

Community Board 12, Manhattan
Minutes for the Joint Session with the
Housing and Human Services Committee and Health and Environment Committee
February 5th, 2015 – Main Meeting Space
530 West 166th Street – 6th Floor
New York, NY 10032

Housing and Human Services Committee Members Present (6): Chair Richard Lewis, Asst. Chair Yahaira Alonzo, Jay Mazur, Ayisha Oglivie, Felipe Wityk Sanchez and Christina Burgess.

Housing and Human Services Committee Members Excused Absent (1): Alyce Smith.

Housing and Human Services Committee Members Absent (1): Lorena Jimenez-Castro

Health and Environment Committee Members Attendance – See that committee's minutes.

Guest Speakers List (2): Jessica Schreiber Senior Program Manager Apartment Programs and Outreach (Bureau of Recycling and Sustainability - Department of Sanitation) and Kevin Acevido (Mayor's Community Affairs Unit)

Public (6): Jim Little, Mary Anderson, Cheryl Miller, Jose P?, Craig Wilson (DEP) and Sara Fisher.

Staff: Paola Garcia.

Welcome, Opening Remarks, and the Agenda. Richard Lewis as Co-Chair called the meeting to order at 7:10pm. Meeting was set to record to a digital audio file (OLYMPUS). Board Members of both committees introduced themselves as did members of the public present. Steve Simon as Co-Chair will present our first guest speaker. A quorum was present during the entire meeting. Topics for tonight's agenda were outlined. We are holding a joint session with the Health and Environment Committee on Updates on E-cycling and E-Waste Collection and Disposal in Community Board 12, M. There will be no representative from the **Northern Manhattan Coalition for Immigrant Rights (NMCIR)** to discuss the President's New Immigration Relief effort and so that item will be deferred to a later date.

Source Documents Released at the Meeting.

The following source documents were distributed or made available at the meeting by presenters. All PowerPoint presentations will be made available to both committees as well:

- **Apartment Building Recycling Initiative – See <http://www.nyc.gov/html/nycwasteless/html/recycling/abri.shtml>**
- **Maps of DSNY e-cycle Centers in Manhattan and WaHI See http://www.dnainfo.com/new-york/20141231/financial-district/new-recycling-rules-ban-throwing-electronics-trash?utm_source=Real+Estate&utm_campaign=cd19b0ac0b-Mailchimp-NYC&utm_medium=email&utm_term=0_0b93efc323-cd19b0ac0b-133040805#**
- **Numerous Handouts from the NYC department of Sanitation on E-cycling and e-waste – *Office Copies Available on Request or on Display.***
- **Gail Brewer MBPO to Mayor De Blasio – Illegal Hotel Letter - *Office Copies Available on Request***
- **Gail Brewer MBPO Illegal Hotel Testimony to NYC Council Committee on Housing - *Office Copies Available on Request***
- **Borough Board Excerpt on Illegal Hotels - *Office Copies Available on Request***
- **CB 12 Preliminary Draft Resolution on Illegal Hotels - *Office Copies Available on Request***
- **Table - Worst Landlord's Buildings List - CB12 Manhattan - *Office Copies Available on Request***
- **Obama hands NY a Medicaid bomb See <http://www.empirecenter.org/publications/obama-hands-ny-a-medicaid-bomb/>**
- **Immigration relief 01072015- NMCIR - *Office Copies Available on Request***
- **Apartment Building Recycling Initiative - E-cycle DSNY See <http://www.nyc.gov/html/nycwasteless/html/recycling/abri.shtml>**
- **Worst illegal hotel landlords in city to be revealed in Public Advocate Letitia James See <http://www.nydailynews.com/new-york/worst-illegal-hotels-city-revealed-report-article-1.2101276>**
- **City Council's animosity toward Airbnb grows See <http://www.crainsnewyork.com/article/20150126/BLOGS04/150129895/city-councils-animosity-toward-airbnb-grows>**
- **Manhattan Bed and Breakfasts Face Extinction See <http://observer.com/2014/12/manhattan-bed-breakfasts-face-extinction/>**
- **e-cycleNYC brochure See <http://www1.nyc.gov/assets/dsny/downloads/pdf/promotional-materials/e-cyclenyc-brochure-ec-bro-f.pdf>**
- **How to Get the New York City Municipal ID See <http://www.dnainfo.com/new-york/20150112/flushing/how-get-new-york-city-municipal-id>**
- **The New York City Council Committee on Housing - VIDEO on Short Term Rentals - Bed and Breakfast Industry - *Office Copies Available on Request or check NYC Council website***
- **Obama's immigration executive order: Here are the details [<http://politics.suntimes.com/article/washington/obamas-immigration-executive-order-here-are-details/thu-11202014-705pm>]**
- **Whitehouse Fact Sheet: Immigration Accountability Executive Action (Press Releases in English and Spanish - Available in the CB12, M Office)**
- **Does Immigration Increase Economic Growth? [http://www.manhattan-institute.org/pdf/e21_02.pdf]**

