25 SENATOR SKOUFIS: About a property.

1 JOHN ADDARIO: About a property, it usually
2 comes in through our technical-support unit.

3 Technical support works in conjunction with
4 our oversight unit.

5 We have a database system that, basically,
6 that that would turn -- depending on the issue of
7 the complaint, if it's something that rises to a
8 certain level, we say we would act immediately upon
9 it, and call the municipality and say, Hey, there's
10 a, you know, potential issue here.

11 We let them know, and then we follow up to
12 see if they corrected it.

13 SENATOR SKOUFIS: Do you make many of those
14 calls over the course of, let's say, a year to
15 municipalities?

16 JOHN ADDARIO: I couldn't give you --
17 I couldn't give you a number.

18 I mean, I would have to look.

19 SENATOR SKOUFIS: Are we talking thousands,
20 though?

21 I mean, can you give me a ballpark?

22 Hundreds? Dozens?

23 JOHN ADDARIO: We deal with, we probably get
24 about 2500 calls, you know, technical questions, a
25 year, which result in, probably, about 20,000 return

1 calls, we get more information.

2 I would say, you know, there's a percentage
3 of those.

4 I don't know what it is.

5 SENATOR SKOUFIS: Okay.

6 Going to Ramapo, can you describe briefly
7 the -- sort of the day-to-day responsibilities, work
8 of the monitor, while she was there for two years?

9 What was she doing on a daily basis --

10 JOHN ADDARIO: Sure.

11 SENATOR SKOUFIS: -- typical day?

12 JOHN ADDARIO: Sure.

13 Just to make it clear, she was not running
14 the building department. I mean, based on the
15 memorandum of agreement, she was not the authority
16 having jurisdiction.

17 She was monitoring, if you had -- I think --
18 I believe you got the work plan, there were some
19 items there.

20 She was looking at the whole building
21 department, how they were functioning. If they were
22 properly issuing certificates of occupancy. If they
23 were -- how they were doing the plan reviews, you
24 know, the permit process.

25 Not specific properties, but, she was looking

1 at their process. Were they -- how they were
2 handling complaints.

3 It was one of the things that we corrected
4 when we were there.

5 SENATOR SKOUFIS: So when COs were issued,
6 was, you know, she there, watching the COs be
7 issued? Or was it more of a systemic look that she
8 was providing the Town?

9 JOHN ADDARIO: Well, it depends on the
10 situation.

11 If they had a particular issue with one, and
12 then she may, you know, give them a hand, as far as
13 what they needed to do with that, or what -- you
14 know, what process they would need to go through.

15 SENATOR SKOUFIS: So it's fair to say that
16 she was there to try and address the problems
17 systemically?

18 She wasn't really involved in specific
19 applications?

20 Is that --

21 THEODORE W. BEALE: That's fair.

22 SENATOR SKOUFIS: -- as a general rule
23 (indiscernible cross-talking).

24 JOHN ADDARIO: I mean, she didn't -- yeah,
25 she wasn't responsible for the particular property,

1 or anything like that, as far as what they -- she
2 would review the process, yes.

3 SENATOR SKOUFIS: So if there were problems
4 with an application that resulted from systemic
5 issues, she would not really been aware of those
6 specific problems?

7 JOHN ADDARIO: I don't know.

8 I wouldn't -- that isn't necessarily true.

9 SENATOR SKOUFIS: You don't know?

10 JOHN ADDARIO: Right.

11 SENATOR SKOUFIS: Okay.

12 Are you aware that, while the monitor was
13 there, that the chief building inspector,
14 Anthony Mallia, resigned in mid-2017?

15 JOHN ADDARIO: Yes.

16 SENATOR SKOUFIS: Okay. Are you aware that
17 he was charged with approximately 188 counts, a
18 felony-count indictment?

19 JOHN ADDARIO: Yes.

20 SENATOR SKOUFIS: Okay.

21 When that occurred, did the monitor, or did
22 the department of state, look back at any
23 correspondences that he had with the department of
24 state, with the monitor, to check that they were
25 proper? That they were true?

1 JOHN ADDARIO: In what -- in what -- I guess
2 I don't understand your question, as far as --

3 SENATOR SKOUFIS: So, clearly, someone who,
4 you know, resigned because he was improperly doing
5 the work of a building inspector, chief building
6 inspector, it begs the question, anything that he
7 submitted to the department of state, any work he
8 collaborated with the department of state on and the
9 monitor, I would think should be checked for -- for
10 validity after those charges came to light.

11 Were they?

12 JOHN ADDARIO: I don't know if they were
13 specifically looked at, but I know that he was
14 involved in the original correspondence when we
15 determined that they weren't in compliance with
16 meeting the minimum standards.

17 SENATOR SKOUFIS: Okay. Same sort of
18 question about the Town supervisor who was arrested
19 April 14, 2016.

20 You know, based on the, about, 600, 700 pages
21 of correspondences that we received from the
22 department of state -- and I want to thank you for
23 that -- last week, there were many that were from
24 the Town supervisor, where, after his arrest, did
25 you go back and check for validity in those

1 correspondences?

2 Were those correspondences found to be true,
3 confirmed to be true, after his charges came down?

4 JOHN ADDARIO: And, again, I'll refer to
5 that, those correspondences that I saw were in
6 regard to them meeting them, not -- you know,
7 meeting the minimum standards.

8 There was some correspondence as far as, you
9 know, where they were.

10 But we still, again, determined that they
11 weren't meeting the minimum standards.

12 SENATOR SKOUFIS: Are you -- do you feel
13 obligated to check in any way, since the monitor has
14 been removed, that the Town is still in compliance
15 with the minimum standards?

16 JOHN ADDARIO: We still keep in contact with
17 them.

18 Just because we ended the memorandum of
19 agreement, we're still doing oversight like we do in
20 all other municipalities.

21 SENATOR SKOUFIS: Okay.

22 Are you aware that, when the monitor was
23 removed, there were still 102 violations, cases,
24 still pending in their court, code-enforcement
25 violations?

1 JOHN ADDARIO: Yes.

2 SENATOR SKOUFIS: Okay. Does that seem high?

3 Or does that -- to me, you know, to have over
4 100 cases still pending, it would be alarming -- it
5 is alarming to me that the monitor was removed when
6 there were, clearly, still substantial problems.

7 JOHN ADDARIO: The building department did --
8 I mean, you're saying they were in court.

9 The building department did what they should
10 be doing, is issuing the violations and having them
11 to go court.

12 SENATOR SKOUFIS: Okay.

13 Last, for now, certainly not least, is it
14 possible that the department of state will put the
15 monitor back in the town of Ramapo?

16 Is that something that the department of
17 state is open to?

18 JOHN ADDARIO: If we see they're not meeting
19 minimum standards, I mean, that would be an option.

20 SENATOR SKOUFIS: Okay.

21 I'll turn it over now to Senator Carlucci.

22 SENATOR CARLUCCI: Thank you, Chairman.

23 And thank you both for being here today,
24 appreciate it.

25 Now, we heard from Assemblyman Zebrowski this

1 morning, he was talking about a case that we're
2 familiar with, where one of the schools, to come
3 into compliance, in working with the monitor,
4 installed this temporary fire hydrant, that was then
5 found to be non-working.

6 It just seems like an alarming situation.

7 And would you be able to give us some more
8 clarity on that specific case?

9 JOHN ADDARIO: I'll clarify that, the
10 oversight officer, there was some interaction with
11 the oversight officer in that, but she was not in
12 the capacity as an oversight officer.

13 I believe that was in New Hempstead, and she
14 was providing technical support to them.

15 So, yes, I mean, we were involved, but not as
16 the oversight officer.

17 SENATOR CARLUCCI: Okay.

18 And this was under the advice of the
19 department of state building monitor, that they put
20 in a fire hydrant that just wasn't working?

21 ALEXANDRA CHURCH: We -- we -- like I said,
22 we provide 2500 technical-support questions a year.

23 The answer that was given was -- was through
24 technical support, not through the oversight
25 officer.

1 SENATOR CARLUCCI: Okay.

2 Now -- and we talked, Senator Skoufis had
3 asked, about the codes council, and the fact that
4 there's six vacancies right now.

5 And you had stated that there's a lengthy
6 process.

7 Could you talk a little bit more about this
8 lengthy process to get someone on the council?

9 JOHN ADDARIO: Yeah, I believe we look at
10 their qualifications and, you know, the background,
11 you know, stuff like that, and make a call on that.

