

NY City Council Public Housing Committee Hearing on NYCHA Elevators- 10/29/08

Chair Mendez and Committee members, I would first like to thank you for convening this hearing on this very important matter. My name is Mitchell Feder and I am the Local 375, Civil Service Technical Guild's Chapter 25 President; I represent approximately 300 technically trained and educated professionals, licensed architects, engineers, construction project managers, estimators and city planners at the NYC Housing Authority, most of whom are located in the Capital Projects Division.

I would first like to say that the majority of the Authority's more than 2,600 residential structures are either mid-rise or high-rise buildings consisting over 8 or more floors. The lifeline of these structures consist of the heating plant, in most cases boilers, as well as the elevators. If either of these two mechanical systems breakdown, then the building breaks down and eventually dies. One cannot have a sustainable mid-rise or high rise structure with either of these two most important systems not properly working.

With the recent avoidable deaths of two NYCHA residents, an outcry has been heard throughout public housing. But what hasn't been heard is the underlying story of how this came to be.

We all are aware that in 1997, the then NYCHA Chairman, Ruben Franco accepted 21 State and City developments into the Authority's portfolio without mandating that both these government entities contribute to both the annual Operating and Capital funding budgets, thus draining over \$60 million per year from the fixed but shrinking federal funding budgets.

Neither of his successors lobbied the State and City until the Authority's reserves were drastically depleted and in 2004, the first layoffs occurred, later to be repeated, in 2007 and 2008! Only during / after these layoffs did this administration publicly call for additional State and City funding to help offset the 21 draining developments that were originally State and City owned and funded.

Though the State has approved additional Housing subsidy funding, neither, the State or the City has approved any direct infusion of Operating and/or Capital funding for their previous owned developments.

During 2004, this administration, under the leadership of Chairman Hernandez and G.M. Douglas Apple, restructured the Capital Projects Division AGAINST the recommendations of the professional staff. As soon as the restructuring occurred, the staff and managers realized the disastrous effects. One of the results was a drastic reduction in construction contract awards. It was only upon the removal and replacement of the Division's Deputy General Manager

that in 2008, the Division once again went through a Realignment which mimicked the recommendations that the staff had suggested 4 years earlier.

The recommendations of the rank and file staff had been proven right and those implemented by the administration were proven wrong- dead wrong.

But what was not corrected, and has not been spoken about is possibly one of the reasons why two residents are no longer with us.

During the 2004 Reorganization, in a cost cutting measure under the recommendation of a consultant's survey and report, the NYCHA administration DISBANDED the Design Department's Elevator Design and Review Section! This section was responsible for drafting elevator specifications, elevator design, and design review of consultant contract documents which consists of the construction plans and specifications and for the bidding and awarding of all elevator construction contracts.

The unit's Section Chief, Victor Bahna, P.E., had more than 30 years experience in the elevator field. He was and still is the consummate professional, however, due to how the division was being managed, he has since taken a position in the private sector.

To give you an understanding of how the disastrous 2004 Reorganization affected the Authority and its residents, prior to 2004, during an 8 – 10 year period, somewhere between 800 and 1,000 elevators of the Authority's more than 3,300 were totally renovated and rehabilitated which included cab replacement and full motor and mechanical system replacement. During the 2004 to 2008 period, at best, about 25 to at most 50 elevators have been replaced, and this would be on the high side.

Also, instead of having our then experienced elevator design professionals review the consultant plans and specifications, the policy since 2004, as it is now, is to have regular architects and engineers review them. This is akin to having a motorcycle mechanic work on an Indianapolis racing car or a general practicing doctor perform open heart surgery. It should not be the policy or practice.

Elevator design and review is a highly specialized and technical field that general architectural and engineering practitioners usually do not have the expertise in. Knowing the various manufacturers, components, computer systems, and the good from the bad takes years of practice and training and hands on experience.

With the disbandment of the Elevator Design and Review Unit, there is no central point person that I am aware of, that is responsible for coordinating and finalizing elevator specifications for the Authority. So I ask;

Who is updating the Authority's elevator specifications and who is reviewing these recommendations?

Is it inexperienced in-house staff or is it private consultants? And if consultants, who then is reviewing their recommendations since our experienced elevator professionals are no longer performing this function? In other words, who is watching the store?

With the 2004 Reorganization, the administration had placed the responsibility for elevator replacement with the now hired construction management firms, a/k/a CM firms under the Authority's CM / Build Program. These CM's are now costing the Authority at least twice as much as the in-house professionals cost to perform the same or similar work.

The CM's are profit motivated whereas the in-house staff are service motivated.

The CM firms are costing and wasting the Authority at least \$15 - \$20 million per year. This is a net cost, being that if we would take \$10 million of the CM consultant payments per year, which are averaging about \$30 million+/- annually, to hire approximately 100 construction and design professionals, it would relieve upwards of about \$20 million to be reinvested back into the Authority's residential infrastructure. This savings can restore hundreds of elevators over the coming years. Why the Administration chooses to waste scarce funding and tax payer money is beyond me and my other 300 professionals' imagination.

But don't tell this to the Authority's administration. They are always right,... maybe !! (?)

I must also question the new reports that the Authority will now invest over \$100 million in elevator repair.

Where is this money coming from?

Why now?

Is it directly because of the deaths of two residents?

What can be done to correct the elevator problem and the problems in general?

- Re-institute the Elevator Design and Review Unit;
- Have the State and City contribute their fair share of the operating and capital funding of their respective 21 former owned and subsidized developments that siphon over \$60 million annually from the Authority's capital and operating funds;
- Have the City abrogate the Authority's PILOT payments which amount to \$160 million annually;

- Lobby HUD and Congress to restore the drastic operating and capital funding cuts to the previous uncut levels; for example, the Capital Funds had been at the \$400 million level for no less than 10 years and now stands at about \$310 million as reported by the Authority;
- Get rid of the Construction Management / Build Program and go back to the former way the Authority did business for 70 years whereas we did the bidding under the WICKS Law by in-house staff which has been proven less costly than the more expensive CM / Build Program;
- Hire more in-house professionals to replace the more costly consultants and save no less than 25% to 50 % of their costs which can be reinvested back into the Authority's infrastructure;
- Audit the costly Primavera and Oracle computer software purchase to determine if the Authority got their money's worth and if these systems are living up to expectations and public statements by the Authority;
- Audit the CM / Build Program to make a determination as to its worthiness, effectiveness and cost benefit;

The Authority's administrators must make tough decisions, especially when dealing with what will and what will not be funded. The elevators are one of the two most important mechanical systems in our buildings which are a lifeline for the residents. Failure to properly maintain them is inexcusable.

In conclusion, because of the disastrous implemented 2004 Reorganization of the Capital Projects Division which resulted in the disbandment of the Elevator Design and Review Section and the wasted re-allocation of Authority resources under the CM / Build Program as witnessed by the more than 300 Tech Guild Ch. 25 professionals, the general membership at its June 2008 meeting, took a Vote-of-NO-Confidence in Chairman Tino Hernandez and General Manager Douglas Apple. They had steadfast refused to either heed or listen to our recommendations, but instead, put into place irrational and unprofessional policies and procedures which may have or in my opinion most likely had a direct or at minimum, an indirect impact on the lives of not two, but three of our residents that we know of. The third was Ms. Constantine Lloyd, a 57 year-old resident who died in 2004 due to a broken steam-line than ran under her apartment where the temperature rose to no less than 180 degrees; the steam-line was slated for repair but after the first contractor was defaulted, the Capital Projects Division waited to re-bid the job under the yet to be implemented CM /Build Program.

All I can say now, is at least the Authority appears to be waking up and realizing that the infrastructure is priority-one and funding is being made available for the vast network of elevators.

Better late than never.

Lastly, on behalf of my chapter's members and myself, our sincerest condolences to the Neuman, the Gonzalez-Milan and the Lloyd families who lost their loved ones.

Respectfully,

Mitchell Feder – President, Chapter 25, Local 375, Civil Service Technical Guild

steam leak was slated for repair

By IKIMULISA LIVINGSTON,
LARRY CELONA
and TOM TOPOUSIS

→ A broken steam pipe that sent temperatures soaring to lethal levels in a disabled woman's Brooklyn apartment over the weekend was due to be replaced this summer as part of an overhaul at the city housing project, officials said yesterday.

Constance Lloyd, 57, who suffered from multiple sclerosis, died in bed at her apartment in Canarsie's Bay View Houses, where the temperature was at least 180 degrees, according to relatives who arrived after police were called Sunday.

→ Lloyd's body temperature was over 110 degrees — several degrees above what experts consider to be fatal — when she was discovered by a home health aide who arrived at the sweltering apartment for a routine visit.

→ The steam pipe ran directly beneath Lloyd's first-floor apartment, which is run by the New York City Housing Authority.

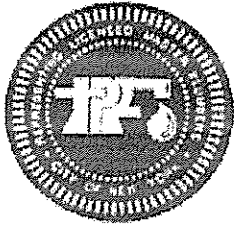
→ "It's very sad," Mayor Bloomberg said. "Some of the heating systems are old. This one apparently had a schedule to be replaced. It's been repaired a couple of times."

Housing Authority spokesman Howard Marder said the agency has launched a "thorough management review to determine the circumstances that led to this incident at 2055 Rockaway Parkway."

→ "Preliminarily, it appears that a leak in the line led to a buildup of excess heat and steam emanating from the basement area," Marder said.

"To avoid disrupting heat and hot-water service during the cold winter months, NYCHA had a plan, predating this incident, to begin replacing the entire underground steam-line distribution system starting this summer," Marder said.

The medical examiner's office was awaiting test results before determining the cause of Lloyd's death.



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WICKS Saves Money

The School Construction Authority ("SCA") has prepared a Report on the Wicks Law, a State law requiring separate bidding by key trades for public projects in order to increase competition. The major finding of the Report is that contracts bid out under Wicks cost \$3.00 a square foot *less* than contracts bid to a single contractor. This is just further evidence that attempts to scrap the Wicks Law will only result in higher costs to taxpayers and an increase in profits to general contractors. The Wicks Law needs some modification (*the monetary limit at which separate bidding must occur is still set at only \$50,000*) but this Report demonstrates that **WICKS SAVES MONEY**. Efforts to repeal Wicks are based in political posturing and not based upon facts.

Interestingly, the Report also concludes that the savings created by the Wicks Law is lost *after* the contract is bid and the base contract is complete. We believe that any increase in costs beyond the base contract is not due to the Wicks Law but rather because of the poor performance of many public agencies in administering change orders, claims, etc. Further evidence that Wicks saves money, when administered by high quality public agencies, is provided in a section of the Report that found that the Dormitory Authority of the State of New York (**DASNY**) decided to work under Wicks bidding procedures in thirty-three instances out of thirty-five. **DASNY**, the State's premiere construction agency, has the option of using Wicks or not. It would not be consistently opting for Wicks if it thought that bidding non-Wicks resulted in less expensive and better projects.

In any case, Wicks saves the public money and should not be repealed. The threshold amount needs to be updated - that's all.

A lift in city's step to repair elevator woes

Housing Authority budgets millions for fixes

Stung by a series of gruesome deaths blamed on faulty elevators, the city Housing Authority plans to spend millions to fix the lifts that often infuriate and injure its 406,000 residents.

NYCHA will spend \$5 million to hire new elevator inspectors and maintenance teams. An additional \$107 million will go to replace 630 of its 3,335 elevators over five years.

NYCHA is installing computerized tracking so managers can "see" elevators from remote locations to determine where they are and if they're working properly.

The system, in place in some developments, sends a stream of data to a central computer to help flag problems before an elevator goes out of service.

An important new program will install new cameras and encourage residents to report vandalism, a leading cause of elevator failure. The moves are long overdue, and driven by public and political pressure.

Tomorrow, when NYCHA Chairman Tino Hernandez testifies before the City Council, he will surely be grilled about the tragic death of Jacob Neuman, a 5-year-old boy who recently fell to his death while trying to escape a stalled elevator in Brooklyn's Taylor Wythe Houses.

He'll probably also be asked about the death of Lillian Milan, an asthma sufferer who died trying to walk up 10 flights in the Bushwick Houses in September 2007.

And Council members will want to know about why NYCHA can't do more for people like Tamara M., who last month posted an online complaint about the Cooper Park Houses.

"My only means of getting around is with the use of my wheelchair. I am at risk of losing my job because the elevator in my build-

ing is broken at least 2-3 times a week," she wrote.

"I have made numerous calls to the management office, where I am continuously insulted by the lack of regard for the situation. As I write this e-mail I have been trapped in my apartment for two days."

On any given day, nearly 200 NYCHA elevators are out of service. A recent report by the Daily News I-Team showed repairs can often take weeks or months.

To his credit, Hernandez not only didn't duck my questions — he invited me to spend part of yesterday poking around NYCHA's "elevator university."

It's a sprawling setup in a converted Long Island City warehouse with a staggering number of training stations, complete with motors, pulleys, cables and several generations of elevators converted into simulators.

Under the direction of John Ashton, an elevator guru with nearly 30 years at NYCHA, an army of 400 mechanics, inspectors

and assistants who service NYCHA elevators train on the equipment and get dispatched to handle the hundreds of elevator failures that happen each day.