Introduction.

The following information summarizes challenges to improve waste collection and disposal. Electronics are the largest and fastest growing component of hazardous waste sent to landfills. Starting January 2015, it is illegal for New Yorkers to discard electronics in the trash. Building management, superintendents, owners and particularly tenant's need immediate outreach for this program to be successful, prevent illegal dumping and become environmentally responsible. The Department of Sanitation is actually administering the [NYS Electronic Equipment Recycling and Reuse Act \(PDF\)](#) (39 kB), requires manufacturers to provide free and convenient recycling of electronic waste to most consumers in the state. See http://www.dec.ny.gov/docs/materials_minerals_pdf/ewastelaw2.pdf and <http://www.dec.ny.gov/chemical/66872.html>

Presentation by Jessica Schreiber – Department of Sanitation.

Jessica Schreiber appeared before the committee and gave a summary of the new e-cycling program from the Department of Sanitation and answered questions. They are in the early stages with a staff of three individuals to provide outreach to the entire city Here are a few facts on the new waste collection and waste disposal procedures for residential buildings.

Working and Non-Working Items Accepted

- TVs
- VCRs, DVRs, and DVD players
- Cable and satellite boxes
- Video game consoles
- Computers: including small servers, monitors, laptops and their peripherals (such as keyboards, hard drives, mice, etc.)
- Printers/scanners
- Fax machines
- Small electronics: including tablets, mobile phones, MP3 players

Note: Appliances, batteries, and light bulbs are NOT accepted.

How It Works

DSNY will visit your building to discuss how e-cycleNYC will work best in your building. Depending on the size and type of building, there are three service options:

Room cleanouts for buildings with 10 or more units.

Buildings store electronics in a secure, enclosed area before they are picked up.

Storage bins for buildings with 50 or more units.

Buildings store electronics in a locked bin provided by *e-cycleNYC*. Two sizes available:

- Small (2' deep x 4' wide x 5' high)
- Large (2' deep x 5.5' wide x 6' high)

Outdoor electronics recycling events for buildings with 250 or more units.

Buildings work with e-cycleNYC to schedule outdoor electronics recycling events for building residents.

When ready for service, simply call (212-437-4647) or email us (e-cycleNYC@d sny.nyc.gov). We guarantee pickup within five business days for room clean outs, and three business days for bin removal.

How to Enroll & More Info

Use [Apartment Programs Inquiry](#) to sign up for e-cycleNYC or get more info about the program See <http://www1.nyc.gov/site/dsny/contact/programs/apartment-programs-inquiry.page>

Ms. Schreiber pointed out that there will be no fines issued for e-waste violations until the Spring season and in response to questions about better outreach to tenants and in particular seniors and the disabled community she indicated they will be doing more. A voluminous amount of materials and applications in Spanish and English were handed out and are also available in our meeting room and the office.

Presentation by Kevin Acevido (Mayor's Community Affairs Unit).

Mr. Acevido presented an update on the recent delays in processing the city's new Municipal ID Program and stated that adjustment will be completed by the Spring. He also reminded us that there are no plans to place a dedicated Municipal ID center in our building despite available space and the needs of our large immigrant community.

Discussion and a Resolution on Illegal Hotels.