12 SENATOR CARLUCCI: So what are we waiting for
13 right now with these vacancies on this council?

14 JOHN ADDARIO: I don't know.

15 SENATOR CARLUCCI: Okay.

16 And with the monitor in the town of Ramapo,
17 you had a memorandum of agreement to bring the
18 monitor there.

19 Is that something that the department of
20 state needs in order to have an oversight monitor on
21 the ground?

22 JOHN ADDARIO: I believe that was a legal
23 decision.

24 SENATOR CARLUCCI: A legal decision.

25 But do you believe that the law does not give

1 the department of state the authority to come in and
2 have an oversight monitor in building departments
3 without their memorandum of agreement?

4 JOHN ADDARIO: I can't comment on that
5 because it's a legal issue. I'm not an attorney.

6 SENATOR CARLUCCI: Maybe your counsel could
7 comment on it?

8 MATTHEW FERNANDEZ KONIGSBERG: No.

9 SENATOR CARLUCCI: No?

10 Okay.

11 So -- okay, so we're not sure about that.

12 And one of the complaints that we've heard
13 from the Rockland Illegal Task Force that testified
14 earlier today, in regards to the monitor on the
15 ground, was the fact that they were not going out
16 and seeing these sites.

17 And Senator Skoufis did allude to this.

18 I just want to get some more clarification in
19 terms of, did the monitor ever go out and inspect
20 any properties while they were --

21 JOHN ADDARIO: Yes.

22 SENATOR CARLUCCI: -- okay.

23 Do you know approximately how many, or --

24 JOHN ADDARIO: It really depend -- it really
25 depends.

1 It depended on, you know, what her assigned
2 tasks were that week.

3 SENATOR CARLUCCI: Okay.

4 And could you comment at all about the
5 current situation in Spring Valley, the monitor in
6 Spring Valley?

7 JOHN ADDARIO: That's an ongoing matter.
8 I can't -- I can't comment on that.

9 SENATOR CARLUCCI: Okay.

10 Now, one of the complaints that I had during
11 this process, was I was very excited that the
12 department of state came down.

13 We wanted to have transparency and clarity to
14 fix the problem and have best practices, going
15 forward.

16 But the lack of communication just did not
17 happen, or did not exist, and that's the same with
18 the current monitor in the village of Spring Valley.

19 Is there a specific reason that they're not
20 communicating with elected officials, like,
21 state-elected officials?

22 JOHN ADDARIO: The oversight, you know,
23 officer's role is -- is to monitor -- you know, to
24 look at the building departments, you know, the way
25 they, you know, are doing their operating permits,

1 issuing their certificates of occupancy.

2 I think we had reached out, and, you know, if
3 they wanted to contact the department of state, we
4 told everybody that.

5 I mean, as far as individual complaints, they
6 should be going to the building department itself
7 for properties.

8 SENATOR CARLUCCI: So if, in the village of
9 Spring Valley, now that we have the monitor there,
10 the complaints should be going, where?

11 JOHN ADDARIO: To Spring Valley.

12 SENATOR CARLUCCI: To Spring Valley, not to
13 the department of state?

14 JOHN ADDARIO: If you have a complaint about
15 the department itself, then I would say, yes, please
16 contact us.

17 If it's about a specific property, please
18 contact Spring Valley.

19 SENATOR CARLUCCI: Okay.

20 And part of our understanding and belief was
21 that there would be this outreach with the community
22 to really understand what's going on in the
23 community.

24 And I don't know if you heard the testimony
25 earlier, the Illegal Housing Task Force was

1 concerned that there was no outreach to some of the
2 advocates that have been very critical of the
3 building department.

4 Can you speak to that, why that was not --
5 why that didn't happen, to talk to actual -- the
6 Illegal Housing Task Force or any other entities
7 that were -- had major concerns on the ground?

8 JOHN ADDARIO: We had -- we had some meetings
9 with them, and we told them, if they had issues with
10 specific properties, and, basically, the same thing,
11 please contact the municipality.

12 If -- if, you know, you don't get results
13 there, then please contact us.

14 SENATOR CARLUCCI: Okay.

15 Thank you.

16 Senator Kavanagh.

17 SENATOR KAVANAGH: Thank you.

18 And I will try to keep this brief, and we do
19 have another hearing that is scheduled to begin
20 shortly.

21 And so for those who are here for that, we
22 appreciate your patience.

23 I just -- I want to follow up the -- the --
24 this issue of counties and localities that opt out
25 of enforcing the code.

1 You said there were about 240 localities that
2 are choosing not to enforce this code?

3 JOHN ADDARIO: Right.

4 SENATOR KAVANAGH: And there are 12 counties.

5 Do counties only get into opting out at the
6 point where there's a locality within that county,
7 or do -- can they opt out sort of independently?

8 JOHN ADDARIO: They can opt out
9 independently.

10 There's no -- currently, right now, the
11 12 counties that are opted out, there's no
12 municipalities that have opted out.

13 SENATOR KAVANAGH: Okay. And the 12 -- what
14 are the 12 counties that are opted out?

15 JOHN ADDARIO: I don't have a list.

16 SENATOR KAVANAGH: Do you know -- I mean, I'm
17 not -- I guess I'm not holding you to completeness,
18 but can you give us some examples of some counties
19 that have opted out?

20 JOHN ADDARIO: Saratoga County.
21 Greene County.

22 There's others.

23 I'm sorry.

24 SENATOR KAVANAGH: Okay.

25 I -- I -- can we formally request that you

1 provide that?

2 JOHN ADDARIO: Sure, yes, we'll give you
3 something in writing.

4 SENATOR KAVANAGH: I mean, what -- so --
5 what -- if I live in a county that is declining to
6 enforce these basic codes, what is the department of
7 state's approach to ensuring those codes are
8 properly enforced?

9 JOHN ADDARIO: Just to make things clear,
10 when a county opts out, the county is responsible
11 for their county-owned buildings.

12 So when a county opts out, then we're doing
13 enforcement in the county buildings.

14 SENATOR KAVANAGH: Only in the county-owned
15 buildings?

16 JOHN ADDARIO: Only in the county buildings,
17 yes.

18 SENATOR KAVANAGH: What about buildings owned
19 by municipalities?

20 JOHN ADDARIO: Then they would be doing -- if
21 a county -- if a municipality opts out, then the
22 county would be responsible for enforcing the code
23 in those localities --

24 SENATOR KAVANAGH: So otherwise --

25 JOHN ADDARIO: -- for all buildings.

1 SENATOR KAVANAGH: -- otherwise, localities
2 are responsible for enforcing the codes in their the
3 other own buildings, and counties are responsible
4 for enforcing the codes in their own buildings, and
5 if they choose to opt out, then the state --
6 department of the state is responsible for
7 enforcing?

8 JOHN ADDARIO: Correct.

9 SENATOR KAVANAGH: Okay, but just -- in
10 the -- beyond that, to the extent this -- to the
11 extent these codes are applying to private
12 properties within a locality, there's no opt-out
13 provision for that?

14 JOHN ADDARIO: There is.

15 No, that's what I'm saying.

16 When a municipality opts out of enforcement
17 of the uniform code, it goes to the county, and
18 that's all the buildings within that municipality.

19 SENATOR KAVANAGH: So all the buildings --

20 JOHN ADDARIO: Yes.

21 SENATOR KAVANAGH: -- not just the ones owned
22 by (indiscernible cross-talking)?

23 JOHN ADDARIO: Correct, correct.

24 I'm sorry.

25 SENATOR KAVANAGH: I just want to make sure

1 we were clear.

2 JOHN ADDARIO: Yes.

3 SENATOR KAVANAGH: So what is the department
4 of state's method of ensuring that these twelve --
5 I mean, that's a fifth of all counties are choosing
6 not to enforce the code, which is surprising to some
7 of us.

8 But what is -- what would the -- how does the
9 department of state ensure that these codes are
10 enforced?

11 I mean, do you --

12 JOHN ADDARIO: Our authority is under 1202 --
13 is Part 1202 of the New York -- NYCRC.

14 And then we follow those procedures similar
15 to what's in 1203.

16 We do, essentially, what a municipality does.

17 We do the inspections.

18 We do the -- handle complaints on the county
19 buildings.

20 We do the property maintenance and fire
21 inspections.

22 SENATOR KAVANAGH: And you have offices in
23 each of those counties?

24 JOHN ADDARIO: No, no, we don't.

25 We have regional staff.

1 SENATOR KAVANAGH: Okay. And the counties
2 are spread throughout the state?

3 JOHN ADDARIO: Correct.

4 SENATOR KAVANAGH: And how many inspectors do
5 you have directly on staff?

6 JOHN ADDARIO: Off the top of my head,
7 probably five.

8 SENATOR KAVANAGH: So you have 5 inspectors
9 whose job is to enforce these codes throughout
10 12 counties that are spread throughout the state?