All of that is a great start, but it doesn't solve the underlying problem of NYCHA's perennial budget deficits, estimated at around \$200 million a year.

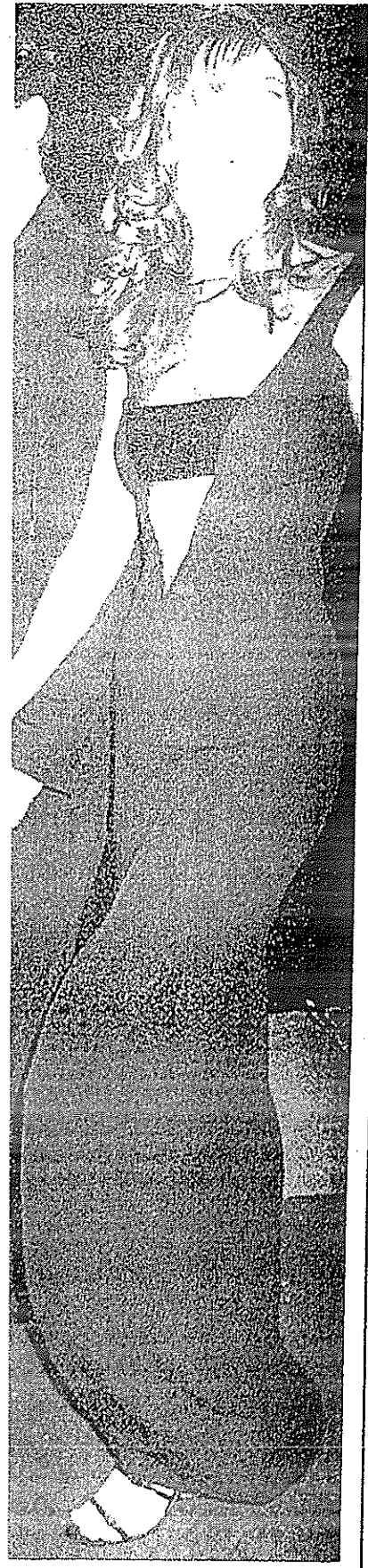
The bad news is that half the money for elevator repairs will come from other programs. That means more leaky roofs, broken pipes and furnaces that fail in winter.

Hernandez and his team are trying hard with not enough money, manpower or help from state and federal agencies.

The sad truth is that we won't fix what ails NYCHA unless we give it the money it needs to do the job.

elouis@nydailynews.com

**ERROL
LOUIS**



Ron Greschner, looked happy in
d Corkery/Daily News

ino wiseguy, 30,
ent of S.I. man

Keanu takes on hurt shutterbug

LOS ANGELES — "Matrix" star Keanu Reeves faced off against a peeved paparaz-

jury the issue is pushy photographers who put themselves and the famous people



WHAT IS NYCHA?

The New York City Housing Authority (NYCHA) provides decent and affordable housing in a safe and secure living environment for low- and moderate-income residents throughout the five boroughs. To fulfill this mission, NYCHA must preserve its aging housing stock through timely maintenance and modernization of its developments. NYCHA also administers a citywide Section 8 Leased Housing Program in rental apartments. Simultaneously, we work to enhance the quality of life at NYCHA by offering our residents opportunities to participate in a multitude of community, educational and recreational programs, as well as job readiness and training initiatives.

NYCHA was created in 1934. By the end of 1935 NYCHA dedicated First Houses, our first development, located on the Lower East Side of Manhattan.

THE WAY IT IS TODAY

NYCHA is the largest public housing authority in North America. NYCHA's Conventional Public Housing Program has 178,137 (as of July 3, 2008) apartments in 343 developments throughout the City in 2,636 residential buildings containing 3,337 elevators (as of June 30, 2008). NYCHA has 12,600 employees serving 173,808 families and 403,535 authorized residents (as of June 30, 2008).

- Based upon the 2000 Census, NYCHA Public Housing represents 8.3% of the City's rental apartments and is home to 5.0% of the City's population.
- NYCHA residents and Section 8 voucher holders combined occupy 12.6% of the City's rental apartments and comprise 7.8% of New York City's population.

CONVENTIONAL PUBLIC HOUSING (July 3, 2008):

- The Bronx has 98 developments with 44,116 apartments
- Brooklyn has 100 developments with 58,156 apartments
- Manhattan has 102 developments with 53,757 apartments
- Queens has 26 developments with 17,505 apartments
- Staten Island has 10 developments with 4,415 apartments
- Six (6) developments consisting of FHA Acquired Homes are located in more than one borough and total 188 apartments
- 42 developments are for seniors only; 15 seniors-only buildings exist within mixed-population developments
- NYCHA has more than 10,000 apartments designated for seniors only
- There also are 7,639 retrofitted apartments for families of persons who are mobility impaired as of June 30, 2008

SECTION 8 LEASED HOUSING PROGRAM:

- 88,701 apartments were rented as of June 30, 2008
- A total of 1,574 of these apartments, known as Portability Vouchers, are located outside of NYC
- There are 31,462 participating-private landlords

AS OF JUNE 30, 2008:

- Families in the Conventional and Section 8 programs pay no more than 30% of their family income for rent. The rent difference is subsidized by the federal Department of Housing and Urban Development (HUD).
- Average family income in Conventional Public Housing is \$22,402
- Average monthly rent is \$378
- Working families account for 45.2% of NYCHA families
- 12.7% of NYCHA families receive public assistance
- Social Security, SSI, a pension, Veteran's benefits, etc., support 42.1% of the families
- 34.9% of the households are headed by persons over 62 years-of-age
- 37.8% of the NYCHA population are minors under 21 and 30.8% are minors under 18

**TESTIMONY BY NYCHA CHAIRMAN TINO HERNANDEZ
CITY COUNCIL HEARING ON ELEVATOR MAINTENANCE AND INSPECTION
SUB-COMMITTEE ON PUBLIC HOUSING
WEDNESDAY, OCTOBER 29, 2008, 1:00PM
CITY COUNCIL CHAMBERS, CITY HALL**

CHAIR MENDEZ AND MEMBERS OF THE CITY COUNCIL — GOOD AFTERNOON. I AM TINO HERNANDEZ, CHAIRMAN OF THE NEW YORK CITY HOUSING AUTHORITY. JOINING ME THIS AFTERNOON ARE DOUGLAS APPLE, GENERAL MANAGER AND BRIAN CLARKE, ASSISTANT DEPUTY GENERAL MANAGER FOR SUPPORT SERVICES. WE ARE HERE TO DISCUSS NYCHA'S ELEVATOR INSPECTION AND MAINTENANCE PROGRAM.

I'D LIKE TO THANK THE CITY COUNCIL FOR HOLDING THIS HEARING TODAY AND ALLOWING US TO EXPLAIN THIS IMPORTANT ISSUE. WE LOOK FORWARD TO WORKING CLOSELY WITH THE CITY COUNCIL ON IMPLEMENTING OUR ACTION PLAN FOR ELEVATORS.

NYCHA'S MISSION

AS YOU KNOW, NYCHA OVERSEES A LARGE AND COMPLEX SYSTEM THAT PROVIDES HOUSING FOR 403,000 LOW- AND MODERATE-INCOME NEW YORKERS. WE MANAGE 343 DEVELOPMENTS CONTAINING OVER 178,000 APARTMENTS AND COMMUNITY FACILITIES IN 2,636 RESIDENTIAL BUILDINGS THROUGHOUT THE FIVE BOROUGHES.

THE HOUSING AUTHORITY CAN BE LIKENED TO A CITY WITHIN A CITY. IN TERMS OF OUR SHEER SIZE, NYCHA WOULD RANK AS THE NATION'S 19TH LARGEST CITY. AND LIKE IN ANY LARGE CITY, TRAGEDIES SOMETIMES OCCUR. WHEN THEY DO, NYCHA'S GOAL IS TO LEARN FROM THEM, TAKE ACTIONS TO PREVENT THEM FROM RECURRING GOING FORWARD, AND TO REASSURE OUR RESIDENTS, STAFF, AND THE PUBLIC THAT SAFETY IS ONE OF OUR HIGHEST PRIORITIES.

GIVEN THE RECENT SCRUTINY OF NYCHA'S ELEVATOR PROGRAM, I AM APPRECIATIVE OF THIS OPPORTUNITY TO PROVIDE AN OVERVIEW OF OUR ELEVATOR OPERATIONS.

FOR CONTEXT, LET ME PROVIDE AN OVERVIEW OF THE STRUCTURE OF NYCHA'S ELEVATOR OPERATIONS. THEN I WILL DESCRIBE THE MANAGEMENT INITIATIVES WE HAVE BEEN UNDERTAKING TO ENSURE THE QUALITY OF THIS FUNDAMENTAL SERVICE TO OUR RESIDENTS AND OUR ACTION PLAN GOING FORWARD.

ELEVATOR OPERATIONS OVERVIEW

NYCHA IS RESPONSIBLE FOR 3,335 ELEVATORS THROUGHOUT THE CITY. THIS REPRESENTS APPROXIMATELY 5% OF ALL ELEVATORS IN NEW YORK CITY. WE ESTIMATE THAT THE NUMBER OF TRIPS TAKEN IN OUR ELEVATORS IS OVER 1.7 MILLION EACH DAY, ON AVERAGE, TRANSPORTING HUNDREDS OF THOUSANDS OF PEOPLE. OUR MISSION WITH REGARD TO ELEVATORS IS THREEFOLD:

- TO PROVIDE SAFE AND RELIABLE SERVICE;
- TO RESPOND TO ELEVATOR EMERGENCIES AND OUTAGES, AND

- TO ENSURE ELEVATORS OPERATE IN COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS.

ELEVATOR STAFF

NYCHA HAS A HIGHLY DEVELOPED SYSTEM FOR MAINTAINING AND INSPECTING ITS ELEVATORS, WITH BOTH CENTRALIZED AND BOROUGH-BASED STAFF OF APPROXIMATELY 400 EMPLOYEES. THERE ARE THREE MAIN COMPONENTS OF NYCHA'S ELEVATOR OPERATIONS:

1. A CENTRALIZED ELEVATOR DIVISION THAT PERFORMS LOCAL LAW 10 ELEVATOR INSPECTIONS, MAJOR ELEVATOR REPAIRS, ELEVATOR MODERNIZATIONS INCLUDING REMOTE MONITORING OF ELEVATORS, AND OVERSEES NYCHA'S STATE-OF-THE-ART ELEVATOR TRAINING FACILITY;
2. WE HAVE BOROUGH BASED NYCHA STAFF WHO PERFORM DAY-TO-DAY OPERATIONS SUCH AS PREVENTIVE MAINTENANCE WORK, ROUTINE REPAIRS AND RESPONDING TO OUTAGES;
3. AND A CENTRAL EMERGENCY SERVICES DIVISION THAT RESPONDS TO ELEVATOR OUTAGES AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND HOLIDAYS.

MANAGEMENT INITIATIVES

NYCHA HAS ALWAYS INVESTED IN ITS BUILDINGS AND MAJOR SYSTEMS, INCLUDING ELEVATORS. IN THE PAST DECADE NYCHA HAS SPENT OVER \$200 MILLION TO REPLACE OVER 2,000 ELEVATORS, TWO-THIRDS OF THE TOTAL NUMBER OF ELEVATORS WE OPERATE.

IN ADDITION TO THE CAPITAL WORK AND RECOGNIZING THAT WE NEEDED TO CONTINUE TO IMPROVE ELEVATOR OPERATIONS, IN 2005 NYCHA BEGAN IMPLEMENTING A SERIES OF TECHNOLOGY INITIATIVES. THIS INCLUDES A CENTRALIZED CALL CENTER FOR ALL RESIDENT COMPLAINTS AND THE REMOTE ELEVATOR MONITORING SYSTEM ("REMS"), WHICH ALLOWS STAFF TO VIEW ANY REPORTED ELEVATOR COMPLAINT FROM A COMPUTER SO THAT THE COMPLAINT CAN BE ADDRESSED MORE EFFICIENTLY. REMS SYSTEMS ARE ALREADY IN OPERATIONS IN 920 ELEVATORS AT 57 DEVELOPMENTS.

IN THE LATE SUMMER OF 2007, NYCHA'S SENIOR MANAGEMENT TEAM ALSO INITIATED EFFORTS TO IMPROVE THE QUALITY OF ELEVATOR SERVICE BY FOCUSING ON PREVENTIVE MAINTENANCE AND REDUCING OUTAGES USING NYCHA'S "AGENCY PRODUCTIVITY TRACKING SYSTEM," OR APTS, A COMPSTAT-LIKE PROCESS, WHICH MONITORS AGENCY PERFORMANCE ON A BI-WEEKLY BASIS, INCLUDING ELEVATOR OPERATIONS.