The Manhattan Borough Board is proposing a joint resolution for all Manhattan Community Boards to consider. A draft of that potential resolution was submitted for discussion at the committee. It appeared that several clauses were more applicable to midtown and downtown areas and had little relevance to our community district since there is no demonstrable evidence that these massive "illegal hotels" business operations are violating the law in single residential buildings here so as to become a series of small budget hotels. Since we are considering only large scale "illegal hotels" operations other types of living space arrangements are outside the scope of this discussion. As we have no means of assessing the impact of hearsay or a few of these anecdotal examples.

Concerned was also voiced that several clauses seemed to be written that seem to insult the very intelligence of visitors and tourists with the implied suggestion that they would not know a healthy and safe accommodation. While that may have been an unintended outcome since our local housing, fire codes, and zoning laws are very stringent, different, and complex from other localities including their own. This situation becomes clear when we consider that our laws make the distinction between permanent residential accommodations and the use and occupancy standards in commercial establishment for transients.

It was pointed out to them by the chair that the New York State Multiple Dwelling Law (MDL) provides that Class A multiple dwellings, such as most rent regulated, free residential market buildings and public housing must be "occupied, as a rule, for permanent residence purposes;" for thirty days or more. Whereas Class B multiple dwellings under the same law, such as hotels, lodging houses, rooming houses, and dwellings designed as private homes and similar accommodations must be "occupied, as a rule transiently, as the more or less temporary abode of individuals or families". In 2011 the MDL was amended to prohibit the rental of any unit in a Class A residential building for less than thirty (30) days and are required to comply with more stringent egress and fire safety requirement and to curb the abuse of single room occupancy (SRO) rentals.

Those amendments to the MDL were also crafted to prevent building owners from circumventing the strict fire safety standards applicable to hotels, prevent unfair competition to legitimate hotels that have made substantial investments to comply with building codes and tax codes, protect the rights of permanent occupants who would otherwise endure the inconvenience of hotel occupancy in their buildings; and preserve the supply of affordable permanent housing.

In recent times and largely through the internet, other marketing tools and the need for some permanent residents or owners to acquire additional personal income as "hosts"-- organizations with new business models as enablers have created virtual hotels that are de facto "illegal hotels" as they have booked for service and other fees visitors and tourists seeking short term accommodations in Class A residential buildings that house these occupancies and bookings for less than thirty stays and without following the law on Single Room Occupancy (SRO) units.

With that summary presented discussion followed on what a few individuals felt was the relative unfairness of individuals who have fallen on bad economic times and the prohibitions of the law about renting out their apartments for extra income. In response it was pointed out that there are legal avenues in the lease for getting approvals to sublet, have long term roommates and guests and legal assignments where an individual is not subjecting oneself to eviction for illegally operating as hosts for occupants stays less than thirty days and where you are not living in the apartments.

There is no legal justification that one's economic status is a defense for others to tolerate violating the law or legal documents such as a lease without consequences.

While not characterizing all non permanent occupants there been transients in many buildings that have been subjects of excessive citywide complaints for behavioral nuisances, unlawful conduct, property damage and for permanent residents the loss of the peaceful tranquility of living in their building, neighborhood stability, a sense of community.

There has been wide spread criticism from elected officials, law enforcement, the hotel industry, community based organizations ,and tenants advocacy groups, concerned tenants and owners against these illegal hotels. Since the city is facing an affordable housing crisis these illegal hotels in large scale operations are continuously removing housing units off the market by serial bookings of transient stays. They have become a threat to these scarce resources. The main target of this outrage has been Airbnb.

The committee was agreed that warehousing affordable housing units for transient living in permanent Class A residential buildings was unacceptable and illegal and there was a need to strengthen the law in that respect by funding more inspectors and processing complaints more rapidly. Unresolved however is the ethical question on how to provide legal relief for those in critical need to supplement their income through hosting rentals without allowing for the same loophole that now exists to amass illegal hotel operations or forestall legal complaints by their fellow neighbors on transient residents in their building.

Due to the lateness of the meeting updates on the vacancy study and assignments to buildings on the worst landlords in our community was deferred to a later date.

The resolution passed 6-0-0-0 (Y-N-A-P).

Motion to adjourn was approved and the meeting ended at 10:05 pm.