11 JOHN ADDARIO: Correct.

12 SENATOR KAVANAGH: That sounds like an awful
13 lot of travel time.

14 And to -- and in addition -- is that in
15 addition to -- are there additional inspectors that
16 are enforcing in the 240 localities?

17 JOHN ADDARIO: Those would be the counties.

18 SENATOR KAVANAGH: So the 240 localities are
19 within the 12 counties?

20 JOHN ADDARIO: No, no.

21 No, they're separate.

22 We only do the county buildings in
23 the twelve.

24 There's other municipalities that have opted
25 out to counties, that have -- that are doing the

1 enforcement for those municipalities.

2 Not -- not the ones that we're doing. So
3 we'll only do county buildings.

4 SENATOR KAVANAGH: I see.

5 If the localities have opted out, they're in
6 a county that is taking responsibility for that --

7 JOHN ADDARIO: Correct.

8 SENATOR KAVANAGH: -- all of those
9 240 localities?

10 I understand.

11 Your -- you have training standards for
12 inspectors.

13 I understand that one has -- if one is an
14 inspector, one has 18 months to complete all of the
15 training standards after one has begun conducting
16 inspections.

17 Is that correct?

18 JOHN ADDARIO: Yes.

19 They are -- once they're appointed to a
20 code-enforcement official, then they have, there's
21 an 18-month period where they can get their -- the
22 certification.

23 SENATOR KAVANAGH: We heard testimony today
24 that, in one case, there's a locality with a single
25 inspector that's, presumably, responsible for all

1 matters that need to be inspected in that locality.

2 In another case we heard a large locality
3 with only four inspectors, three of whom have been
4 on the job only for a short period.

5 Why would it be that you can be an inspector
6 for 18 months without completing the training in the
7 basic standards that you're there to enforce?

8 JOHN ADDARIO: Again, that's a minimum
9 standard.

10 Municipalities can say, you know what? We --
11 and I think what we heard, was that they -- through
12 civil service or through the local municipalities,
13 they can require them to be inspect -- you know,
14 certified prior to being hired.

15 So like they had said, it was hard to find a
16 certified inspector.

17 So right there is the case where you could
18 say, you know what? We see somebody that's a --
19 either, you know, an architect or an engineer, and
20 they can actually start enforcing the code, and then
21 get their certification.

22 So it allows that flexibility that -- that --
23 where you're not tied to having somebody that's
24 actually certified before they start.

25 SENATOR KAVANAGH: You think -- you think, in

1 most cases, uncertified inspectors are people in
2 other professions, like engineers and architects,
3 where there's -- where there's either an advanced
4 level of education or a certification
5 (indiscernible)?

6 JOHN ADDARIO: It could be, but we don't set
7 the minimum qualifications.

8 It's up to the municipality, or the civil
9 service sets it in some --

10 SENATOR KAVANAGH: Like, from your
11 experience, as the state agency overseeing this, is
12 it your experience that -- and generally speaking,
13 uncertified inspectors are people with, you know,
14 advanced degrees in training, in architecture and
15 engineering? Or do they tend to be more --

16 ALEXANDRA CHURCH: They can be from the
17 construction industry.

18 They could be -- you know, it varies, it
19 varies.

20 Depends on the municipality, and that's,
21 I think, where the flexibility comes from.

22 SENATOR KAVANAGH: Does the department of
23 state have an ability to impose minimal standards on
24 this?

25 Would the department of state have the

1 ability to say, you can't be a inspector for
2 18 months without being properly certified?

3 JOHN ADDARIO: That would take a
4 legislative -- you know, we'd change -- we'd have to
5 change the regulations, yes.

6 SENATOR KAVANAGH: A rule-making action --

7 JOHN ADDARIO: Yes.

8 SENATOR KAVANAGH: -- that would be within --

9 JOHN ADDARIO: Yes.

10 SENATOR KAVANAGH: -- the purview of the
11 sec -- the department of state?

12 Okay, I have many more questions.

13 We do appreciate your testimony today, but
14 I am going to cut it short, just in -- with respect
15 to the fact that we have another hearing.

16 But, thank you.

17 SENATOR SKOUFIS: Senator Biaggi.

18 SENATOR BIAGGI: Thank you, Chairman.

19 I only have a few questions, but I just want
20 make sure that I understand clearly what this
21 process is.

22 So, the department of state, you said, has no
23 enforcement of municipalities but they do have
24 oversight of municipalities. Correct?

25 Okay.

1 No one -- so no enforcement of
2 municipalities, but does the department of state
3 have enforcement of these rules and regulations over
4 the counties?

5 JOHN ADDARIO: I guess I don't understand
6 your --

7 SENATOR BIAGGI: So --

8 JOHN ADDARIO: -- as far as the reg -- you're
9 saying the regulations?

10 SENATOR BIAGGI: So you have no enforcement
11 mechanism, right --

12 JOHN ADDARIO: Right.

13 SENATOR BIAGGI: -- over the municipalities.

14 But do you have an enforcement mechanism over
15 the counties?

16 JOHN ADDARIO: I guess I don't understand the
17 question.

18 SENATOR BIAGGI: Okay, let me see if I can --

19 JOHN ADDARIO: I mean, the counties enforce
20 the code in -- in -- for their building --
21 county-owned buildings.

22 SENATOR BIAGGI: Okay. Thank you.

23 So you also said that the department of state
24 sets the regulations for enforcement of the uniform
25 code?

1 JOHN ADDARIO: Correct.

2 SENATOR BIAGGI: Okay. And that minimum
3 standard that you're referring to --

4 JOHN ADDARIO: Yes.

5 SENATOR BIAGGI: -- is part of that uniform
6 code?

7 JOHN ADDARIO: No, it's separate.

8 The uniform code, or the actual construction
9 requirements. And then what we call is -- the
10 "minimum standards" are the -- you know, how they
11 administer and enforce the code.

12 SENATOR BIAGGI: So is it a policy or is it a
13 set of regulations?

14 JOHN ADDARIO: It's a set of regulations.

15 SENATOR BIAGGI: Okay.

16 So a little bit earlier the Chairman
17 mentioned the ratio.

18 And I am the representative for Mount Vernon,
19 who just testified before you. And they are the
20 municipality that has one code-enforcement officer
21 to a ratio of 80,000, which is an incredibly high
22 number.

23 So you had said that you were not able to
24 answer the question of what the ratio should be.

25 So as the director of the division of

1 building standards and codes, who should I -- who
2 should I be asking that question to if not you?

3 JOHN ADDARIO: Well, I think the -- you know,
4 the municipality should be able to answer that
5 question, because we don't -- we're not --

6 SENATOR BIAGGI: Well, the municipality was
7 here, and they were not able to answer that
8 question.

9 So I'm asking you, since you are the director
10 overseeing all of this entire program, who should
11 I --

12 JOHN ADDARIO: I mean, I would agree one does
13 seem -- I'm concerned with that.

14 But to say, okay, there should be, you know,
15 20-to-1, there is no set.

16 SENATOR BIAGGI: But don't you think, when
17 you set -- if you're -- if we're setting minimum
18 standards in other capacities, don't you think that
19 we should be setting a minimum standard for the
20 ratio of representation, considering the fact that
21 less representation could lead to higher risk and,
22 therefore, higher incidents of death of firefighters
23 or of civilians?

24 JOHN ADDARIO: I would agree with that, yes.

25 SENATOR BIAGGI: So we should set a minimum

1 standard for a ratio?

2 And who should make that setting, and
3 determination?

4 JOHN ADDARIO: That would have to be a change
5 in the regulations.

6 SENATOR BIAGGI: So -- so if it's a change in
7 the regulations, then the department of state has
8 the ability to change the regulations.

9 Are you saying that it would be the
10 department of state that would change the
11 regulations to set the standards for the ratio, and
12 that's something perhaps that the Legislature can
13 count on the department of state to do?