THIS FOCUS RESULTED IN A NUMBER OF IMPROVEMENTS IN FY08 COMPARED TO FY07, INCLUDING:

- A 7% REDUCTION IN ELEVATOR OUTAGES ACROSS THE CITY
- A 28% INCREASE IN PREVENTIVE MAINTENANCE

- A REDUCTION IN THE NUMBER OF ELEVATOR OUTAGES IN 2008 IN 40 OUT OF 58 OF THE MOST IMPACTED DEVELOPMENTS
- A REDUCTION IN TIME TO REPAIR OUTAGES AT 127 DEVELOPMENTS
- A REDUCTION FROM 80 TO 56 IN THE NUMBER OF DEVELOPMENTS THAT WERE AVERAGING MORE THAN 12 HOURS TO RESTORE ELEVATORS TO SERVICE.

A KEY COMPONENT OF OUR ELEVATOR OPERATIONS IS INSPECTIONS. SO LET ME NOW DESCRIBE OUR ELEVATOR INSPECTION PROGRAM IN DETAIL.

DOB-MANDATED INSPECTIONS

NYCHA AND THE DEPARTMENT OF BUILDINGS (DOB) HAVE AN AGREEMENT, DATING BACK TO 1991, THAT AUTHORIZES NYCHA, AS A (DOB) LICENSED ELEVATOR AGENCY, TO CONDUCT LOCAL LAW 10 INSPECTIONS ON THEIR BEHALF.

NYCHA CONDUCTS MANDATED ELEVATOR INSPECTIONS EVERY SIX MONTHS. NYCHA ALSO CONDUCTS THE MANDATED TWO-YEAR AND FIVE-YEAR TESTS.

NYCHA UTILIZES TWELVE INSPECTION TEAMS, WITH EACH TEAM COMPRISING A LICENSED INSPECTOR IN THE ELEVATOR MECHANIC TITLE, WORKING WITH A MECHANIC'S HELPER.

ELEVATOR INSPECTION TEAMS REPORT TO A CENTRAL ELEVATOR DIVISION EXCLUSIVELY AS AN INTEGRITY MEASURE, AND ARE RESPONSIBLE FOR INSPECTIONS, NOT ROUTINE MAINTENANCE. NYCHA IS REQUIRED TO CONDUCT APPROXIMATELY 7,000 ELEVATOR INSPECTIONS ANNUALLY.

REPORTING RESULTS TO DOB

NYCHA CURRENTLY ELECTRONICALLY REPORTS THE RESULTS OF INSPECTIONS – EITHER “SATISFACTORY” OR UNSATISFACTORY” – WITH THE NUMBER OF DEFICIENCIES, TO THE DOB ON A WEEKLY BASIS.

THE DOB-MANDATED 69 POINT INSPECTION CHECKLIST COVERS EVERYTHING FROM JANITORIAL CONDITIONS IN THE MECHANICAL ROOM, TO A CALL BUTTON NOT WORKING PROPERLY, TO MORE SERIOUS CONDITIONS SUCH AS DEFECTIVE BRAKE ASSEMBLIES. ANY SINGLE ITEM THAT IS CHECKED ON THIS LIST WILL RESULT IN AN “UNSATISFACTORY” RATING FOR THAT ELEVATOR. WE REPORT THOSE FINDINGS TO DOB AND FOR EACH DEFICIENCY THAT IS IDENTIFIED, A WORK TICKET IS CREATED DIRECTING STAFF TO MAKE THE NEEDED REPAIR. NYCHA IS REQUIRED TO REMEDY WITHIN 40 DAYS.

DOB REVIEWS OF INSPECTIONS

AS PART OF ITS OVERSIGHT, DOB RANDOMLY CONDUCTS INSPECTIONS OR “AUDITS” ABOUT 12% OF NYCHA'S ELEVATOR INSPECTIONS SOON AFTER WE CONDUCT THEM. ANY DEFICIENCY IDENTIFIED BY DOB, EVEN IF PREVIOUSLY IDENTIFIED BY NYCHA, RESULTS IN A VIOLATION.

DOB-ISSUED VIOLATIONS OFTEN GIVE THE IMPRESSION THAT THESE VIOLATIONS ARE IN ADDITION TO THOSE ALREADY IDENTIFIED BY NYCHA, WHEN IN FACT, THE DOB IS JUST VERIFYING REPORTED VIOLATIONS.

DOB REVIEWS FOUND THAT THEIR AUDIT FINDINGS AGREE WITH NYCHA INSPECTIONS 89% OF THE TIME, WHICH IS ON PAR WITH PRIVATE OWNERS.

FROM JANUARY TO MID-OCTOBER 2008, 6,628 INSPECTIONS WERE PERFORMED, AND OF THESE THERE WERE ONLY 29 CASES WHEN AN ELEVATOR WAS DEEMED UNSAFE AND TAKEN OUT OF SERVICE. THAT IS LESS THAN ONE HALF OF ONE PERCENT. IN THOSE CASES, THE CONDITIONS MUST BE CORRECTED AS SOON AS POSSIBLE AND REINSPECTED.

REPORTING PROCESS IMPROVEMENTS

STARTING LAST MONTH, NYCHA AND DOB IMPROVED UPON THE REPORTING PROCESS TO ENSURE THAT TIMELY DATA IS PROVIDED TO DOB. WE ARE ALSO NOW DOING ALL INSPECTIONS UTILIZING HANDHELD DEVICES, ALLOWING FOR THE TIMELY TRANSFER OF INSPECTION FINDINGS TO STAFF WHO HANDLE REPAIRS. IT ALSO ALLOWS US TO IMPROVE OUR TRACKING OF INSPECTIONS AND REMEDIATION OF DEFICIENCIES.

IMMEDIATE NEXT STEPS

BEYOND ONGOING INSPECTION AND MAINTENANCE, NYCHA IS IMPLEMENTING AN AGGRESSIVE ACTION PLAN DESIGNED TO FURTHER IMPROVE ELEVATOR OPERATIONS GOING FORWARD. IN THIS REGARD NYCHA WILL IMMEDIATELY:

- IMPLEMENT A FOCUSED STRATEGY TO REDUCE ELEVATOR OUTAGES IN THE 50 COMPLEXES WITH OUTAGES MORE THAN DOUBLE THE AUTHORITY-WIDE AVERAGE BY HIRING ADDITIONAL STAFF TO PERFORM TARGETED PREVENTIVE MAINTENANCE;
- ALLOCATE \$107 MILLION FOR ELEVATOR MODERNIZATION JOBS AND REPLACE 500-550 ELEVATORS AT 30-35 DEVELOPMENTS OVER THE NEXT FIVE YEARS, BASED UPON BIDS, AND
- INCREASE FUNDING BY \$5-6 MILLION FOR STAFFING AND INSPECTION CONTRACTORS.

NYCHA WILL ALSO:

- CREATE A FORMAL QUALITY CONTROL PROGRAM TO REVIEW INSPECTION RESULTS, PERFORM CONDITION AUDITS AND DEVELOP DETAILED REPORTING FOR REVIEW BY SENIOR MANAGEMENT;
- IMPLEMENT A PUBLIC AWARENESS CAMPAIGN ENTITLED "IF YOU SEE IT, REPORT IT," STRESSING THE IMPORTANCE OF BEING PROACTIVE AND REPORTING PROBLEMS AT DEVELOPMENTS TO NYCHA'S CENTRALIZED CALL CENTER. THIS CAMPAIGN WILL INCLUDE A VANDALISM "REPORT CARD" TO INFORM RESIDENTS ABOUT ELEVATOR VANDALISM, WHICH ACCOUNTS FOR NEARLY ONE-THIRD OF ALL OUTAGES;

- EXPAND OUR REMOTE ELEVATOR MONITORING SYSTEM TO 722 ADDITIONAL ELEVATORS OVER THE NEXT FEW YEARS. ABOUT ONE-THIRD OF NYCHA'S ELEVATORS, 920, ALREADY HAVE REMOTE MONITORING, AND
- INSTALL CCTV AT ANOTHER 72 BUILDINGS AT 28 DEVELOPMENTS BY THE END OF 2009. CCTV IS CURRENTLY IN PLACE AT 400 BUILDINGS AT 54 DEVELOPMENTS.

ADDITIONALLY, NYCHA WILL:

- CONTRACT WITH AN INDEPENDENT THIRD PARTY TO WITNESS OUR MANDATED INSPECTIONS, CONSISTENT WITH NEW BUILDING CODE REQUIREMENTS EFFECTIVE JANUARY 1, 2009;
- BRING IN AN INDUSTRY EXPERT TO REVIEW NYCHA'S OVERALL ELEVATOR OPERATIONS AND MAKE RECOMMENDATIONS BY FEBRUARY 2009;
- AND WORK WITH DOB AND DOI TO COMPLETE AN EXTERNAL MANAGEMENT REVIEW OF ELEVATOR INSPECTIONS AND INTERAGENCY COORDINATING PROCESSES.

CONCLUSION

PRESERVING PUBLIC HOUSING IS OUR RESPONSIBILITY AND OUR COMMITMENT. ENSURING THE SAFETY OF RESIDENTS IS AN IMPORTANT PART OF OUR RESPONSIBILITY. NYCHA HAS FOR MANY YEARS MADE ELEVATOR MAINTENANCE AND UPGRADES A PRIORITY AND AS OUTLINED IN MY TESTIMONY, WE CONTINUE TO DO SO.

IN FACT, IN THE FACE OF CONTINUED FEDERAL DISINVESTMENT OF PUBLIC HOUSING, WE CONTINUE TO FIND THE MEANS AND METHODS TO PRESERVE THIS IMPORTANT ASSET, THE HOME TO OVER 400,000 NEW YORKERS.

MOVING FORWARD, WE WILL CONTINUE TO WORK CLOSELY WITH RESIDENTS, ELECTED OFFICIALS, OUR STAFF AND ALL STAKEHOLDERS TO IMPROVE THE QUALITY OF OUR ELEVATORS.

I WANT TO THANK MAYOR MICHAEL R. BLOOMBERG AND THE CITY COUNCIL FOR THEIR ONGOING COMMITMENT TO PUBLIC HOUSING.

DURING THESE CHALLENGING ECONOMIC TIMES AND A CHANGING POLITICAL LANDSCAPE, WE MUST ALL RENEW OUR EFFORTS TO WORK TOGETHER TO PRESERVE THIS VITAL HOUSING RESOURCE FOR GENERATIONS TO COME.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY. I AM PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

Testimony of Manhattan Borough President

Scott M. Stringer

Before

New York City Council Public Housing Committee

Wednesday, October 29, 2008

Good afternoon. I'd like to thank Housing Subcommittee Chair Rosie Mendez for convening this hearing, and the Members of the Committee for inviting me here today.

To start, I want to recognize Tino Hernandez, the Chairman of the Housing Authority, for his dedication and commitment to one of the very hardest jobs in government. The challenge he faces is not simply the Housing Authority's familiar problem of severe budget pressures and revenue streams drying up; it's that he's responsible for housing hundreds of thousands of New Yorkers, many of them the most vulnerable among us.

One month ago, on September 26, my office released a report on Housing Authority elevators called *Dangerous Neglect*. We examined the inspection records since January 1, 2004, for every Housing Authority elevator in New York City. And we found that for the most frequent class of inspections, 75 percent of Housing Authority elevators graded "unsatisfactory."

The reaction from some was: no need for worry, these are minor problems, just a broken light bulb, or other small things.

I said then, and I say again here today, that when so-called "minor" problems are allowed to become the norm, people end up getting injured or killed.

Among my report's recommendations were a call to establish targets for improved performance on inspections, urging the Housing Authority and other responsible City agencies to set one-year and five-year goals.

Today's announcement by the Housing Authority that new elevator maintenance teams will be put to work at the 10 developments with the worst breakdown records – with the goal of reducing unsatisfactory grades to 30 percent – is a very welcome recognition of the link between inspection grades and tenant safety. I want to see that we take the next step – setting a target for improved inspection grades for all the City's Housing Authority elevators.