**Respectfully submitted by
Richard Lewis – Chair HHS Committee
February 5, 2015**

**Community Board 12, Manhattan
Housing and Human Services Committee**

DRAFT RESOLUTION IN SUPPORT OF STRENGTHENING LEGISLATION ON ILLEGAL HOTELS

WHEREAS, New York City traditionally has supported legal barriers to protect long time renters in residential housing with zoning measures to promote neighborhood stability and multiple dwelling codes that kept use and occupancy of those buildings from becoming commercial accommodations for housing transitory occupants; and

WHEREAS, After May 2011, in response to the need to close a loophole that allowed many owners to sell class A residential multiple dwellings units in whole or in part for highly profitable single room occupancy (SRO) to a stream of transient occupants and turn their buildings into budget hotel rooms, typical of Class B accommodations NYS passed Chapter 225 and amended the MDL to prohibit the rental of any unit in a Class A building for less than thirty (30) days; and

WHEREAS, Chapter 225 also states that its purposes is to prevent building owners from circumventing the strict fire safety standards applicable to hotels, prevent unfair competition to legitimate hotels that have made substantial investments to comply with building codes and tax codes, protect the rights of permanent occupants who would otherwise endure the inconvenience of hotel occupancy in their buildings; and preserve the supply of affordable permanent housing; and

WHEREAS, In recent times and largely through the internet, other marketing tools and the need for some permanent residents to acquire additional personal income as "hosts" organizations with new business models as enablers have created virtual hotels that are de facto "illegal hotels" as they have booked for service and other fees visitors and tourists seeking short term accommodations in Class A residential buildings that house these occupancies and bookings for less than thirty stays and without following the law on Single Room Occupancy (SRO) units; and

WHEREAS, Many of these illegal hotels have committed deceptive trade practices by marketing these apartment accommodations as legal when they are not, heightened the risk to the health and safety of visitors and tourists with no security staff and who may be unwittingly led to seek these transient accommodations without being informed in detailed about the stringent requirements of our local housing laws; and

WHEREAS, New York City now suffers from a shortage of affordable housing in an already tight housing market and is in a legislatively imposed housing emergency the advent and proliferation of online platforms including, but not limited to, Airbnb, VRBO, One Fine Stay, and Home Away over the past few years has exponentially increased illegal hotels and the mass withholding of or taking away available permanent residential Class A permanent units for transient use and occupancy that is disruptive to the lives of the residents who live in the building, affects neighborhood stability and a sense of community; and

WHEREAS, It is tempting for some individuals undergoing hard financial times to consider being a "host" or offer short term rentals in their apartment in Class A residential buildings there are stringent laws, restricted covenants against such practices and the further risk that other building tenants may legally file a complaint -- requiring a landlord, governing board or an agency investigation; and

WHEREAS, Rent regulated tenants or tenants with rent subsidies, such as SCRIE/DRIE, Section 8 who are in a program where the rent is based on income-eligibility may unwittingly violate their lease or rent subsidies by not following the laws for landlord or agency approval on sublets, roommates, guests, or illegal assignments and subject themselves to eviction if their units are rented for short term use; and

WHEREAS, Co-op shareholder, condo owners or free market residents who rent their units for short-term use contrary to their proprietary lease and by-laws also risk of eviction or legal action; and

WHEREAS, NYC housing and law enforcement agencies continue to receive overwhelming amounts of complaints from 311 and 911 calls, letters and emails from the public, communications from elected officials, complaints from legal hotels and lawful bread and breakfast establishments and community based organizations about excessive noise and disruptive behavior from transient occupants, fighting, drug use and sales, prostitution, property damaged by constant and excessive traffic, failure to meet accessibility requirements and other quality of life or warranty of habitability complaints; and

WHEREAS, Many recent attempts to resolved or bring attention to these complaints have also increased, including calls for more inspections, Environmental Control Board (ECB) hearings and fines, public oversight hearings by the NYC Council’s Housing Committee, two NYC lawsuits against illegal hotels, release by the NY Public Advocates Office of the worst illegal hotel landlords list and cumulative fines approaching \$800,000, a lawsuit by the NYS Attorney General’s office based on its own investigation that claimed Airbnb rentals are illegal and successful court evictions by landlords; and