14 JOHN ADDARIO: I guess that would be -- you
15 know, that's something that could be done, yes.

16 SENATOR BIAGGI: So how long does it usually
17 take to set a minimum standard?

18 JOHN ADDARIO: To change a regu -- update the
19 regulations?

20 SENATOR BIAGGI: Uh-huh.

21 JOHN ADDARIO: You know, it depends on the
22 rule-making.

23 You know, it would have to go through the
24 SAPA process.

25 SENATOR BIAGGI: I'm sorry?

1 JOHN ADDARIO: It would have to go through
2 the State Administrative Procedures Act.

3 SENATOR BIAGGI: How long -- so how -- what's
4 an estimated amount of time?

5 JOHN ADDARIO: There's a 90-day, there's a
6 certain period, for public comment.

7 And then once you do that, then you can go
8 into, you know, the notice of proposed rule -- you
9 now, you go, notice of proposed rule-making. You
10 can do a public comment period, is part of that.
11 And then you, you know, basically, set the effective
12 date of the rule.

13 SENATOR BIAGGI: Got it.

14 So since we all are in agreement, it seems,
15 that it's a matter of public safety to set ratios
16 for the number of code-enforcement officers to the
17 number of people and individuals in a city, can we,
18 the Legislature, rely on the department of state and
19 count on the department of state to set that ratio
20 and to make that a priority?

21 JOHN ADDARIO: Again, I'm not sure if we have
22 the authority.

23 I'd have to -- I'd have to look.

24 SENATOR BIAGGI: Well, you set the
25 regulations; right?

1 JOHN ADDARIO: Right --

2 SENATOR BIAGGI: So we've established --

3 JOHN ADDARIO: -- for minimum standards.

4 SENATOR BIAGGI: -- that the regulations set
5 the minimum standards.

6 So this is -- this is a similarly-situated
7 analogous minimum standard.

8 And so this is also, again, going back, the
9 ratio does allow for the reduction of harm, and
10 also, potentially, deaths.

11 So I'm asking again, can we have a
12 commitment, or is there a commitment from the
13 department of state, to set a minimum standard in
14 your regulations for this specific issue?

15 JOHN ADDARIO: We're open to further
16 discussions about it, but I can't make a commitment.

17 SENATOR BIAGGI: So then can we have a
18 further discussion about it --

19 THEODORE W. BEALE: Yes.

20 SENATOR BIAGGI: -- since it affects the area
21 that I represent?

22 JOHN ADDARIO: Yes, definitely.

23 SENATOR BIAGGI: Okay.

24 Thank you very much.

25 SENATOR SKOUFIS: Anyone else?

1 Thank you very much.

2 JOHN ADDARIO: Thank you.

3 SENATOR SKOUFIS: Sincerely grateful for you
4 being here.

5 Next up, FASNY.

6 We're on our list, F.J. Spinelli,
7 Jerry DeLuca, Joe Sauerwein, Travis Dawley.

8 Is that who's here?

9 TRAVIS DAWLEY: We're here.

10 SENATOR SKOUFIS: Okay, fantastic.

11 Welcome.

12 If you could please raise your right hand.

13 Do you solemnly swear that you will tell the
14 truth, the whole truth, and nothing but the truth,
15 so help you God?

16 (All witnesses say "Yes.")

17 SENATOR SKOUFIS: Thank you.

18 Please proceed.

19 JERRY DeLUCA: Chairman Skoufis, Kavanagh,
20 and members of the Senate Investigation Housing
21 committees, thank you for the opportunity to present
22 testimony.

23 I'm Jerry DeLuca. I'm the director of
24 program and outreach for the Firemen's Association
25 of the State of New York (FASNY).

1 I'm presenting today on behalf of our
2 president, Steve Klein, who could not be here.

3 We also have submitted written testimony
4 which is more extensive.

5 FASNY offers testimony today because our
6 members' best interests, as well as the state's
7 residents' best interests, are served by having a
8 strong, well-run, well-executed standard for
9 building and fire prevention.

10 Our members and leadership are experts on
11 this issue and live its realities every day.

12 Armed with the knowledge we possess, FASNY
13 urges both committees to take swift and resolute
14 action.

15 On January 23, 2005, three firefighters from
16 FDNY died in the line of duty, a tragedy that has
17 become known as "Black Sunday."

18 Two of those fighters died in a Bronx
19 tenement.

20 Two of the apartments had been modified,
21 specifically modified, illegally subdivided, using
22 new drywall partitions.

23 Six firefighters on the fourth floor were
24 trapped when the fire flashed through the door.

25 And unable to find their way to the fire

1 escape due to unanticipated barrier walls, they were
2 left with no choice but to jump from windows from
3 the fourth floor.

4 John G. Bellew and
5 Lieutenant Curtis W. Meyran, who was command
6 of Ladder Company 27, were killed in this fall.

7 Brendan Cawley, Jeff Cool, Joe DiBernardo,
8 and Gene Stolowski suffered severe injuries and
9 disabilities which ultimately resulted in their
10 being forced to retire.

11 The deaths of these firefighters did not have
12 to occur.

13 Without question, the construction of illegal
14 partitions and blocked fire escapes prevented these
15 brave brothers from being able to escape from this
16 fire.

17 In fact, New York State leads the nation in
18 fire deaths in one- and two-family houses.

19 Our goal here today is to ask the Legislature
20 to ensure that no more firefighters die tragic and
21 needless deaths due to building owners making
22 changes to homes and apartments that do not conform
23 to fire prevention and building code.

24 As you've heard today, code enforcement is
25 often looked upon as a nuisance, an annoying

1 requisite of local government, by elected officials,
2 building owners, prosecutors, and magistrates.

3 But I'm here to underscore that codes matter.

4 The Fire Prevention and Building Code, its
5 name alone tells you why it matters.

6 Codes are developed and implemented and
7 enforced to prevent the loss of life, injuries, and
8 the loss of property.

9 Just as important as illegal conversions
10 themselves, is how the system presently deals with
11 pervasive problem of code violations.

12 Building owners often see fines as a cost of
13 doing business.

14 When illegal modifications are paying tens of
15 thousands of dollars in rent in a single property,
16 the fines that are imposed by the system are just
17 trivial.

18 There's another significant aspect when it
19 comes to the enforcement and prosecution of codes,
20 it's the fact that they're violations. They're not
21 crimes.

22 As not being crimes, they are not prosecuted
23 by the local district attorney, but by the local
24 city, village, and town prosecutors.

25 To addresses these problems, I urge that the

1 legislature take the following actions:

2 Establish a statewide tracking system for
3 code violations.

4 Increase penalties for repeat violaters that
5 cross jurisdictions.

6 Increase fines for a condition found to be an
7 imminent threat to health and safety.

8 Increase fines for violations that impede
9 egress. That would have saved the lives of those
10 firefighters.

11 Authorize municipalities to treat unpaid
12 fines for building-code and fire-code violations as
13 unpaid real property taxes.

14 We heard it discussed here today about LLCs.

15 Penalize LLCs that illegally convert
16 property by authorizing the dissolution of the LLC
17 by the State Supreme Court.

18 Strengthen the penal code by establishing the
19 offense of reckless endangerment of a firefighter in
20 the first and second degree.

21 Provide training, and ensure training, of
22 local prosecutors and magistrates on the importance
23 of code violations.

24 And, also, ensure the inspections and
25 follow-up of public and private-school inspections.

1 Finally, I must address one more important
2 issue. You've talked about it, you asked about it,
3 in your questions a few moments ago, Senator.

4 The State Code Council makes the code in
5 New York State, not the Legislature.

6 The council has seats designated for a
7 fire-service official and a code-enforcement
8 official.

9 Both seats have been vacant for two-plus
10 years.

11 I know that.

12 The gentleman sitting to my left was the last
13 one to hold the code council seat for the fire
14 service.

15 And I was suggested by FASNY to be the next
16 person.

17 And for over two years it's been vacant.

18 I urge that the Senate demand that they be
19 provided with appointees for both of these important
20 constituencies.

21 The fire service and the building officials
22 must be represented.

23 The significance of the outcome of this joint
24 public hearing is hard to overstate.

25 FASNY commends the Chairs for undertaking

1 this massive and convoluted topic that is ripe for
2 reform.

3 The choices of this committee, moving
4 forward, will impact all residents of this state and
5 their personal safety, not just firefighters, as
6 well as the personal safety of our first responders.

7 Let us ensure that, moving forward, no
8 tenant's life is put at risk because they cannot
9 afford to live in a legal apartment, nor a first
10 responder's life be put at increased risk because
11 they responded to an illegally-modified building.