FOR THE RECORD

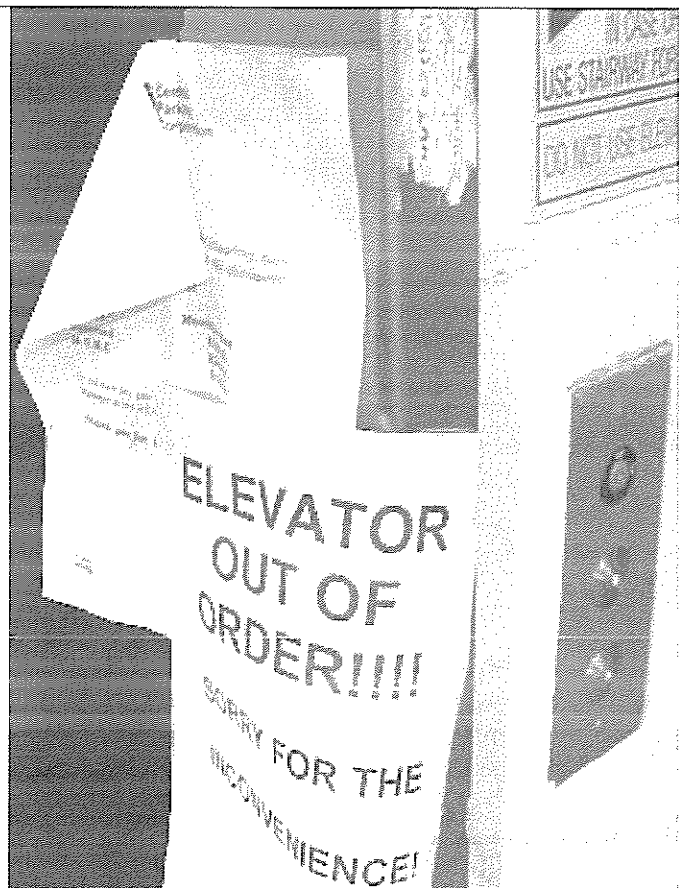
DANGEROUS NEGLECT:

Elevator Safety in New York City
Housing Authority Buildings



Manhattan Borough President
Scott M. Stringer

•
September 2008



About Manhattan Borough President Scott M. Stringer

Scott M. Stringer, a native New Yorker, was sworn in as Manhattan's 26th Borough President in January 2006. During his tenure, Borough President Stringer has led the way in addressing many of Manhattan's most pressing issues, including: increasing community input and response to development and planning projects across the borough; introducing comprehensive reform and empowerment measures to Manhattan's Community Boards; leading the fight to maintain and create new affordable housing units across the borough; empowering parents to better participate in the public school system; investigating and recommending policy action on the city's many transportation issues; and helping working families and small businesses access resources to become and remain self-sufficient. As Borough President, he has also released the following reports:

- Still Crowded Out: An updated analysis of the failure of school construction to keep up with the Manhattan building boom (September 2008);
- Senseless Subsidies: A Report on Tax Benefits Under the Industrial and Commercial Incentive Program (May 2008);
- Crowded Out: School Construction Fails to Keep Up With Manhattan Building Boom (April 2008);
- A Working Balance: Supporting New York City's Families through Paid Family Leave (January 2008);
- We Want You(th)! - Confronting Unregulated Military Recruitment in New York City Public Schools (September 2007);
- Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System (July 2007);
- No Vacancy: The Role of Underutilized Properties in Meeting Manhattan's Affordable Housing Needs (April 2007);
- No Way Out: An Analysis of The New York State Department of Health's Role in Preparing Nursing Homes for Emergencies (December 2006);
- Breaking Parole: An Analysis of The New York State Division of Parole's Caseload Management Guidelines (December 2006);
- The State of Repairs: An Examination of Elevator and Escalator Maintenance and Repairs in New York City's Subway System (August 2006);
- Thinking Outside the Box: An Analysis of Manhattan Gridlock and Spillback Enforcement (July 2006); and
- Parents Dismissed: An Analysis of Manhattan's Community Education Councils and the New York City Department of Education's Role in Engaging Parent Leaders (June 2006).

Acknowledgments

The Borough President thanks his dedicated staff who helped to develop and publish this report.

In particular, the Borough President thanks the following staff members for their work as the primary researchers and writers of this report: Stephen Corson, Policy Analyst; Jonathan Mandell, Deputy Director of Policy and Research; and Scott Schell, Senior Advisor and Director of Policy and Research.

The Borough President also thanks the following staff members who worked on this report: Dan Benjoya, Sari Bernstein, Dawn Billings, Hye Jin Cho, Lenore Cho, Alaina Colon, Brian Cook, Angelica Crane, Alassane Diop, Margaret Dunham, Wendy Garcia, Dan Golub, Keyra Gomez, Jennifer Hong, Shaan Khan, Greg Kirschenbaum, Lauren Kurtz, Paimaan Lodhi, Victoria Nee-Larty, Cuong Nguyen, Anthonine Pierre, Sascha Puritz, Shanifah Rieara, Dick Riley, Jessica Silver, Jenny Sobelman, Jaritza Taveras, Reggie Thomas, Kate Toth, Jason Welch, Jimmy Yan

DANGEROUS NEGLECT: Elevator Safety in New York City Housing Authority Buildings

NYCHA'S SPECIAL PROBLEM

On August 19, 2008, a five-year-old boy named Jacob Neuman died when he fell down an elevator shaft after the doors of his elevator opened in mid-trip at the Taylor-Wythe Houses in Williamsburg, Brooklyn.

A year earlier, 57-year-old Lillian Milán died because, though a severe asthma sufferer, she was forced to walk up the 10 stories to her apartment in Bushwick Houses. She had returned from a doctor's appointment to find both elevators in her building broken, and she had waited hours after calling management to get them fixed.¹

Both elevators were in buildings owned by the New York City Housing Authority ("NYCHA"), the largest landlord in the city.²

Elevators break down; accidents happen. Nationwide, there are thousands of accidents involving elevators every year, and an average of six deaths by elevator passengers every year (more by those working on elevators).³

In New York City alone, where there are almost 60,000 elevators, the fire department was called to rescue almost 11,000 people in 2007 from the stalled elevators in which they had been trapped.⁴

But there are too many indications that the housing authority – home to more than 3,300 elevators⁵ – has a special problem.

¹ "Housing Authority killed my wife, says Brooklyn resident" by Errol Louis, Daily News, September 4th 2007 http://www.nydailynews.com/news/2007/09/04/2007-09-04_housing_authority_killed_my_wife_says_br.html

² U.S. Department of Housing and Urban Development
<http://www.hud.gov/offices/adm/grants/oper/operNY.cfm>

³ "Deaths and Injuries Involving Elevators and Escalators - A Report of CPWR – Center for Construction Research and Training (Revised July 2006)" by Michael McCann, Norman Zaleski
<http://www.cdc.gov/eLCOSH/docs/d0300/d000397/d000397.html>

⁴ Bureau of Intergovernmental Affairs, New York City Fire Department

“UNSATISFACTORY”

Since January 1, 2004, the Housing Authority’s own elevator inspectors gave “unsatisfactory” grades in exactly three-quarters (75 percent) of its frequently conducted and wide-ranging inspections (called “LL 1081” inspections) of NYCHA elevators throughout New York City.⁶

The following are the percentages of LL 1081 inspections of elevators in NYCHA buildings resulting in a grade of “unsatisfactory”, from January 1, 2004 through 2008, year to date, broken down by borough (see also, *Appendix 1* for citywide and borough maps, and *Appendix 2* for unsatisfactory inspection rates, broken down by borough and community district):

- Manhattan: 70%
- Bronx: 66%
- Brooklyn: 84%
- Queens: 77%
- Staten Island: 93%

Of the total of 12 elevators in the six buildings at the DeWitt Clinton Houses in East Harlem, inspectors found only one elevator to be satisfactory, just one time, in five years of LL 1081 inspections from 2004 to 2008 – for a nearly 99 percent unsatisfactory rating.

The Polo Grounds Towers in Harlem did the Clinton Houses one better (or, actually, one worse): All 15 of the elevators in the four 30-story buildings with 1,612 apartments were found to be unsatisfactory for all five years, a 100 percent unsatisfactory rating.

In February of 2007, this state of disrepair had terrifying consequences for 11 residents, including five children, when one of these elevators in the 2955 Eighth Avenue building at the Polo Grounds Towers stalled, trapping them for four hours, until the fire department and the Emergency Service Unit of the police department rescued them. (Such publicized incidents lend

⁵ Fact sheet of the New York City Housing Authority: “NYCHA’s Conventional Public Housing Program has 178,137 (as of July 3, 2008) apartments in 343 developments throughout the City in 2,636 residential buildings containing 3,337 elevators (as of June 30, 2008).”
<http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>

⁶ With the actual experience of Housing Authority tenants who use elevators in mind, the Manhattan Borough President’s Office chose to focus on LL 1081 inspections because they are conducted more frequently than other inspections of Housing Authority elevators and look at a wide-ranging list of potential trouble spots. Ultimately, the 2-year and 5-year inspections focus on important but narrower issues than LL 1081 inspections.

credence to the suggestion that many of the nearly 11,000 annual fire department rescues from stalled elevators are in housing authority buildings.)⁷

Out of the 148 “LL 1081” inspections that were conducted by housing authority inspectors at East Harlem’s Wagner Houses over the past five years, there were only four that resulted in a rating of “satisfactory”. Says Ms. Katie Harris, president of the Wagner Houses’ tenant association: “All of the 37 elevators at Wagner Houses have problems. When one breaks down, you have to call, and somebody comes out in maybe three, four, five hours. They fix it, and then it breaks down again the next morning.”

Outside of Manhattan, there is an equal store of alarming LL 1081 inspection results at NYCHA developments. For instance, during the five-year period covered by our study, in the 18 buildings that make up the Housing Authority’s Boulevard Houses in East New York, Brooklyn, 322 inspections were conducted and all 322 produced an “unsatisfactory” grade. Also receiving a perfect score of unsatisfactory grades – 32 for 32 – were the Reid Apartments in Brooklyn’s Flatbush neighborhood: a particularly troubling finding because the Reid Apartments are home to elderly residents.

To develop this data, the Office of Manhattan Borough President Scott M. Stringer conducted an extensive study and analysis of the publicly available elevator inspection records for every NYCHA building in New York City. The study involved: first, identifying the primary address for all Housing Authority buildings, using both the Housing Authority’s Geographic Information Systems (“GIS”) Web site, and maps from the New York City Open Accessible Space Information System Cooperative (“OASIS”) Web site; and second, examining every elevator inspection record for these Housing Authority addresses available on the Department of Buildings’ Building Information Search (“BIS”) Web site.

The study filtered the elevator inspection data to focus on one of six categories of elevator inspections, the “LL 1081” inspections mandated by the City Council since 1981. LL 1081 inspections are the most comprehensive and the most frequently conducted of the six required inspections, occurring at least once a year and covering four major inspection categories: “Motor Room,” “Hoistway,” “Car,” and “Pit.”

⁷ By Brigitte Williams-James and Tim Perone, New York Post, February 16, 2007
http://www.nypost.com/seven/02162007/news/regionalnews/kids_elevator_anguish_regionalnews_brigitte_williams_james_and_tim_perone.htm

“MINOR” PROBLEMS

What does the “unsatisfactory” rating mean? Neither the Department of Buildings nor the New York City Housing Authority fully explains the meaning of this rating on their Web sites or anywhere else easily accessible to the average tenant. In response to our inquiries, an official from the New York City Housing Authority said that “unsatisfactory” could mean anything from a broken light bulb to a hazardous condition. An official with the Department of Buildings pointed out that there were 35 aspects of the elevator that are checked in a LL 1081 inspection, and that an unsatisfactory in any one of these (even cleanliness) would require an unsatisfactory grade. (See the Methodology section below for a further discussion of the ratings.)

The most compelling example involves what occurred at the Taylor-Wythe Houses in Williamsburg, Brooklyn, in August. Every passenger elevator built in the past two decades is required by the elevator code established by the American Society of Mechanical Engineers to have a device called a door restrictor.⁸ When an elevator is more than 18 inches above or below a landing, the door restrictor prevents the car from opening more than four inches – enough to yell out for help, not enough to climb out. Our investigation suggests that the elevator at 70 Clymer Street did not have this device⁹; if it had such a working door restrictor, the tragedy of Jacob Neuman’s death may have been avoided.

As we learned from the “broken windows” strategy for reducing street crime, and more recently from the tolerance of open “minor” violations on construction sites, when so-called minor problems are allowed to become the norm, tragedy can follow. A guiding principle of city governance, at least since Mayor Giuliani’s institution of the COMPSTAT crime-fighting strategy, is that accurately and transparently measuring a problem is the first step toward solving it. Mayor Bloomberg has employed a similar approach in his insistence on measuring school performance.

A monitoring system that tolerates a 75 percent citywide unsatisfactory rate of elevator inspections is unacceptable and flies in the face of good government, by any measure. If these unsatisfactory ratings include a large percentage of so-called minor problems, then a differentiation between minor problems and safety hazards should be communicated to NYCHA

⁸ Interview with Geraldine Burdeshaw, secretary of the committee on the elevator code of the American Society of Mechanical Engineers.
<http://cstools.asme.org/csconnect/CommitteePages.cfm?Committee=L01030000>

⁹ Interviews with past and former staff of the New York City Housing Authority and the New York City Department of Buildings, who requested anonymity.

residents and the general public. When an unsatisfactory rating reflects a seriously dangerous condition, that condition must be highlighted and quickly remedied.

THE EXPLANATIONS

Many people give different explanations for the poor state of repair of the elevators in the housing authority buildings, some with little evidence.

A common charge is that the elevators are frequently **vandalized**.

Tenants are more likely to point to **poor follow-up** to their complaints.