WHEREAS, Enforcement of illegal hotel activity is complaint driven and is carried out by the Mayor’s Office of Special Enforcement, which operates a joint task force comprised of specially trained inspectors from New York City agencies, including Department of Buildings, Department of Finance, Police Department, Fire Department, and Department of Health; and

WHEREAS, A shortage of inspectors who respond to illegal short term use and occupancy complaints has contributed to increasing and excessive delays in processing complaint being filed, an inspection being conducted, ECB hearings conducted and summons and verified complaints are filed in court; and

THEREFORE, BE IT FURTHER RESOLVED The New York City Council and Mayor de Blasio allocate increased funding to the Mayor’s Office of Special Enforcement and agency joint task force involved to strengthen and increase their ability to enforce the law regarding this new proliferation of illegal hotels and reflects Community Board 12, Manhattan’s position to be proposed to a Manhattan Community Boards joint resolution on this matter.

Passed by the HHS Committee – February 5th, 2015

Votes: 6-0-0-0 (Y-N-A-P)

Final HHS Committee and Board FY 2016 Capital and Expense Budget Rankings

HHS COMMITTEE AND BOARD CAPITAL BUDGET RANKINGS – FY 2016

COMMITTEE RANKING	BOARD RANKING	ITEMS (New and Old) - DESCRIPTION	EXPLANATION
1	1	Affordable Housing (Construction) - Build 20,000 apartments/housing units with <u>immediate priority</u> given to CB12M in the Mayor's Ten Year Plan as no new affordable housing has been constructed in this district since 2001.	This item was ranked Number <u>One</u> by the Committee and the Board for FY 2015, FY 2014 and FY 2013. Since 2001, 228 Nagle Avenue, 440 West 163 rd Street and 2142 Amsterdam Avenue are the only new affordable housing built in this district. <u>BUDEGT CODE: 31220120C</u>
2	2	NEW ITEM Affordable Housing (Rehab) <u>Immediate priority</u> given in CB12M for the rehabilitation and preservation efforts and funding of some 2,000 units in current rent regulated and aged properties with excessive and long standing code violations through the expansion and increase funding of HPD's AEP, PPS and similar private or city owned multi-family Class A building rehabilitation programs.	Most residential buildings in CB12M were built after the early 1900's. Many have not been maintained well are in rapid decay. <u>CB12M has 40% of the code violations in Manhattan according to the recent 2014 Worst Landlord's List and the fewest number of housing units rehabbed in the Alternative Enforcement Program since its inception in 2007.</u> 552 Academy Street is one of the few apartment buildings preserved by NY C in Washington Heights-Inwood. There is a strong need to expand HPD's Alternative Enforcement Program (AEP) and rehab programs.
3	16	Large Centralized Non Profit Facility. Funding the establishment a large multi-story space in a centralized building for existing and legacy Housing and Human Service Organizations and CBO's in CB12M so that their support services can be housed, shared and operate in one location or hub thereby reducing costs and duplication and afford community access.	Sufficient space for many of these types of organizations is a very scarce resource. The cost and time spent to move and relocate due to organization growth or even funding to lease current space is a serious hardship. Today, the movement is towards Non Profit Clusters akin to popular Info Tech Hubs where capital resources are shared and leasing is low cost. <u>BUDEGT CODE: 312201512C</u>
4	37	NEW ITEM- Vertical Urban Farms. Funding for a detailed feasibility study on building of these structures or incorporating them into affordable housing units or buildings in CB12M and construction of a demonstration project.	It is estimated that by the year 2050, close to 80% of the world's population will live in urban areas and the total population of the world will increase by 3 billion people. A very large amount of land may be required depending on the change in yield per hectare. There is a scientific concern and forecasts that not enough farmland may be available to farm.