12 Let us strive to raise our standards for
13 building ownership, begin to eliminate, once and for
14 all, all those who value profit over well-being.

15 Maintaining the status quo is no longer an
16 option.

17 This hearing has served as an opportunity to
18 go on the record on this critical issue.

19 Now you have heard from our panels of experts
20 on what needs to be fixed. The fire service must
21 demand accountability.

22 If there are anymore lives lost, we will
23 publicly question the failure to turn the
24 suggestions put forth today into meaningful action.

25 A solution must be accomplished before the

1 next tragedy.

2 Thank you, and we appreciate your time.

3 Mr. Sauerwein.

4 JOE SAUERWEIN: Good afternoon, ladies and
5 gentlemen.

6 I'm Joe Sauerwein, and I too am here from
7 FASNY, and I appreciate the opportunity to speak
8 before you.

9 I've been a volunteer fireman for more than
10 54 years, and for 27 of those years I worked for the
11 Town of Brookhaven doing code enforcement, 19 of
12 them as the chief fire marshal.

13 One thing I learned very early on was that
14 you don't have to do both, but fire fighting and
15 code enforcement are not mutually exclusive.

16 You could say I know a thing or two about
17 code enforcement because I've seen a thing or two
18 about code enforcement, and one of the things I know
19 is that the worse the enforcement is, the worse the
20 fires will be in number and in severity, and that
21 more innocent people will die in those fires.

22 Now, I'd like to tell you just a little bit
23 about the New York State Uniform Code because it's
24 quite apparent that you individuals are well
25 familiar with that code.

1 You have spoken about it extensively and
2 asked a lot of the right questions.

3 In the interest of time, this is going to be
4 short, to the point, and not too sweet.

5 Is the uniform code broken?

6 Let's see now.

7 The primary purpose of the code is to save
8 lives.

9 Back in 1980, in Purchase, New York,
10 probably just an about an hour away from here, the
11 Stouffer's Inn fire killed 26 innocent victims.

12 As a result, your predecessors promulgated
13 the legislation that was the impetus for the very
14 first New York State Uniform Code. They made it a
15 priority.

16 That "green book," as we called it, became
17 the law of the land.

18 Then, in 2002, the State adopted the ICC
19 family of codes, with some modifications to suit our
20 needs in New York.

21 That was a wise decision, because that code
22 is vetted by thousands, literally, thousands of
23 people; designers, builders, code enforcers,
24 firefighters, and building owners as well.

25 So the answer to the question is, nope, the

1 code's not broken.

2 It's not perfect, but it's pretty darned
3 good.

4 What is broken is the enforcement of the
5 code, or more correctly, the lack of enforcement of
6 the code.

7 Some code enforcers lack the training, the
8 certifications, and the qualifications that they
9 should have.

10 Of late, it appears that there may be some
11 remedies for that.

12 But there are more egregious causes for this
13 lack of enforcement: municipalities who choose not
14 to enforce the code.

15 It's too costly, it's too cumbersome, too
16 much of a burden on the private sector, or they just
17 plain don't want to enforce that code.

18 And, unfortunately, for those situations,
19 there is no remedy.

20 There is no meaningful disincentive to those
21 localities for failing to enforce the law of the
22 land, or is there?

23 Is this committee the glimmer of hope that we
24 have been waiting for and looking for?

25 We heard today from several communities who

1 apparently discovered that it would be in their best
2 interests to enforce the code.

3 But will it last?

4 What happens when the monitor leaves?

5 Will the committee expand its scope?

6 Does it have the resources and the
7 wherewithal to continue its work?

8 And what about the next community that
9 doesn't cooperate, what happens then?

10 And please understand, these are rhetorical
11 questions.

12 It is not my place to grill you, grill this
13 fine committee, not at all.

14 Further, is there any incentive for
15 municipalities to enforce the code?

16 There once was.

17 54-g money used to be provided by the State
18 to municipalities annually to help with code
19 enforcement.

20 Code enforcement is not cheap.

21 It takes money, people, and resources, and
22 that 54-g money did help.

23 But perhaps the ultimate insult to this issue
24 is what happens when there is enforcement, and the
25 responsible parties refuse to comply and are

1 subsequently brought before the courts?

2 All too many times the result is a mere slap
3 on the wrist. A fine of \$250 is nothing more than
4 the cost of doing business.

5 Pay the garbageman, pay the water bill, oh,
6 yeah, and pay the court fine too while you're at it.

7 Some jurisdictions have stiff minimum
8 penalties, especially for frequent-flyers.

9 But if you visit a courtroom for some of
10 these session, you will hear cases where the minimum
11 penalty is disregarded.

12 "Too severe," says the judge.

13 And who's going to argue with the judge?

14 Sit there a few days and you'll see turnstile
15 justice in action; the same violators being brought
16 before the Court for the same violations, at a
17 different location, or even worse, at the same
18 location, and getting the same insignificant fines.

19 Talk about no disincentive.

20 There's no reason not to violate the code.

21 So what does all this mean?

22 This all goes to demonstrate that effective
23 enforcement of the New York State Uniform Code is
24 too often not a priority.

25 It is readily apparent that there are those

1 at all levels of government, from the top down, who
2 not only don't place a priority on the uniform code,
3 they'd just as soon see it all go away.

4 What do I mean, "readily apparent"?

5 You heard Mr. DeLuca talk about the Code
6 Council.

7 17 members make up the Fire Prevention and
8 Building Code Council, and there's at least
9 5 vacancies.

10 The Fire Prevention and Building Code
11 Council, two of those vacancies are the fire
12 official and the building code official, for upwards
13 of three years.

14 The code council is the gatekeeper of the
15 code, to keep it up to date for the benefit of
16 everyone.

17 But they struggle to gather a quorum, not
18 surprising, when almost one-third of their positions
19 are vacant.

20 A weak and ineffective division of building
21 standards and codes, a group of well-meaning
22 individuals, who I believe are trying to do their
23 best, yet for some reason, they are unable to
24 adequately provide training for code enforcers, code
25 interpretations to code enforcers, builders and

1 architects, and routine or board variances to
2 building owners, except on a very limited basis.

3 The 54-g money for code enforcement, it went
4 away, stopped, never to be seen again.

5 I'll bet it's still being collected.

6 Where is it going?

7 An attitude by the courts that these are just
8 code violations, not real criminal acts, temper
9 justice with mercy, yes, but understand that the
10 primary function of the code is to save lives.

11 The code is not broken.

12 It's the process that needs to get fixed.

13 We need a process that makes the code a
14 priority.

15 I talked about only some of the issues, and
16 even hinted at some of the possible solutions.

17 There's no one thing that will cure all of
18 the ills.

19 But one thing that will start the ball
20 rolling in the right direction is for all of us, not
21 all of you, but all of us; you, your colleagues,
22 those of us in this room, those of us who couldn't
23 make it to this room, for all of us, to make
24 enforcement of the uniform code a priority.

25 Lacking that, unscrupulous people will

1 continue to disregard the code.

2 The fires will continue to rage, and the
3 supreme injustice, our fellow citizens will continue
4 to die in fires that didn't need to happen.

5 And so distressing for me personally, as it
6 is for the thousands of brothers and sisters across
7 this great state of ours, firefighters will continue
8 to die, trying to save them from fires that didn't
9 need to happen.

10 I would like to thank you for your time and
11 attention, and especially thank you for trying to
12 fix this problem. It's not an easy task.

13 And as much as you have accomplished so far,
14 you have only just begun.

15 SENATOR SKOUFIS: Thank you.

16 Do you have remarks as well, each of you?

17 If you could please summarize, and please
18 know that submitting written comments, you know,
19 they are formally accepted and will be reflected in
20 the record.

21 But, you know, please, because I know we've
22 got some questions as well, if you could please
23 summarize your remarks.

24 Thank you.

25 F.J. SPINELLI: I'll move as fast as

1 I possibly can many.

2 My name is F.J. Spinelli.

3 I'm a deputy chief in the Hartsdale Fire
4 District down in Westchester County, and reside in
5 Putnam County, and now in your district.

6 The purpose of my testimony here today was to
7 highlight the ongoing issues that we're having as a
8 training community in code enforcement.

9 I'm going to refer to the division of
10 building standards and codes as the "codes division"
11 from this point forward.

12 My comments are written and are being
13 provided to you.

14 Currently, I serve as the chairman of the
15 codes committee in the New York State Association of
16 Fire Chiefs, and as such, was an active participant
17 in a training workgroup that was convened in 2011 to
18 establish the minimum standards for code-enforcement
19 personnel and their training.