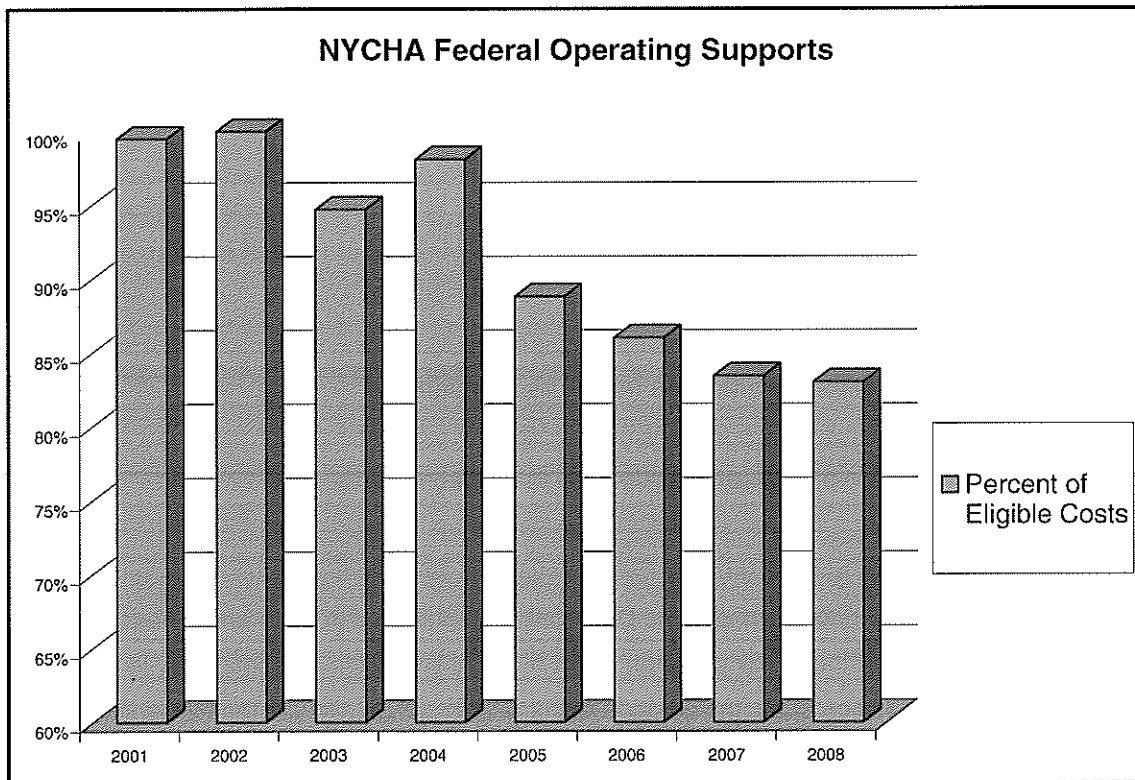
Others indicate a **lack of accountability**. Every elevator in New York must be inspected five times over a two-year period. Normally, the Department of Buildings does three of these inspections; the owner of the building is required to hire a licensed elevator inspector to do the remaining two.¹⁰ But, since 1992, the Department of Buildings has allowed the Housing Authority to do all of these regular inspections. There is no such arrangement with any other organization or agency.¹¹

But everybody points to the **lack of adequate funding**. In 2006, the Housing Authority's total capital needs for the following five years was reported to be \$6.76 billion, yet the total capital budget over those five years was only \$2.0 billion. The federal government's reimbursement to the authority for eligible expenses (expenses for the almost 90 percent of the Housing Authority's buildings that were built with federal money) has gone from 100 percent in 2002 to 83 percent in 2008.¹²

¹⁰ New York City Building Code, Title 27, Chapter 1, Subchapter 18, page 4
http://www.nyc.gov/html/dob/downloads/bldgs_code/bc27s18.pdf

¹¹ Intergovernmental Affairs, Department of Buildings

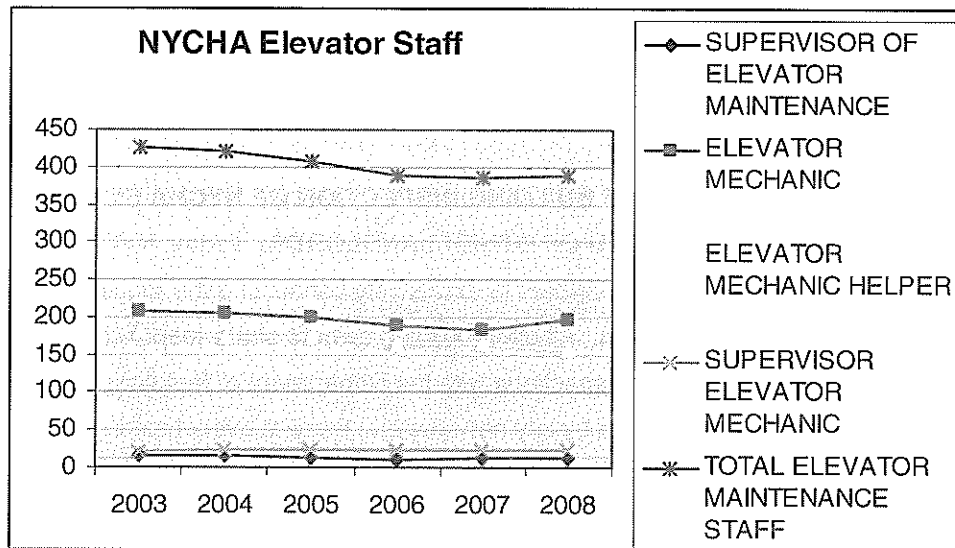
¹² Analysis of the New York City Housing Authority budget by the Independent Budget Office, at the request of the Manhattan Borough President's Office.



At the same time, the Housing Authority's costs have increased sharply, due in part to the rise of energy prices and to increased compensation in collective bargaining agreements.

It is unclear how this plays out specifically with regard to elevator inspection, maintenance and repair. There has been an eight percent decrease in elevator maintenance staff at the Housing Authority over the past five years, from 425 to 390.¹³

¹³ Analysis by the Independent Budget Office, for the Manhattan Borough President



While the decrease in the Housing Authority's budget is clear and alarming, there is also some evidence that better, more nimble management could be making a difference.

The elevator that opened in mid-trip, resulting in the death of five-year-old Jacob Neuman, was supposed to have been replaced in 2004.¹⁴ While the housing authority could certainly claim it was unable to afford the cost of such a replacement, it would be hard to argue that they could not have bought a door restrictor – its price tag can be as low as \$400.

WHAT SHOULD BE DONE: RECOMMENDATIONS

The findings in this report should spur all responsible parties in city government to take swift action to remedy the chronic problems plaguing NYCHA elevators. The Manhattan Borough President recommends these six initiatives and welcomes additional constructive proposals:

1. **MANDATORY DOOR ZONE RESTRICTORS.** Every elevator in a NYCHA building should be required by law to possess a door zone restrictor preventing elevator doors from opening more than four inches wide when the elevator stops between floors. This essential safety device is mandated as required elevator equipment by the American

¹⁴ "A History Of Problems In A Time Of Dwindling Budgets" by Ray Rivera, The New York Times, August 20, 2008; <http://www.nytimes.com/2008/08/20/nyregion/20elevators.html>

"Brooklyn Boy, 5, Falls 10 Stories to His Death After Public Housing Elevator Stalls" by Christine Hauser, The New York Times, August 20, 2008; <http://www.nytimes.com/2008/08/20/nyregion/20fall.html>

Society of Mechanical Engineers. The current regulatory distinction in New York City between elevators of different vintages, requiring the door zone restrictor for newer elevators but not for older elevators, simply makes no sense and is a recipe for disaster.

2. **PERIODIC DEPARTMENT OF BUILDING INSPECTION OF NYCHA ELEVATORS, SIMILAR TO THAT REQUIRED OF OTHER LANDLORDS.** Today, NYCHA is unique among New York City building owners in exclusively conducting the regularly scheduled inspections of its own elevators. All other building owners share responsibility for regularly scheduled elevator inspections with the Department of Buildings. In this report and recent investigative reports by city newspapers, there is overwhelming evidence in favor of ending the special exemption and instituting a new regime requiring the Department of Buildings to engage in Housing Authority inspections on the same terms that it oversees other building owners.

3. **INTER-AGENCY COORDINATION AMONG THE NEW YORK CITY HOUSING AUTHORITY, DEPARTMENT OF BUILDINGS, AND NEW YORK CITY FIRE DEPARTMENT.** In 2007, the New York City Fire Department rescued almost 11,000 people from city elevators. How many of these rescues occurred in NYCHA buildings? The Manhattan Borough President's Office was unable to learn this fact. However, anecdotal evidence strongly suggests that the percentage of FDNY elevator rescues in NYCHA buildings is disproportionately high relative to the population of NYCHA residents.

Similar to the benefit we have seen from improved inter-agency communication regarding construction safety, cross-agency communication and coordination among NYCHA, DOB, and FDNY on elevator safety could inform the public about the proportion of overall elevator rescues that take place on NYCHA property, the most commonly encountered elevator hazards, and remedies that would enhance the safety of elevator passengers.

4. **INCREASED SUPPORT FROM ALL LEVELS OF GOVERNMENT.** In recent years, the federal, state, and city funding streams for NYCHA all have declined. Federal support for NYCHA has been reduced from 100 percent of eligible expenses in 2002, to 83 percent of eligible expenses in 2008. The number of NYCHA elevator maintenance personnel is in decline. NYCHA's capital budget is woefully inadequate. And budget pressures will now grow substantially worse. Regardless, no budget priority comes before safety, and government funding must be dedicated to fixing NYCHA's elevator safety emergency.

5. **PUBLIC DISCLOSURE OF MEANINGFUL ELEVATOR INSPECTION DATA.** An elevator inspection protocol that informs the public only of “satisfactory” and “unsatisfactory” grades, and that attributes the “unsatisfactory” grade to everything from a broken light bulb to an extremely hazardous condition, is a protocol that must be reformed. The detailed and accurate measurement of a problem, in combination with full and transparent public disclosure of information, has proven to be an effective antidote to many chronic New York City problems. It should be employed here, starting with a more detailed and understandable set of grades made available to the public by the Housing Authority and the Department of Buildings.
6. **TARGETS FOR IMPROVED REGULATORY COMPLIANCE.** A reformed inspection protocol, replacing the “satisfactory” / “unsatisfactory” grading system will establish new benchmarks for judging NYCHA’s elevator safety record. Therefore, beyond stating the obvious – that a 75 percent “unsatisfactory” rate for elevator inspections is an embarrassment – it is impossible to set forth here new targets for elevator compliance. Nonetheless, to highlight the urgency of reform, responsible city agencies should establish one-year and five-year targets for improved inspections of NYCHA elevators.

METHODOLOGY

All public housing developments listed on the New York City Housing Authority’s Geographic Information Systems (“GIS”) Web site¹⁵ were extracted and identified for use in determining the “unsatisfactory” ratings of elevator inspections in housing authority buildings. Each primary address listed on the NYCHA GIS Web site was then entered into the Department of Buildings’ Building Information Search (“BIS”) database.¹⁶ Other building addresses in each listed Housing Authority development were subsequently identified using links within the BIS Search Web site and by using maps from the New York City’s Open Accessible Space Information System Cooperative (“OASIS”) Web site.¹⁷

From the BIS Web site, elevator records were obtained and stored in spreadsheets so that data could be organized in meaningful subsections. Every available elevator record from every listed NYCHA development was collected for analysis: 87,994 in total. The table below lists the number of elevator inspection records that were collected by borough.

¹⁵ <http://gis.nyc.gov/nycha/im/NychaStart.do?sessionId=9C8954C8A1B1E6A5A0F34517AE813B0F>

¹⁶ <http://a810-bisweb.nyc.gov/bisweb/bispi00.jsp>

¹⁷ http://www.oasisnyc.net/pages/about_OASIS.htm

Manhattan	23,577
Bronx	15,881
Brooklyn	30,835
Queens	14,501
Staten Island	3,200
NYC TOTAL	87,994

Once obtained, elevator inspection record lists were then filtered down to include only LL 1081 inspections that took place during the five years from January 1, 2004 to the present. Results were then presented using whole numbers and percentages.