HHS COMMITTEE AND BOARD EXPENSE BUDGET RANKINGS – FY 2016

COMMITTEE RANKING	BOARD RANKING	ITEMS (New and Old) - DESCRIPTION	EXPLANATION
1	1	Provide <u>sufficient</u> funding for CBO's in CB12M that provide legal and or administrative assistance, heavy attorney representation, advocacy or intervention beyond the pro bono or current non-attorney <i>Guardian Ad Litem</i> programs for CB12M residents.	There is extremely limited funding to help clients in housing and human services who need legal assistance with filing documents as well as direct attorney representation or advocacy. Recent studies on <u>pro se</u> representation have shown a heavy eviction rate for families in housing courts.
2	22	Funding to <u>expand</u> Online Agency Information Systems, make their databases more user friendly, for searches, apps, or visual mapping of data with community drill downs. to permit joint certification of violations cured for transparency and public oversight, and provide seamless linkage to DOB, HPD, DOF, EPA, Planning and ACRIS databases.	At present there is no online means for a global search of all buildings in our community district with a certain number of violations in agency databases – only one building at a time can be searched or viewed. There is no ability to achieve joint certification of violation removals by both the tenant and the landlord online. Finally, the Public Advocate's Office has long requested some kind of interconnectivity between city agency databases for better data analytics.
3	14	Funding for more inspectors and more building inspections by HPD, DOB, and DEP.	CB12M has an aged and huge stock of buildings in constant need of repair. CB12M has too many uncorrected violations.
4	31	Funding to help initiatives lower energy costs, produce savings through weatherization, efficient boiler/heating systems and retrofits.	This is part of the greater greener urban movement towards sustainable and more energy efficient systems and to better accommodate unfunded city mandates.

AGENCY RESPONSES FROM THE FY2016 PRELIMINARY BUDGET REGISTER TO CB12, M REQUESTS
[Comments Worksheet]

HHS COMMITTEE AND BOARD CAPITAL BUDGET RANKINGS – FY 2016

COMMITTEE RANKING	BOARD RANKING	AGENCY RESPONSE	COMMITTEE/BOARD REBUTTALN
1	1	Affordable Housing (Construction) <u>BUDGET CODE: 31220120C</u> – The agency will try to accommodate this issue within existing resources. (Page 1) Responsible Agency: HPD	<u>BUDGET CODE: 31220120C</u>
2	2	NEW ITEM Affordable Housing (Rehab) <u>BUDGET CODE: 312201627C</u> The agency will try to accommodate this issue within existing resources. (Page 1) Responsible Agency: HPD.	<u>BUDGET CODE: 312201627C</u>
3	16	Large Centralized Non Profit Facility. <u>BUDGET CODE: 312201512C</u> In order to fund this initiative contact local elected officials for appropriations.(Page 5) Responsible Agency: Housing Authority	<u>BUDGET CODE: 312201512C</u>
4	37	NEW ITEM- Vertical Urban Farms. <u>BUDGE CODE: 312201628C</u> Homelessness prevention is one of the Agencies Priorities. Funds have been allocated I the budget for these services. (Page 11) Responsible Agency: HPD	<u>BUDGET CODE: 312201628C</u>

HHS COMMITTEE AND BOARD EXPENSE BUDGET RANKINGS – FY 2016

COMMITTEE RANKING	BOARD RANKING	AGENCY RESPONSE	COMMITTEE/BOARD REBUTTALN
1	1	Legal Assistance and Heavy Attorney Representation <u>BUDGET CODE: 312201401E</u> Homelessness prevention is one of the Agencies priorities. Funds have been allocated in the budget for these services. (Page 16) Responsible Agency: HRA	<u>BUDGET CODE: 312201401E</u>
2	22	Allocate funding to Expand Online Agency Information Systems. <u>BUDGET CODE: 312201610E</u> Work on this project/program has either been completed or will be finished in FY2015.(Page 22) Responsible Agency: DoITT	<u>BUDGET CODE: 312201610E</u>
3	14	Provide funding for More Inspectors and Inspections for DOB, HPD, and DEP. <u>BUDGET CODE: 312201507E</u> The agency will try to accommodate this issue wihin existing resources. (Page 20) Responsible Agency: DOB	<u>BUDGET CODE: 312201507E</u>
4	31	Funding to Help Initiatives Lower Energy Costs, Produce Savings through Weatherization, Efficient boiler/heating Systems and Retrofits. <u>BUDGET CODE: 312201509E</u> This project is included in the ten-year plan.(Page25) Responsible agency: HPD	<u>BUDGET CODE: 312201509E</u>