20 To say that I was dismayed when the actual
21 rule was published, it didn't look anything like the
22 decisions we had made as a group, and was far more
23 restrictive.

24 The requirements of this rule, Part 1208,
25 include restrictions on who may teach code and what

1 those code courses are, and what the content of
2 those codes are. They are overly restrictive.

3 One of the options for in-service training
4 involves you being able to take courses developed
5 and presented by the department of state.

6 The director of the codes division has said
7 that he does not have the staff to support
8 in-service training, thus leaving this option empty
9 on an annual basis.

10 Recently, there was a train-the-trainer
11 course that was taught to those of us that are
12 fire-service instructors in Montour Falls in the
13 month of February.

14 During that instruction, we were given -- we
15 were taking a 6-hour class, and we were given the
16 instruction in one of -- only one of the three
17 required codes categories.

18 When I asked the instructor why it wasn't in
19 at least two of those categories, since we're
20 required to do this in 3-hour blocks, I was told
21 that there was no thought put into that. But when
22 the program is put online as an online offering, it
23 would be in two different categories and meet the
24 needs of the codes community.

25 That has yet to happen.

1 When it comes to online programs, which are
2 supposed to be unlimited, I actually wrote in here,
3 to say that the online programs that are available
4 are minimal, and simplistic at best, I compared them
5 to eating cat litter, because they're that dry.

6 And, again, I'm trying to paraphrase what we
7 have here.

8 There's a requirement that we have 24 hours
9 of in-service training.

10 Getting that in-service training comes at
11 great expense, and it comes at great expense to the
12 local municipality or to the individual inspector.

13 You have to attend conferences, conferences
14 have very large fees.

15 \$300 is a major fee for some municipalities,
16 but that doesn't include food, lodging, travel, and
17 all the rest of the things that come with it, not to
18 mention the fact that these people aren't in the
19 office for those three days at any given portion of
20 the week.

21 There is a problem, there is a serious
22 problem, when it comes to training in the state of
23 New York.

24 There is a requirement that we have
25 three hours of instruction in the energy

1 conservation code, annually.

2 Getting that instruction is unmerciful.

3 Each of the individual fire-service
4 organizations that run conferences that involve code
5 fight for scarce opportunity to have individual
6 companies come in and teach the energy code.

7 If that company which you find does not have
8 NYSERDA funding anymore, does not have State funding
9 anymore, they charge \$1,000 for a 3-hour class.

10 That's not fair.

11 It's not fair.

12 This regulation has shifted a State
13 responsibility onto the local municipalities, and
14 nothing is being done about it.

15 I wrote a letter, which you will have a copy
16 of, in 2017, asking for the secretary of state to
17 suspend the training rule, the idea being that this
18 rule needs to be revisited and changed.

19 To date, I haven't gotten an answer back.

20 You asked the question earlier, Senator, as
21 to whether the division of codes should go to the
22 office of fire prevention and control.

23 The office of fire prevention and control is
24 headed by the State fire administrator, who's also
25 the chief fire marshal in the state of New York, yet

1 he has no authority to administer the codes.

2 I firmly believe that the codes division
3 needs to come out of the department of state, and go
4 to the office of fire prevention and control within
5 DHSCS, so that we can get adequate training, so that
6 they can have the staff that they need to develop
7 programs, so that we have worthwhile programs and
8 educational programs for the people who are trying
9 to enforce the code to the best of our abilities.

10 TRAVIS DAWLEY: I'll try to keep mine quick.

11 My name is Travis Dawley.

12 I'm the president of the New York State Fire
13 Marshals and Inspectors Association.

14 Thank you for the opportunity today.

15 Two topics I wanted to cover is our code
16 adoption process.

17 Right now the New York State Code Council
18 adopts it through the Executive Law.

19 The code council's obligation is to maintain,
20 periodically update, the Uniform Fire Prevention
21 Building Code, State Energy Conservation Code, and
22 to adopt higher and more restrictive standards upon
23 the recommendation of the local governments.

24 We currently also pass laws through
25 legislative process.

1 When they're passed through the legislative
2 process, it defeats the purpose of the code council
3 and contradicts items that are already in the code.

4 Right now we currently adopt the ICC, and
5 then amend it.

6 The ICC, as previously stated, is rigorously
7 reviewed by multiple agencies all across the U.S,
8 and adopted by government agencies all across the
9 world.

10 Through this process, New York takes their
11 published code, that is already defined as what I'm
12 going to consider, personally, as a minimum-code
13 standard, and we then remove portions of that code
14 to fit New York State.

15 The removing of portions is not necessarily
16 for the best interest of the people of New York. It
17 might be for the best interest of individual
18 organizations.

19 An example of this is the international
20 residential code had a requirement for sprinklers.

21 Under our previous version of the code, we
22 had no requirement for sprinklers in houses, but you
23 had to have a one-hour separation between a garage
24 and your living space.

25 When we adopted the 2015 I-codes, and then

1 amended them, we removed all requirements for the
2 sprinklers that were already defined as a part of
3 the minimum standard.

4 In doing so, they never put back a
5 requirement that then requires a fire-rated wall
6 between your garage space and your house.

7 So as new properties are built today, you
8 have no time delay if a fire is to occur in your
9 garage.

10 I best put this as an example of, when I was
11 in college, we used to joke that you could get a D
12 in a class and still graduate because you got the
13 minimum amount required in that.

14 When we take and remove the minimum-amount
15 requirements, in my opinion, that's an F in the
16 class.

17 The other problem occurring is, when we're
18 passing through legislative process, it's not
19 looking at the overall conjunction.

20 A good example of this one is when we passed
21 the residential and commercial CO laws.

22 We have two laws that have information, both
23 applying to residential properties, that contradict
24 each other of the requirements.

25 I don't think this was done in haste.

1 It was, just, we react very quickly as a
2 state when there's a tragedy that occurs.

3 When trying to put anything through a proper
4 process and make sure that the I's are dotted and
5 T's are crossed takes a extremely long time, but has
6 implications when not followed.

7 We are currently in the process of,
8 hopefully, adopting a new code in the next six
9 months.

10 I have significant concerns that this will
11 never happen with the current lack of bodies on the
12 code council.

13 If one person is absent from that, you don't
14 have a quorum to vote.

15 Under the legislative laws, that code council
16 is supposed to meet four times a year, once a
17 quarter.

18 There has been cases in the past year or two
19 in which the meetings are canceled days before
20 because they don't have enough for a quorum.

21 Quick, in summary:

22 I think our system is broken.

23 I believe it can be fixed.

24 We need to have the necessary people
25 appointed to the code council, fill the seats, and

1 do the job that they're appointed to do.

2 It would be my recommendation, that when the
3 legislatures do feel the need to pass a law that
4 will impact the code enforcement, that it be done in
5 a manner in conjunction with the code council, so
6 that the two can work together and properly
7 institute the code, so it can be reviewed as each
8 new series comes out.

9 The main idea behind this is, if you pass a
10 (indiscernible) legislation through executive
11 processes, when we go to adopt the next section of
12 code, we're currently receiving what is known as the
13 New York State Uniform Code Supplement.

14 The current manual is 208 pages of
15 amendments.

16 Those are the amendments that are modifying
17 the published code as provided by the ICC.

18 With those amendments, it's removing stuff to
19 make it less restrictive, it's adding things making
20 it more restrictive, and it's including the
21 requirements of the executive laws because there's
22 no other way to have them incorporated.

23 Thank you.

24 SENATOR SKOUFIS: Thank you very much.

25 I don't have any questions.

1 I'll just make one remark before turning it
2 over to anyone who does have questions, and that is,
3 first, thank you again for not only your testimony,
4 but for what you do, and what your brothers and
5 sisters do throughout the state each day.

6 And I know that I, and I think I can safely
7 say, our committees are committed to advancing
8 recommendations, legislation, whatever form it may
9 take, to try and make your job safer, and to try and
10 protect the people you're trying to protect a little
11 bit safer as well.

12 I will just, the one item I do want to
13 comment on, is that, to the point that was made a
14 number of times, I will, and I suspect I will be
15 joined by a number of like-minded colleagues, I will
16 be demanding that the Governor does advance
17 nominations to fill those vacancies on the code
18 council by the end of our legislative session.

