



# TASK FORCE RECOMMENDATIONS

Established by Local Law 151 of 2017, the Task Force on Construction in Occupied Multiple Dwellings is comprised of 13 members representing City agencies, and appointees of the NYC Council Speaker and the Mayor. The Task Force addresses issues that stem from construction and cross different agency jurisdictions.

The Task Force on Construction in Occupied Multiple Dwellings is charged with:

1. completing an evaluation of the current practices of each agency and
2. issuing a report (that is updated annually thereafter for the duration of the task force) that includes its findings and recommendations for **improving interagency coordination and sharing of information.**

The initial recommendations of the Task Force, adopted 12/16/2021, are included in this submission.

## BACKGROUND

Local Law 151 of 2017 was introduced by the NYC Council in response to complaints of **construction as harassment** – defined as a pattern of behavior designed to force tenants to leave their homes due to untenable and unsafe work practices. Typical complaints range from excessively disruptive work, work after hours, work without a permit, no noise mitigation, interruption of essential services, failure to control dust dispersal, to failure to follow proscribed methods of remediation of toxins such as lead and asbestos.

## TASK FORCE COMPOSITION

The Task Force includes representatives from the **NYC Department of Buildings (DOB)** (Co-chair), **NYC Department of Housing Preservation & Development (HPD)** (Co-chair), **NYC Department of Environmental Protection (DEP)** and the **NYC Department of Health and Mental Hygiene (DOHMH)**, as designated by the respective Commissioner, **five members appointed by the Speaker of the Council** and **four members appointed by the Mayor**. Current participants and affiliations are listed.



## TASK FORCE MEETING DATES

To date the Task Force has met five times since its inception in July of 2019. Meeting dates and a brief description of items covered are as follows:

- **July 9, 2019:** First meeting of the Task Force. Member introductions, review of Task Force goals, and presentation of status of DOB's implementation of the various 2017 tenant protection legislation.
- **December 12, 2019:** DOB presented an updated status of its implementation of the 2017 and 2019 Tenant Protection Laws. Additionally, Task Force members agreed to examine the actions taken by each city agency at three buildings with a significant history of construction activity. The three buildings, selected by the Task Force members representing not-for-profit housing and legal service organizations, would be used as **case studies** to evaluate the current agency practices as required by Local Law 151 of 2017.
- **March 2020:** Meeting cancelled due to COVID-19.
- **August 27, 2020:** Each agency presented on the individual enforcement actions taken at each of the three Case Study buildings.
- **December 3, 2020:** Advocate Task Force members presented on their response to NYC Agency actions at Case Study properties.
- **April 30, 2021:** Review and approval of the first required report of the Task Force.
- **June 17, 2021:** Approval of this report and discussion of preliminary recommendations for interagency cooperation.
- **September 14, 2021:** Discussion of initial recommendations of the Task Force
- **December 16, 2021:** Approval of the initial recommendations.

The first two meetings were held in-person at the DOB headquarters at 280 Broadway, Manhattan. The March 2020 meeting was cancelled due to the onset of the COVID-19 pandemic and the August 2020, December 2020, April 2021 and June 2021 meetings were held as virtual meetings using GoToMeeting.



# PARTICIPANTS

## CITY AGENCIES

### ■ NYC Department of Buildings

Melanie La Rocca, Commissioner/Co-chair; Timothy Hogan, Deputy Commissioner; Guillermo Patino, Chief of Staff; Ahmed Tigani, former Chief of Staff; Salvatore Agostino, Assistant Commissioner; Joseph Ventour, Assistant Commissioner; Sarah Desmond, Executive Director, Office of the Tenant Advocate (OTA); Nicole Vargas, OTA Tenant Liaison ; Vivian Williams, OTA Tenant Liaison

### ■ NYC Department of Housing Preservation & Development

Martha Weithman, Assistant Commissioner/Co-chair; Grace DeFina, Assistant Commissioner; Lois Winters, Director Anti-Harassment Unit

### ■ NYC Department of Health and Mental Hygiene

Christopher D'Andrea, Assistant Commissioner

### ■ NYC Department of Environmental Protection

Michael Gilsean, Assistant Commissioner; Sandra Roberto, Deputy Director, Asbestos Control Program