LIMITATIONS

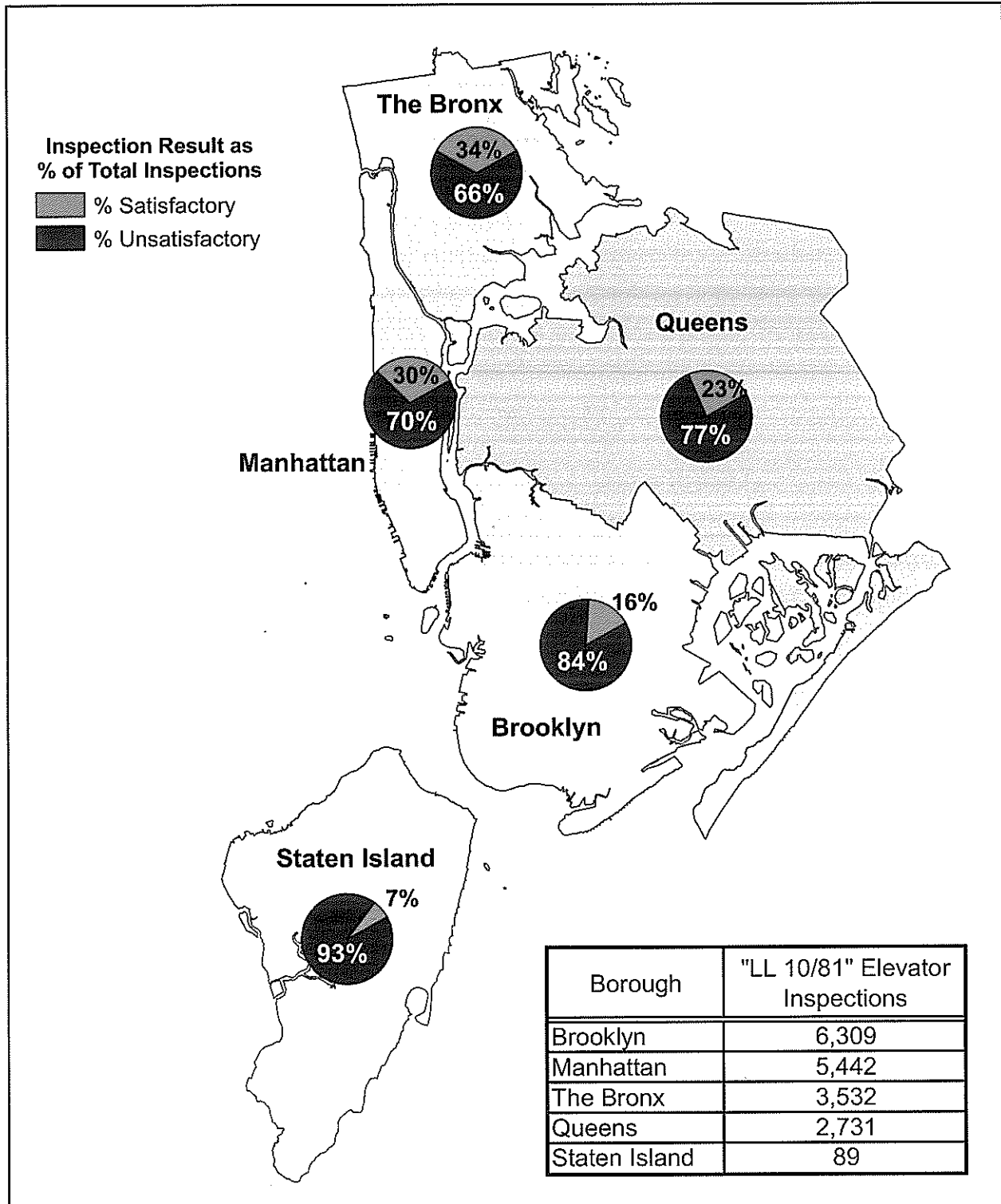
Because the data used in this investigation relies on information from the Web sites of the New York City Housing Authority and the Department Of Buildings, any inaccuracies in the information provided by these agencies will be reflected in the results generated by the Manhattan Borough President's Office.

There also is the question of the study's use of only one type of elevator inspection, the LL 1081. There are six different inspections that can be performed on a Housing Authority elevator, and the ratings resulting from multiple inspections of a single elevator can sometimes be bafflingly contradictory. For example, at Wagner Houses, every single "2-year" and "5-year" inspection over the past five years is listed as satisfactory, while almost 98 percent of the LL 1081 inspections are unsatisfactory. With the actual experience of Housing Authority tenants who use elevators in mind, the Manhattan Borough President's Office chose to focus on LL 1081 inspections because they are conducted more frequently than other inspections of Housing Authority elevators and look at a large list of potential trouble spots. Ultimately, the 2-year and 5-year inspections focus on important but narrower issues than LL 1081 inspections.

Appendix 1:

**Maps of "LL 10/81" Elevator Inspection Results
NYCHA Buildings by Borough and Community District,
2004-2008**

"LL 10/81" ELEVATOR INSPECTION RESULTS NYCHA Buildings by Borough, 2004-2008

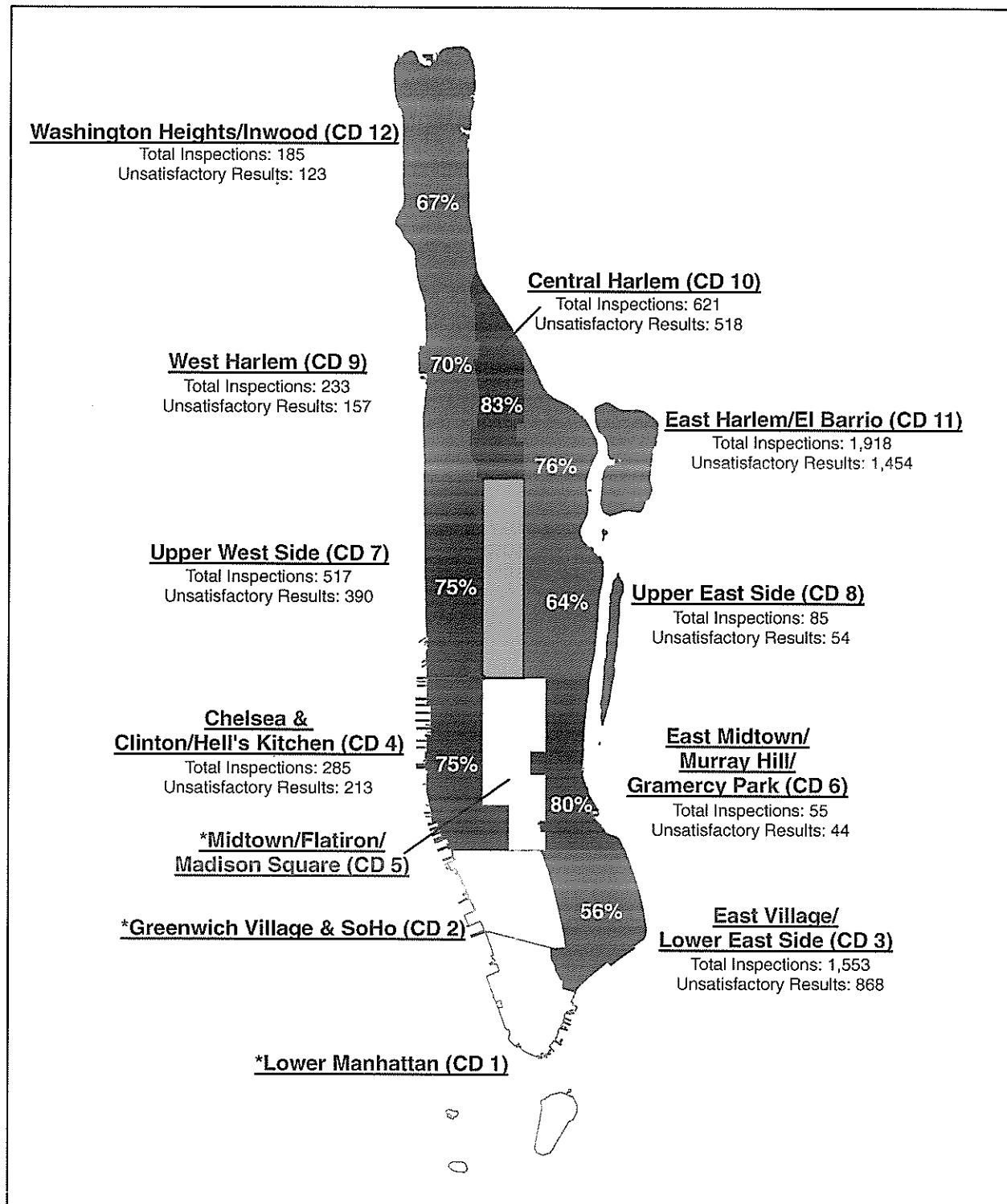


NEW YORK CITY BOROUGHES



Office of Manhattan Borough President
Scott M. Stringer

"LL 10/81" ELEVATOR INSPECTION RESULTS - "UNSATISFACTORY" NYCHA Buildings by Community District (CD), 2004-2008



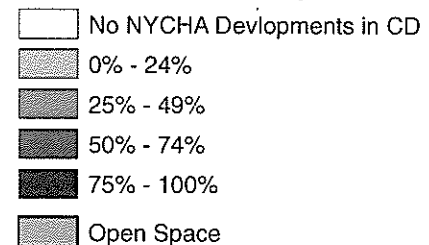
MANHATTAN



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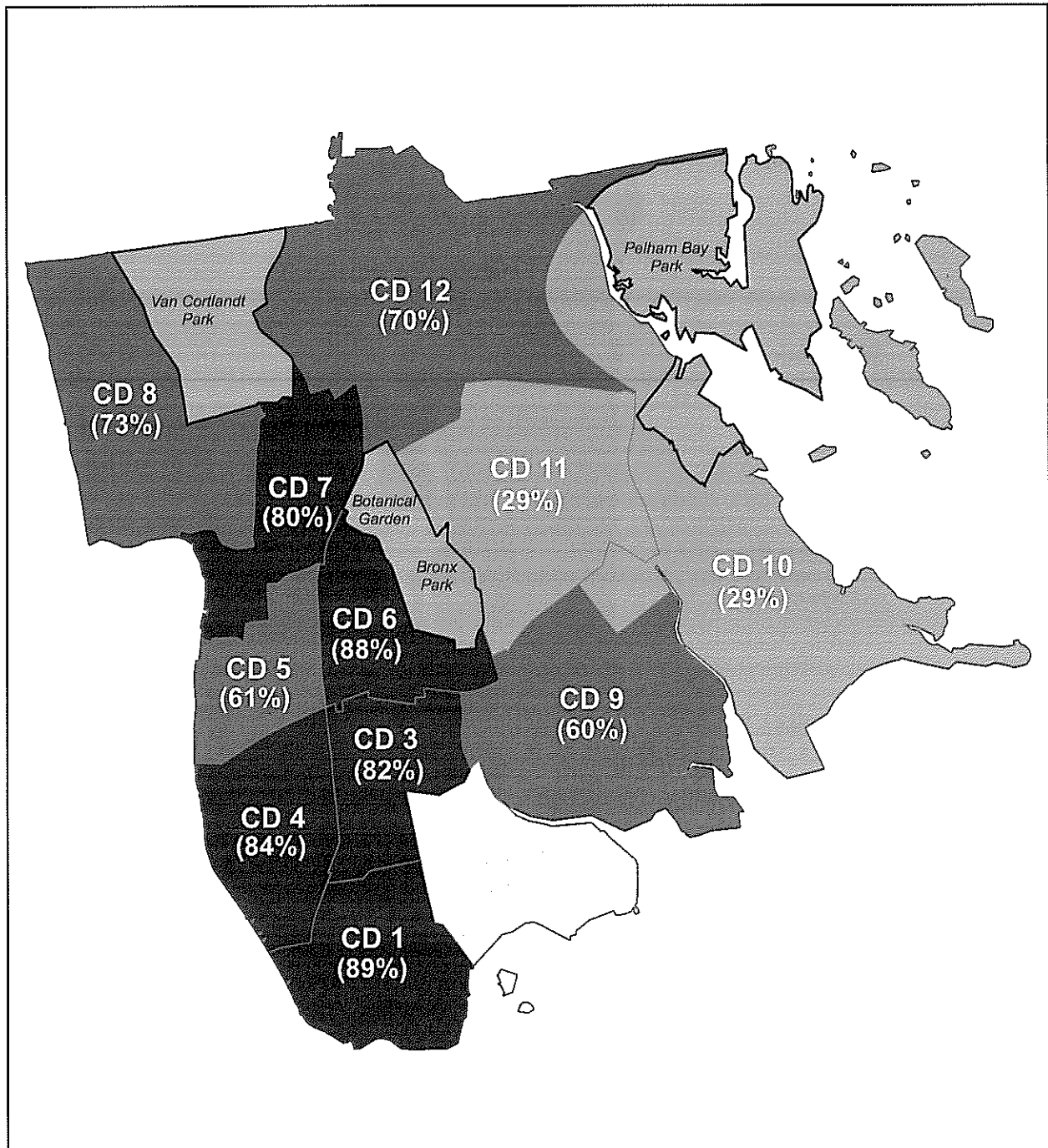
Base Map: NYC DCP Community Districts Release 08A, April 2008
NYCHA Elevator Inspection Data: NYC Department of Buildings' "Buildings Information System"
*Community Districts 1, 2, and 5 do not contain any NYCHA developments.