19 Thank you.

20 Who has questions?

21 Senator Biaggi.

22 SENATOR BIAGGI: Thank you.

23 Thank you, Chairman.

24 I echo everything that our Chairman just
25 said, and I will second that all of the appointments

1 on the code council must be filled.

2 I have to say that I'm, like, irate from what
3 I've heard, and I feel an incredible sense of
4 urgency.

5 And I want each and every one of you to know
6 that you have been heard.

7 We hear you, and we are committed, in the
8 stead of our Chairman, to do what we can, whatever
9 we can, to make this problem better and to
10 ultimately solve it.

11 This is unacceptable for our government.

12 It's unacceptable.

13 And I'm just almost incredulous that this
14 could even be the case.

15 Our -- our first responders are the most --
16 some of the most important individuals in our
17 society.

18 And making sure that these laws are followed,
19 and making sure that these seats are filled, is
20 actually the action to take to prove that we
21 actually value you.

22 So we value you, and we will make sure that
23 action is taken.

24 Thank you so much.

25 SENATOR SKOUFIS: Senator Salazar.

1 SENATOR SALAZAR: First, thank you all for
2 your testimony.

3 I have sort of a clarifying question about
4 the code council and having quorum to vote.

5 Is this by statute that they need full
6 attendance in order to have quorum to vote, or is it
7 actually due to vacancies on the council that --
8 that it's like a percentage?

9 JOE SAUERWEIN: Well, there has to be.

10 Any decision on the council has to be by a
11 majority.

12 SENATOR SALAZAR: Certainly.

13 JOE SAUERWEIN: But not a majority of those
14 present and voting, a majority of the council
15 members.

16 So if you have those five vacancies, that's
17 five strikes against you.

18 SENATOR SALAZAR: Right.

19 JOE SAUERWEIN: One guy gets sick, another
20 guy has another commitment (motions).

21 JERRY DeLUCA: Also, if you'll note, there
22 are no legislative appointees on the code council.

23 SENATOR SKOUFIS: Thanks for that note.

24 Senator Kavanagh.

25 SENATOR KAVANAGH: Yeah, I'll just -- I'll

1 just wrap -- we will follow up with you, and we
2 appreciate your testimony.

3 And I just will note that we're gonna --
4 we're trying to wrap up because we have another --
5 our second hearing in this room was supposed to
6 begin more than an hour ago, and I know we have many
7 witnesses who are here for that.

8 So we appreciate it, and we will follow up.

9 And I will certainly join my Co-Chair of this
10 event in requesting that the Governor, you know,
11 make those appointments as soon as possible, and
12 follow up on many of the other issues you raised
13 today.

14 But thank you so much.

15 SENATOR SKOUFIS: Thank you very much.

16 Okay, next up we have New York State Building
17 Officials Conference.

18 We're going to try to move quickly.

19 We have two more, this one and one more.

20 Okay, thank you for being here.

21 The names I have are, Chris Jensen,
22 president; Mark Schwarz, first vice president;
23 Eric Famiglietti, second vice president.

24 Is that who's here?

25 UNIDENTIFIED WITNESS: Yes.

1 SENATOR SKOUFIS: Very good.

2 Thank you.

3 Can I have you raise your right hands?

4 Do you solemnly swear that you'll tell the
5 truth, the whole truth, and nothing but the truth,
6 so help you God?

7 (All witnesses say "I do.")

8 SENATOR SKOUFIS: Thank you.

9 If I may respectfully ask that you try and
10 consolidate your remarks into one person?

11 So can one --

12 CHRIS JENSEN: Most of FASNY has, pretty
13 much, said what a lot of our remarks are.

14 SENATOR SKOUFIS: Okay, so who -- who will be
15 making the remarks on behalf of the panel?

16 CHRIS JENSEN: I'll speak.

17 SENATOR SKOUFIS: Okay, thank you.

18 CHRIS JENSEN: My name is Chris Jensen.

19 I'm a New York State-registered professional
20 engineer, ICC master code professional, the only one
21 in New York State;

22 An interior firefighter for my hometown;

23 I'm a code-enforcement officer for the Town
24 of Canandaigua and the Town of Bristol within the
25 Finger Lakes region;

1 I'm president of the New York State Building
2 Officials, the parent chapter of over 19 regional
3 building official chapters, consisting of thousands
4 of code officials throughout the entire state of
5 New York.

6 SENATOR SKOUFIS: (Inaudible) if you're
7 having conversations, can you please just take them
8 outside. There's a big echo in this room.

9 Thank you.

10 Sorry.

11 CHRIS JENSEN: Thanks for having us here
12 today.

13 The issues that have been discussed in many
14 of our NYSBOC delegate meetings are:

15 Lack of support at the State level, generally
16 due to lack of staffing at the State level;

17 Lack of funding from the State;

18 Lack of representation at the State level;
19 the code council, variance boards;

20 The inability of local municipalities to
21 financially support code-enforcement functions,
22 training, code books, software, violations,
23 remedies, court costs, legal fees;

24 And the lack of overall guidance and
25 structure from the State level.

1 The main purpose of all the NYSBOC chapters
2 is to provide a pure network for its members, to
3 provide assistance to one another in performance of
4 their duties, and to conduct training programs to
5 meet their yearly training requirements.

6 We really exist because we had to create our
7 own support structure and provide the necessary
8 training to our own members.

9 We're not provided resources like the other
10 law-enforcement agencies in the state.

11 I can touch on the 54-g money.

12 Around 1982, Section 9108 of the New York
13 State Insurance Law, and Section 54-g of New York
14 State Finance Law, provides that all monies
15 collected from a fee imposed by commercial fire
16 insurance shall be used for State aid to
17 municipalities.

18 They were supposed to be distributed to the
19 municipalities.

20 But since 1991, none of these funds have been
21 distributed.

22 They're still being collected. They're sums
23 of 20 -- 12 to 20 million dollars per year.

24 Again, to reiterate on a lot of the points:

25 There are processes in places, there's laws

1 in place.

2 The local municipalities, it's a home-rule
3 state, so they adopt their local laws, they adopt
4 the fines, they adopt they're going to do the --
5 enforce the code.

6 Ratio, I would say, should have one
7 code-enforcement officer for every 10,000 residents,
8 about that.

9 I mean, I work for a municipality that has
10 12,000 residents.

11 We have two code-enforcement officers, but we
12 also take care of flood plain, MS4 program, zoning
13 codes, and stuff like that.

14 So, anyways, I'll close on that.

15 And I don't know if you guys have any other
16 comments.

17 Mostly everything was touched on by the FASNY
18 guys.

19 UNIDENTIFIED WITNESS: I just think that it
20 is very crucial for the filling of the vacancies,
21 because it's not just the vacancies on that.

22 There's also regional boards, and there's
23 five regional variance boards, which have lack of
24 seats fulfilled. And that causes delays in the
25 municipal grants of the variance processes.

1 So even that, it's not just a regular code
2 council.

3 SENATOR SKOUFIS: Thank you.

4 I just have one question.

5 How many building officials are there in
6 New York State? Do you have a number?

7 CHRIS JENSEN: I would say, we have a list of
8 about 8,000 members that are just part of NYSBOC and
9 the 19 different chapters. And those are members of
10 our organizations that pay, I don't know, we're like
11 a \$100 a year to be a member. And then if you go to
12 our conferences, it's \$365.

13 SENATOR SKOUFIS: Are most building officials
14 members?

15 I'm just trying to get a sense of where we
16 are now, building officials, versus where you think
17 we need to be, what the number ought to be, in
18 New York State.

19 CHRIS JENSEN: I would say a ratio of one for
20 every 10,000 people in a municipality.

21 As far as, how many there are in
22 New York State?

23 Like, you spoke earlier to one of the towns,
24 "We have one person," they said, "and we'd like to
25 hire two."

1 That town should have eight, I think.

2 I mean, I'm being honest.

3 It's -- but they don't have the funds to, and
4 it all comes down to money.

5 I'm sure they'd love to have eight, but where
6 is that coming from? Where are they getting
7 support? And are they getting trained people?

8 They touched on, you could work for 18 months
9 without training, it's a civil service.

10 Yeah, there are flaws in the system, but the
11 codes there, and the laws are there, on -- I'm
12 not -- my town's great. They support me, everything
13 I do.

14 But, there are a lot of towns that do not.

15 SENATOR SKOUFIS: Thank you.

16 Anyone have any questions?

17 SENATOR KAVANAGH: No, I'll just defer,
18 given -- again, given the very late hour for our
19 prior -- or, our next hearing, that we're more than
20 an hour late.