## NYC COUNCIL SPEAKER APPOINTEES

■ Robert E. Cornegy, Council Member, New York City Council, 36th District

■ Helen Rosenthal, Council Member, New York City Council, 6th District

■ Yonatan Tadele, Housing Organizer, Cooper Square Committee

■ Genan Zilkha, Legislative Counsel, New York City Council

■ Samuel Chiera, Staff Attorney, Communities Resist

## MAYORAL APPOINTEES

■ Rolando Guzman, Deputy Director of Community Preservation, St. Nicks Alliance

■ Leah Goodridge, Managing Attorney for Housing Policy, Mobilization for Justice

■ Jane Li, Staff Attorney, Take Root Justice

■ Denise Richardson, Citizens Budget Commission (*resigned 12/2019 due to change of employment*)

## NON-MEMBER ATTENDEES

Each meeting was attended by a representative(s) of the **Mayor's Office to Protect Tenants**.





# Recommendations...

At its December 16, 2021 meeting, the Task Force on Construction in Occupied Multiple Dwellings approved the following four (4) Initial Recommendations to improve interagency cooperation:

## 1. Tenant Harassment Prevention Task Force (THPTF) Building Selection Criteria

**BACKGROUND:** Due to market changes, renewal of the rent laws and other external factors, the indicators for at-risk buildings may change over time. THPTF's MODA selection criteria should therefore be periodically reviewed to ensure it is targeted to the most at-risk buildings, given changing external factors.

**RECOMMENDATION:** Task Force on Construction in Occupied Multiple Dwellings shall review the THPTF building selection criteria annually. The annual review will take place during a COMD TF quarterly meeting and will include an analysis of outcomes by selection criteria and input from housing agencies with respect to *on the ground* trends, etc. The COMD TF will extend invitations to one representative from up to five local housing organizations to discuss recent trends. Finally, each agency should individually review its respective MODA selection criteria to ensure the accuracy of, inclusion of newly created complaint Codes and recommend new indicators annually.

## 2. Quarterly THPTF Meetings to Review Inspection Results

**BACKGROUND:** Following a THPTF inspection, each agency takes follow-up action based on their jurisdiction and business processes which may allow for a period of owner compliance. However, it is difficult to know if other agency issues were addressed by the owner following the inspection and/or if the THPTF should return to the building for an additional inspection.

**RECOMMENDATION:** The THPTF will convene a quarterly meeting of agency THPTF participants to review inspection outcomes of buildings inspected that quarter. Each agency will present inspection outcomes and a determination as to whether or not the owner has taken steps to comply with their agency's violations/citations. The team will discuss next steps and determine a lead agency for follow-up.



### 3. Wider Distribution of Tenant Education Materials

**BACKGROUND:** The inspectors of each city agency come in contact with hundreds of NYC tenants daily. Each interaction presents a unique opportunity to distribute tenant education materials for tenants who may otherwise not receive this information. The challenge is that inspectors have limited means to carry brochures (some e.g. DOHMH travel by subway, others have a different car each day, limiting the ability to carry any agency's brochures). Additionally, if distributing brochures from another City agency, the inspector would need to ensure that it is current.

**RECOMMENDATION:** Develop a One Pager or smaller card with a QR code for all city agencies that will be distributed by all agency inspectors. The purpose of the document/linked information to the QR code is to provide concise information about common issues that each agency addresses, information about how to make a complaint to that agency, suggest keywords to use when calling 311, and provide a brief description about what happens after a complaint is made. Additionally, distribute each agency's brochures at THPTF inspections.

### 4. Interagency Trainings for Issues with Multi Agency Jurisdictions

**BACKGROUND:** Many housing-related issues have components that cross multi-agency jurisdictions. Agency staff may lack knowledge of what steps have been taken by other agencies and their processes.

**RECOMMENDATION:** Offer periodic interagency trainings on relevant topics for *on the ground* staff.

Periodically review/clarify each agency's procedures regarding:

- Asbestos (DEP/DOB)
- Lead (DOHMH/HPD/DOB)
- Noise (DEP/DOB)
- Egress (HPD/DOB)