% of Total Inspections Deemed Unsatisfactory



"LL 10/81" ELEVATOR INSPECTION RESULTS - "UNSATISFACTORY"

NYCHA Buildings by Community District (CD), 2004-2008

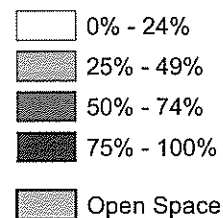


BRONX

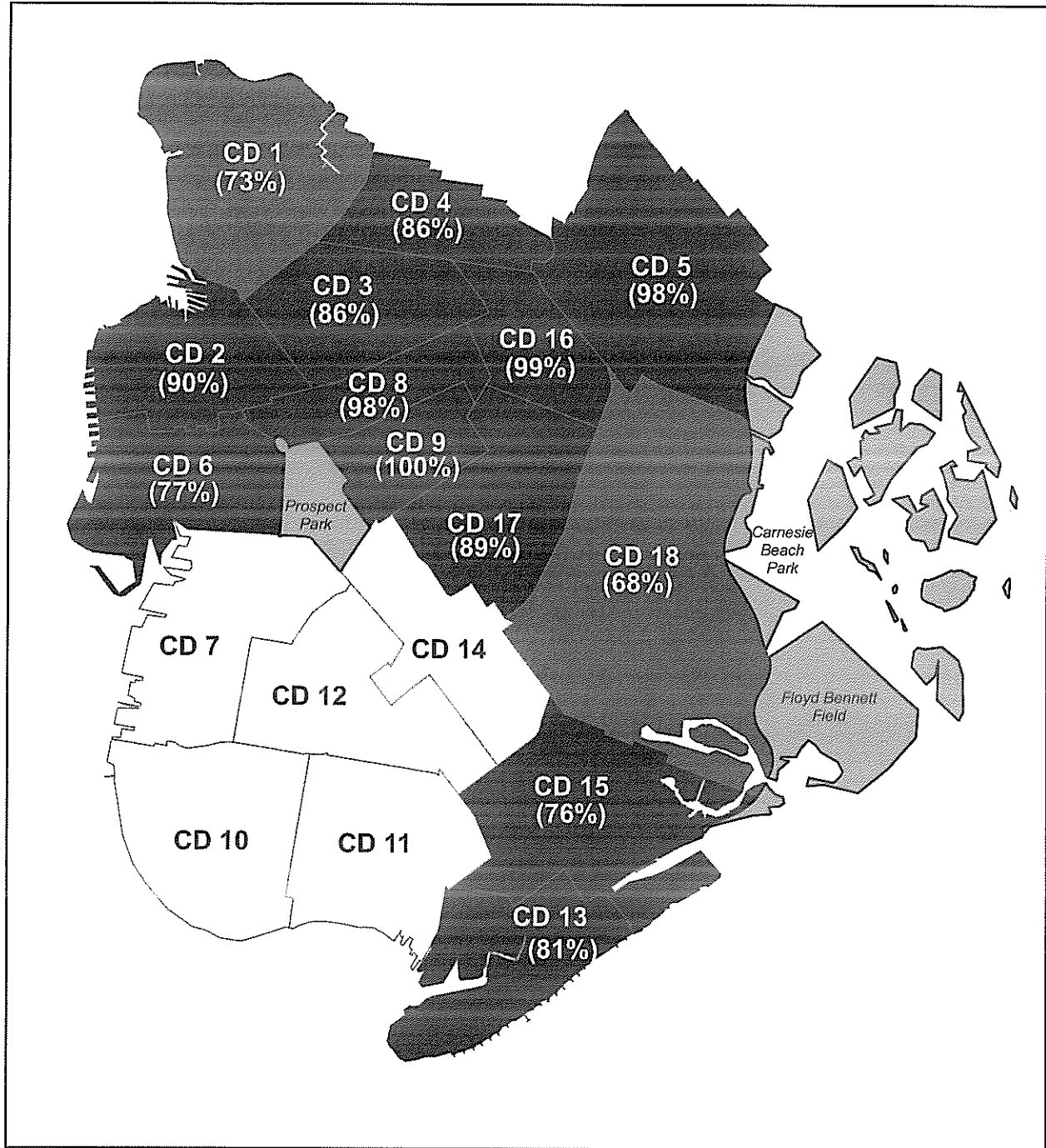


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% of Total Inspections Deemed Unsatisfactory



"LL 10/81" ELEVATOR INSPECTION RESULTS - "UNSATISFACTORY" NYCHA Buildings by Community District (CD), 2004-2008

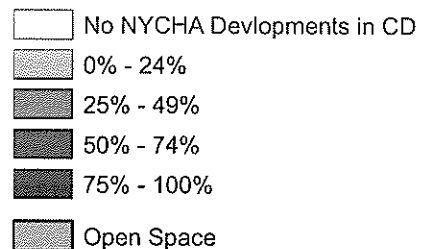


BROOKLYN



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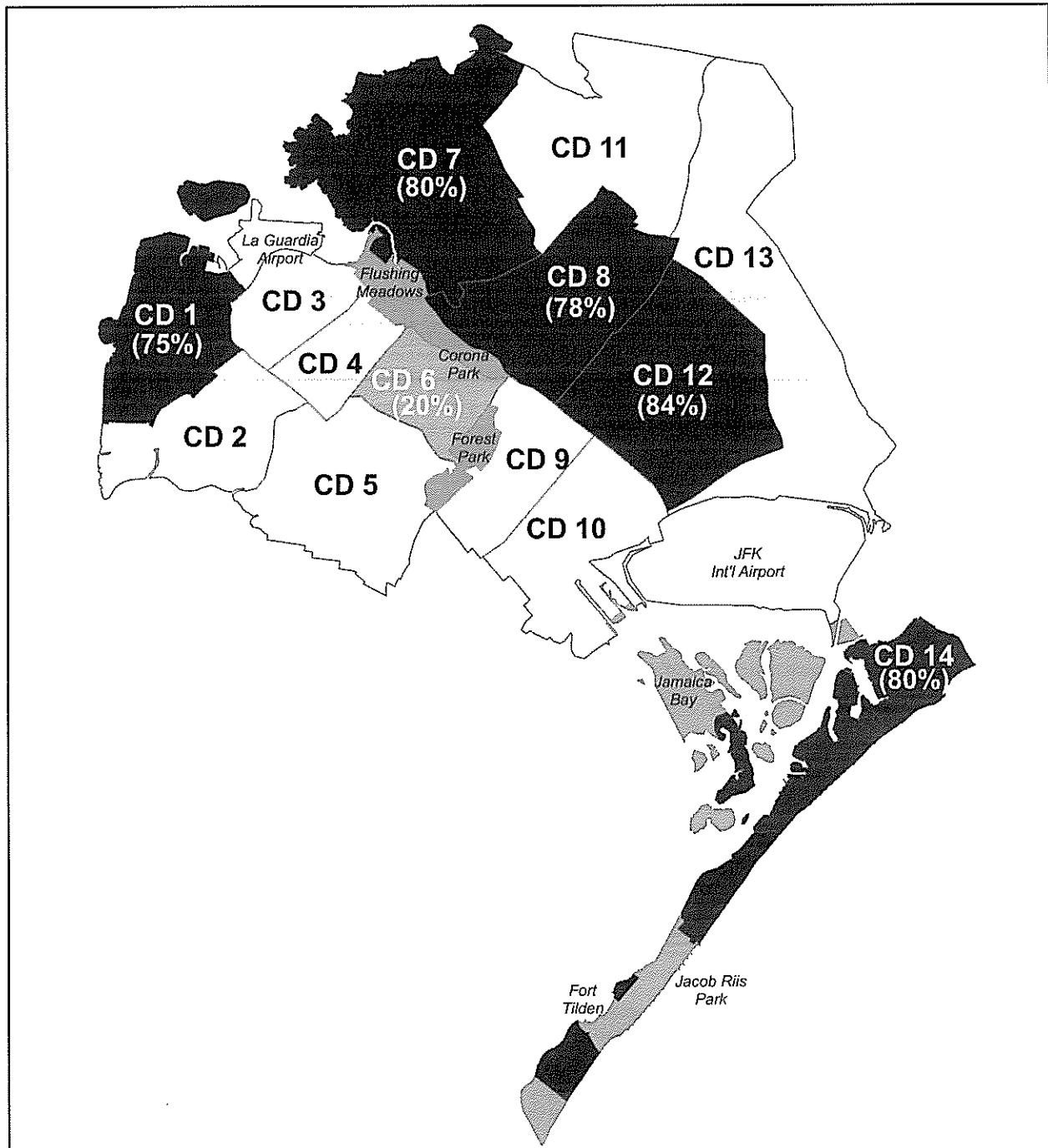
% of Total Inspections Deemed Unsatisfactory



Base Map: NYC DCP Community Districts Release 08A, April 2008
NYCHA Elevator Inspection Data: NYC Department of Buildings' "Buildings Information System"
*Community Districts 7, 10, 11, 12, and 14 do not contain any NYCHA developments.

"LL 10/81" ELEVATOR INSPECTION RESULTS - "UNSATISFACTORY"

NYCHA Buildings by Community District (CD), 2004-2008

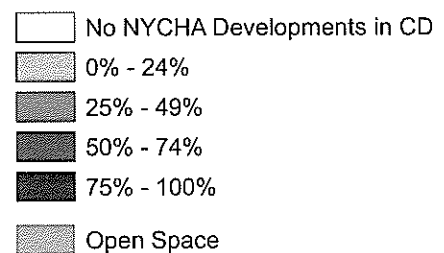


QUEENS



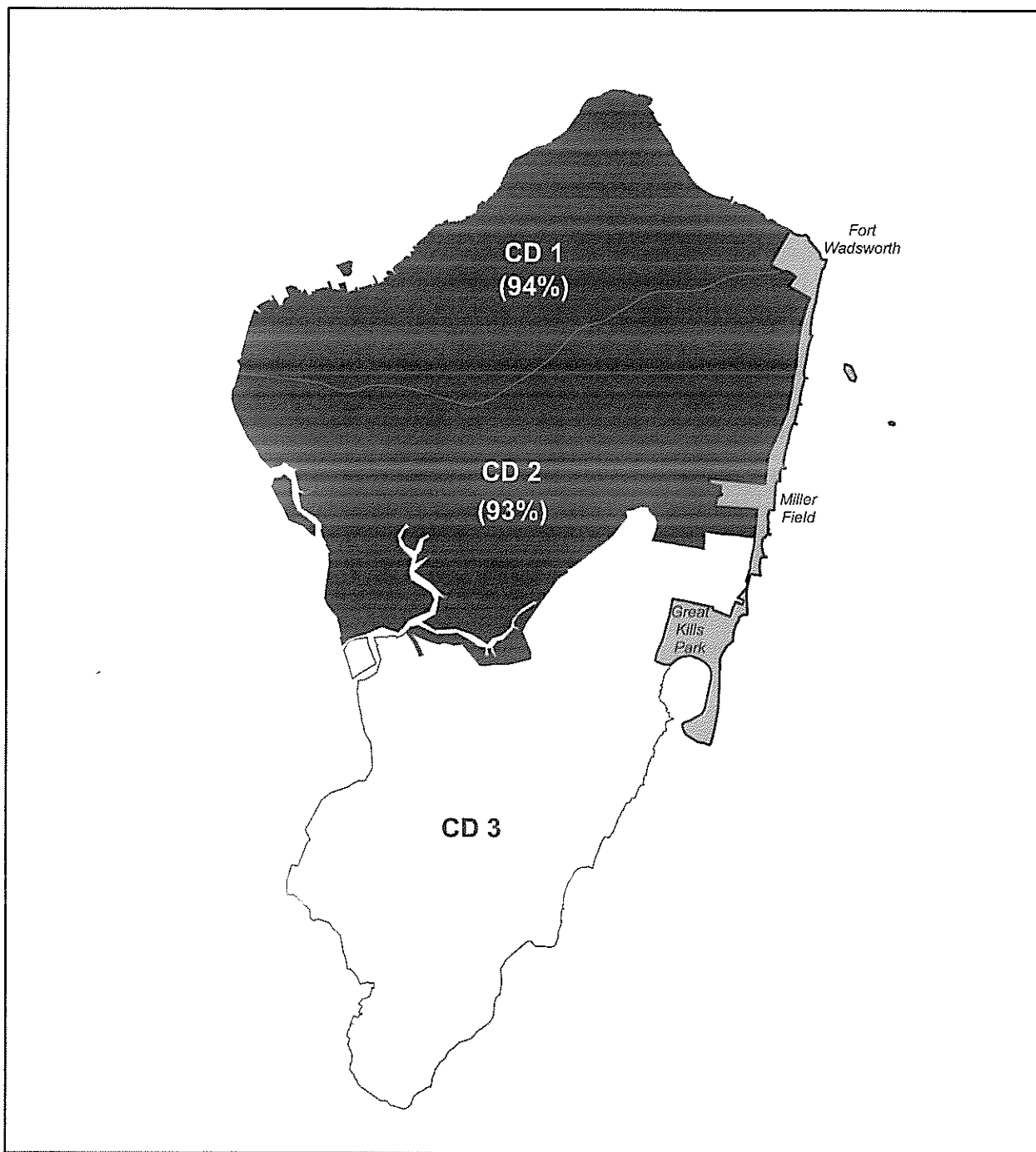
Office of Manhattan Borough President
Scott M. Stringer

% of Total Inspections Deemed Unsatisfactory



Base Map: NYC DCP Community Districts Release 08A, April 2008
NYCHA Elevator Inspection Data: NYC Department of Buildings' "Buildings Information System"
*Community Districts 2, 3, 4, 5, 9, 10, 11, and 13 do not contain any NYCHA developments.

"LL 10/81" ELEVATOR INSPECTION RESULTS - "UNSATISFACTORY" NYCHA Buildings by Community District (CD), 2004-2008

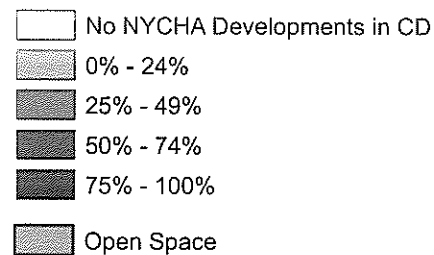


STATEN ISLAND



Office of Manhattan Borough President
Scott M. Stringer

% of Total Inspections Deemed Unsatisfactory



Base Map: NYC DCP Community Districts Release 08A, April 2008
NYCHA Elevator Inspection Data: NYC Department of Buildings' "Buildings Information System"
*Community District 3 does not contain any NYCHA developments.