21 But I appreciate your testimony.

22 We will review it, and probably follow up
23 with you with additional --

24 CHRIS JENSEN: As far as vacancies on the
25 code council, we have put forth names, and stuff.

1 They've never actually asked for names.

2 We've put forth names, and stuff.

3 So if you have our contact information for
4 NYSBOC, please call us.

5 SENATOR SKOUFIS: When did you do that, when
6 did you put forward those names? Do you remember?

7 CHRIS JENSEN: Oh, once every six months, for
8 the past three years.

9 I mean --

10 SENATOR SKOUFIS: Unbelievable.

11 Well, okay.

12 Thank you.

13 CHRIS JENSEN: -- they've been trying to go
14 through -- but contact us.

15 We'll have a vote among us to pick someone to
16 put forward to you, to place on the council.

17 SENATOR SKOUFIS: Thank you very much.

18 CHRIS JENSEN: Same with FASNY, I believe.

19 SENATOR SKOUFIS: And thanks for what you do
20 as well.

21 CHRIS JENSEN: Thank you.

22 SENATOR SKOUFIS: Okay, we have reached the
23 conclusion here.

24 If she's still here, Elizabeth Zeldin,
25 director, Enterprise / Cities Rise.

1 Thank you very much for your patience.

2 ELIZABETH ZELDIN: (Inaudible), and I'll talk
3 quickly.

4 SENATOR SKOUFIS: If I -- just to be
5 consistent, can you please raise your right hand?

6 Do you solemnly swear that you'll tell the
7 truth, the whole truth, and nothing but the truth,
8 so help you God?

9 ELIZABETH ZELDIN: I do.

10 SENATOR SKOUFIS: Thank you.

11 ELIZABETH ZELDIN: Hi.

12 My name is Elizabeth Zeldin, and I'm director
13 of Neighborhood Impact with Enterprise Community
14 Partners, a non-profit affordable-housing
15 organization that's worked to create and preserve
16 affordable housing here and nationwide for over
17 30 years.

18 Since our New York office opened in 1987,
19 we've committed nearly \$3.6 billion in equity loans
20 and grants to help create or preserve over
21 63,000 affordable homes for over 167,000 residents
22 across the state.

23 On behalf of Enterprise, I would like to
24 thank Chairs Skoufis, Kavanagh, and the State
25 Investigations and Government Operations Committee

1 for convening this hearing on code enforcement
2 today.

3 In 2017, Enterprise Community Partners
4 launched the Cities Rise program, cities for
5 responsible investment and strategic enforcement, in
6 partnership with the New York State Attorney
7 General's Office.

8 This ground-breaking program provides
9 16 participating municipalities with the
10 data-analytics platform, BuildingBlocks, integrating
11 existing municipal data into one comprehensive,
12 interactive database with mapping capabilities.

13 Each municipality received technical
14 assistance from leading experts in the field, and
15 engaged in peer-to-peer exchange, all with the goal
16 of making code-enforcement activities more
17 strategic, proactive, and equitable.

18 Ten of the original municipalities are now
19 participating in Phase 2 of the program, receiving
20 deeper one-on-one technical assistance from staff at
21 the Ash Center for Innovation at Harvard University,
22 as well as guidance on community engagement around
23 code enforcement from Hester Street Collaborative.

24 This summer, the Phase 2 municipalities will
25 be submitting applications for innovation grants to

1 implement their best ideas on strategic and
2 equitable code enforcement.

3 Enterprise looks forward to seeing these
4 ideas come to fruition.

5 So Cities Rise was funded through bank
6 settlements negotiated by the New York State Office
7 of the Attorney General.

8 These are one-time funds which we're
9 deploying to demonstrate new models and best
10 practices.

11 We're hopeful that some of the innovations
12 will be sustained through other sources of revenue,
13 both local and State.

14 An important lesson we've learned is that
15 different solutions are needed for different
16 scenarios.

17 A well-meaning, but under-resourced landlord
18 could benefit from assistance in the form of repair
19 grants, counseling, or simply guidance through
20 existing programs and resources.

21 To support the needs of these landlords,
22 Enterprise recently announced the launch of our
23 Upstate Landlord Ambassador Program, which will
24 build on a successful pilot from New York City, and
25 support five to six non-profit affordable-housing

1 developers across the state, to identify small-scale
2 landlords and walk them through the process of
3 existing affordable-housing programs to stabilize
4 their properties.

5 While we're excited about this initiative,
6 the program can only succeed when there are programs
7 available to meet landlord needs.

8 And there are currently not enough State
9 resources to fund repairs for one- to four-family
10 homes.

11 We urge the state Legislature to explore ways
12 of supporting this important stock of rental housing
13 affordable to households of low and moderate income.

14 For the population of landlords who put
15 little effort into maintaining their housing stock,
16 the tools needed to improve the housing should look
17 different.

18 The municipalities need additional resources
19 to enforce code violations, including out --
20 building out a stronger legal team and bolstering
21 the court system.

22 Of course, enforcement of rental-housing
23 codes can only work well when tenants have the
24 freedom to work directly with code-enforcement
25 officers without fear of retribution.

1 Enterprise urges the state Legislature to
2 pass good-cause eviction legislation to empower
3 tenants to improve their own housing.

4 OFF-CAMERA SPEAKER: (Inaudible.)

5 ELIZABETH ZELDIN: Yeah, exactly (motions).

6 Finally, all code-enforcement work should be
7 undertaken under the fair-housing lens.

8 Strategic, proactive code enforcement must
9 evaluate whether resources are allocated equitably,
10 and whether code actions disproportionately affect
11 different populations.

12 This level of analysis requires dedicated
13 time and is difficult to accomplish in a reactive
14 under-resourced environment.

15 Cities Rise municipalities are doing their
16 very best to improve conditions in their
17 communities, given constrained resources throughout
18 the state.

19 One very important way the State could
20 support the work of the municipalities, improving
21 their code-enforcement practices, is to provide
22 funding directly for code-enforcement work.

23 Enterprise is happy to assist the Legislature
24 in crafting parameters for potential grant awards,
25 which could range, from building out a stronger

1 legal and court system, to enforce existing codes,
2 to deepening analytic capability among municipal
3 staff, to creating low-cost repair programs to help
4 landlords and homeowners make necessary fixes, to
5 building out a stronger network of counselors and
6 social-service providers to help residents caught up
7 in code actions.

8 Thank you very much for your time.

9 We look forward to continuing to work with
10 the Legislature, and ensure that New Yorkers across
11 the state have access to safe, high-quality
12 affordable homes.

13 SENATOR SKOUFIS: Thank you very much for
14 your testimony.

15 I suspect that we'll be following up.

16 ELIZABETH ZELDIN: Happy.

17 SENATOR SKOUFIS: And much of what you said
18 is also a natural and nice segue into what we're
19 about to start talking about.

20 But before, I just want to check, does anyone
21 have any questions?

22 Neil?

23 You're all good?

24 SENATOR MYRIE: Can I just say?

25 SENATOR SKOUFIS: Yes.

1 SENATOR MYRIE: Thank you for your patience.

2 ELIZABETH ZELDIN: No problem.

3 SENATOR SKOUFIS: And thank you very much.

4 ELIZABETH ZELDIN: All right, thank you.

5 SENATOR KAVANAGH: Just before we conclude,
6 you know, thank you, and thank you, all the
7 witnesses, and also the folks who are here for the
8 next hearing.

9 We did -- you know, we've been here since
10 9:30, and had, you know, testimony on a lot of very
11 important issues, including, already, several people
12 testifying on good cause.

13 The folks that run, you know, the tech
14 operation of this, that make sure that people who
15 are not in this room can see it, need about
16 five minutes to switch gears so we can begin the
17 next hearing.

18 So we will begin promptly, as soon as we
19 adjourn this, in about five minutes.

20 So, with that, that's -- I thank my Co-Chair
21 of this event, James Skoufis, and, again, all the
22 staff that put so much work into today, and all the
23 people who have testified.

24 And I'll leave it at that.

25 Thank you.

1 SENATOR SKOUFIS: And I'll just echo, I want
2 to thank Senator Kavanagh and my colleagues who are
3 here and our two committees.

4 There is more to come, and it will be coming
5 shortly.

6 We heard a lot of good testimony today, and
7 now we look forward to doing something about it.

8 Thanks, everyone.

9
10 (Whereupon, the public hearing concluded,
11 and adjourned.)

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