APPENDIX 2:

LL 10/81 Elevator Inspection Results NYCHA Buildings 2004-08

Manhattan

5,442 Total inspections conducted

1,621 Satisfactory – 29.8%

3,821 Unsatisfactory – 70.2%

Community District 3

1,553 Total inspections conducted

685 Satisfactory – 44.1%

868 Unsatisfactory – 55.9%

Community District 9

223 Total inspections conducted

66 Satisfactory – 29.6%

157 Unsatisfactory – 70.4%

Community District 4

285 Total inspections conducted

72 Satisfactory – 25.3%

213 Unsatisfactory – 74.7%

Community District 10

621 Total inspections conducted

103 Satisfactory – 16.6%

518 Unsatisfactory – 83.4%

Community District 6

55 Total inspections conducted

11 Satisfactory – 20%

44 Unsatisfactory – 80%

Community District 11

1,918 Total inspections conducted

464 Satisfactory – 24.2%

1,454 Unsatisfactory – 75.8%

Community District 7

517 Total inspections conducted

127 Satisfactory – 24.6%

390 Unsatisfactory – 75.4%

Community District 12

185 Total inspections conducted

62 Satisfactory – 33.5%

123 Unsatisfactory – 66.5%

Community District 8

85 Total inspections conducted

31 Satisfactory – 36.5%

54 Unsatisfactory – 63.5%

There are no NYCHA buildings in Manhattan Community District 1, Community District 2 and Community District 5.

Bronx

3532 Total inspections conducted
1197 Satisfactory – 33.9%
2335 Unsatisfactory – 66.1%

Community District 1

975 Total inspections conducted
111 Satisfactory – 11.4%
864 Unsatisfactory – 88.6%

Community District 7

10 Total inspections conducted
2 Satisfactory – 20%
8 Unsatisfactory – 80%

Community District 2

13 Total inspections conducted
13 Satisfactory – 100%
0 Unsatisfactory

Community District 8

126 Total inspections conducted
34 Satisfactory – 27%
92 Unsatisfactory – 73%

Community District 3

391 Total inspections conducted
71 Satisfactory – 18.1%
320 Unsatisfactory – 81.9%

Community District 9

400 Total inspections conducted
159 Satisfactory – 39.8%
241 Unsatisfactory – 60.2%

Community District 4

171 Total inspections conducted
28 Satisfactory – 16.4%
143 Unsatisfactory – 83.6%

Community District 10

277 Total inspections conducted
198 Satisfactory – 71.5%
79 Unsatisfactory – 28.5%

Community District 5

177 Total inspections conducted
69 Satisfactory – 39%
108 Unsatisfactory – 61%

Community District 11

543 Total inspections conducted
384 Satisfactory – 70.7%
159 Unsatisfactory – 29.3%

Community District 6

60 Total inspections conducted
7 Satisfactory – 11.6%
53 Unsatisfactory – 88.4%

Community District 12

360 Total inspections conducted
109 Satisfactory – 30.3%
251 Unsatisfactory – 69.7%

Brooklyn

6,309 Total inspections conducted

1,004 Satisfactory – 15.9%

5,305 Unsatisfactory – 84.1%

Community District 1

426 Total inspections conducted

116 Satisfactory – 27.2%

310 Unsatisfactory – 72.8%

Community District 2

399 Total inspections conducted

40 Satisfactory – 10%

359 Unsatisfactory – 90%

Community District 3

1,165 Total inspections conducted

166 Satisfactory – 14.2%

999 Unsatisfactory – 85.8%

Community District 4

85 Total inspections conducted

12 Satisfactory – 14.1%

73 Unsatisfactory – 85.9%

Community District 5

776 Total inspections conducted

16 Satisfactory – 2%

760 Unsatisfactory – 98%

Community District 6

821 Total inspections conducted

186 Satisfactory – 22.7%

635 Unsatisfactory – 77.3%

Community District 8

126 Total inspections conducted

2 Satisfactory – 1.6%

124 Unsatisfactory – 98.4%

Community District 9

32 Total inspections conducted

0 Satisfactory

32 Unsatisfactory – 100%

Community District 13

753 Total inspections conducted

145 Satisfactory – 19.3%

608 Unsatisfactory – 80.7%

Community District 15

542 Total inspections conducted

133 Satisfactory – 24.5%

409 Unsatisfactory – 75.5%

Community District 16

612 Total inspections conducted

6 Satisfactory – 1%

606 Unsatisfactory – 99%

Community District 17

9 Total inspections conducted

1 Satisfactory – 11.1%

8 Unsatisfactory – 88.9%

Community District 18

547 Total inspections conducted

177 Satisfactory – 32.4%

370 Unsatisfactory – 67.6%

There are no NYCHA buildings in Brooklyn Community District 7, Community District 10, Community District 11, Community District 12 and Community District 14.

Queens

2731 Total inspections conducted
635 Satisfactory – 23.3%
2096 Unsatisfactory – 76.7%

Community District 1

1302 Total inspections conducted
326 Satisfactory – 25%
976 Unsatisfactory – 75%

Community District 8

483 Total inspections conducted
106 Satisfactory – 21.9%
377 Unsatisfactory – 78.1%

Community District 6

30 Total inspections conducted
24 Satisfactory – 80%
6 Unsatisfactory – 20%

Community District 12

139 Total inspections conducted
23 Satisfactory – 16.5%
116 Unsatisfactory – 83.5%

Community District 7

151 Total inspections conducted
31 Satisfactory – 20.5%
120 Unsatisfactory – 79.5%

Community District 14

626 Total inspections conducted
125 Satisfactory – 20%
501 Unsatisfactory – 80%

There are no NYCHA buildings in Queens Community District 2, Community District 3, Community District 4, Community District 5, Community District 9, Community District 10, Community District 11, and Community District 13.

Staten Island

89 Total inspections conducted

6 Satisfactory – 6.7%

83 Unsatisfactory – 93.3%

Community District 1

46 Total inspections conducted

3 Satisfactory – 6.5%

43 Unsatisfactory – 93.5%

Community District 2

43 Total inspections conducted

3 Satisfactory – 7%

40 Unsatisfactory – 93%

There are no NYCHA buildings in Staten Island Community District 3.

New York City (all boroughs)

18,103 Total inspections conducted

4,463 Satisfactory – 24.7%

13,640 Unsatisfactory – 75.3%

**TESTIMONY OF GREGORY FLOYD,
PRESIDENT OF TEAMSTER LOCAL 237,
BEFORE THE SUBCOMMITTEE ON PUBLIC HOUSING**

Good Afternoon, ladies and gentlemen. My name is Gregory Floyd, and I am President of Teamster Local 237. Our union is the bargaining representative for 375 Elevator Mechanics, Elevator Mechanic Helpers and Elevator Mechanic Supervisors employed by the New York City Housing Authority (NYCHA). I thank Chairwoman Mendez and the other members of the subcommittee for allowing me this opportunity to testify.

Today's hearing responds to legitimate public concern over maintenance and safety of elevators in NYCHA developments. All New Yorkers were sad to read of the deaths at Independence Towers and Bushwick Houses that resulted, at least in part, from elevator mishaps. Inevitably, some in the media have targeted our Elevator mechanics as the culprit in these events. My union's perspective on the matter is entirely different.

Here is the core fact: NYCHA elevator workers have an almost impossible daily task; but they manage to perform it well. *Only 185 Mechanics* – the employees who perform direct, hands-on service and repair of equipment – are responsible for 3,335 *elevators* across the five boroughs. The equipment they service is generally quite old. It is subject to intense use – and, inevitably, some abuse – by hundreds of thousands of NYCHA residents who take millions of elevator trips on a weekly basis. Mechanics, in

short, have their hands full under the best circumstances. And the current circumstances are certainly *not* the best.

One of the deadliest consequences of the Bush Administration cuts to NYCHA's budget – which have totaled over \$611 million in eight years – is that NYCHA has been forced to cease its regular program of rehabbing elevators. Within recent years as many as 40 contractors worked annually on NYCHA equipment to upgrade it. The result of halting this regular rehab work is inevitable – elevators increasingly breakdown from age and heavy use.

A particularly bad choke point results from elimination of the regular rehabilitation program. Much of NYCHA's elevator stock is so outdated that replacement parts are no longer manufactured and can be difficult to locate, resulting in serious delays of the repairs that must be performed by our Mechanics. Veterans at NYCHA remember “good old days” of a storage facility filled with elevator parts. Today, parts identified as necessary for repairs must be ordered.

Again, I must re-emphasize there is no problem with our Elevator workforce at NYCHA. The mechanics training facility in Long Island City is top flight. The workforce is dedicated and capable. To the extent we must identify a problem with elevator service and safety in NYCHA developments, it results from the awful cuts in NYCHA's federal budget.

Of course Chairwoman Mendez and members of this Committee have been aware of the funding crisis in NYCHA, and have played a crucial leadership role in warning the public of the impact of federal budget cuts. I and my union pledge our continuing support for your efforts to publicize this budget gap that threatens the viability of New York City Housing Authority developments.



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***Council of the City Of New York
Subcommittee on Public Housing
The Honorable Rosie Mendez, Chair***

**Oversight Hearing:
Elevator Safety in NYCHA Buildings**

**Testimony of Carolyn Stem
The New York Academy of Medicine**

***October 29, 2008
New York City***

Good afternoon, my name is Carolyn Stem. I am with The New York Academy of Medicine (NYAM). NYAM has been advancing the health of people living in cities since 1847. An independent organization, NYAM addresses the health challenges facing the world's urban populations through interdisciplinary approaches to policy leadership, education, community engagement, and innovative research. Drawing on the expertise of diverse partners worldwide and more than 2,000 elected Fellows from across the professions, our current priorities are to create environments in cities that support healthy aging; to strengthen systems that prevent disease and promote the public's health; and to implement interventions that eliminate health disparities. Thank you for allowing us the opportunity to submit this testimony.

Mamie Williams and her mother, Irene Wells Kibbler, live together in the East River Housing Development, which is located at 102nd Street and 1st Avenue in Manhattan. Ms. Williams, age 81, is the primary caretaker for her mother, who has limited mobility and celebrated her 100th birthday this past month. However, Ms. Kibbler's birthday weekend was nearly ruined by the

condition of the elevator in her building. On the day of her party the elevator stopped working. If they were to attend Ms. Kibbler's birthday party, mother and daughter were forced to walk down the stairs with the help of a neighbor from their fourth floor apartment.

Several hours after the celebration, they returned home and found the elevator still not operating. Not wanting to struggle up the stairs, they sat outside their building for nearly two hours until the elevator was working. For them, these are common, expected, and predictable occurrences. Sadly, such experiences are common for many older people living in high-rise buildings in New York City, but it is particularly acute for NYCHA because of its large percentage of older tenants. As of June 2008, nearly 35 percent of all NYCHA households were headed by persons over 62 years-of-age.¹ While many of these older adults are active and healthy, some are not.

Older persons with physical, sensory or cognitive impairments may be excluded from economic and social participation because of environmental, architectural or other physical barriers, such as lack of a working elevator. Such barriers can limit the ability of some older adults to leave the house each day, which can rob them of the long-term functional and health benefits associated with going outdoors daily.² For people with disability or impaired mobility, independence can often be maintained if the environment is accessible – and for many, that requires dependable alternatives to stairs. An age-friendly city should respect and accommodate all capacities. Planning is needed to ensure that, as New York City's older population increases over the coming years, NYCHA developments are accommodating to, and supportive of, a diversity of needs.

We heard this loud and clear recently while carrying out a year-long dialogue with over 1,500 older people throughout the five boroughs. In community forums, focus groups, and interviews throughout the City, older New Yorkers told NYAM what it is like to live in the city from their perspective. These discussions were part of the *Age-friendly New York City* Initiative, a

¹ New York City Housing Authority (NYCHA). Fact sheet. Available online <<http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>> Accessed September 25, 2008

² Jacobs, J., Cohen, A., Hammerman-Rozenberg, R., Azoulay, D. Maaravi, Y., and Stessman, J. (2008). Going outdoors daily predicts long-term functional and health benefits among ambulatory older people. *Journal of Aging Health*, 20, 259-272.

partnership between NYAM, the New York City Mayor's Office, and the New York City Council designed to make the city a better place in which to grow old. NYAM's new report, *Toward an Age-friendly New York City*, presents the major themes to emerge from these discussions. The report is available online at NYAM's website: www.NYAM.org.

We look forward to your continued leadership as we work to make New York City a more "age-friendly" urban community.

Thank you.

THE COUNCIL
THE CITY OF NEW YORK

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I represent: FORMER TENANT OF Polo Grounds

Address: (RANGEL HOUSES)

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Name: Gregory Floyd

Address: _____

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Address: 216 W 14th St

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Name: Carolyn Stem

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Address: 121 Wilson St. Apt. 4F

I represent: Resident LEADER: Resident of Public Housing

Address: Directn Civil Service MEAT Council

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Name: Tino Hernandez

Address: 250 Broadway

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Name: Douglas Apple

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I represent: NYCHA

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