

**TESTIMONY FROM NYCHA GENERAL MANAGER CECIL HOUSE
NYCHA'S EFFORTS TO REPAIR, REBUILD, AND RECOVER IN THE WAKE OF SANDY AND
OTHER DISASTERS
COMMITTEE ON PUBLIC HOUSING
WEDNESDAY, NOVEMBER 20, 2013 – 1:30 PM
COMMITTEE ROOM, CITY HALL, NEW YORK, NY**

Chairwoman Rosie Mendez, members of the Committee on Public Housing, and other distinguished members of the City Council, good afternoon. Thank you for the opportunity to discuss with you the New York City Housing Authority's (NYCHA) ongoing efforts to repair, rebuild, and recover in the wake of Superstorm Sandy. I am Cecil House, General Manager of the New York City Housing Authority. Joining me today are Raymond Ribeiro, NYCHA's Executive Vice President for Capital Projects; Carlos Laboy-Diaz, Executive Vice President for Operations; and other members of NYCHA's team.

Unprecedented Damage and the Need to Repair Better

As I testified before the City Council in January of this year, Superstorm Sandy presented our city and NYCHA developments with severe devastation. Members of this Committee saw firsthand some of the extensive damage to our buildings and infrastructure in tours of various developments immediately following the storm. Eighty thousand of our residents in 423 buildings were significantly affected, many of whom are still feeling the impact one year later. Despite the unprecedented challenges, NYCHA addressed the storm's destruction systematically, and with flexibility, hard work, and innovation. Our employees accomplished a great deal in the weeks after Sandy hit, working around the clock to restore electricity, heat, and hot water for our residents.

- We installed 23 mobile boilers and brought another group of boilers back online.
- We restored service to 397 elevators.
- We installed more than 100 generators.
- We hired 100 supplemental cleaning crews.

- We knocked on the doors of more than 24,000 units and made calls to another 33,000 to remediate mold.
- We issued approximately 350 emergency transfer vouchers for Sandy victims to locate alternate housing and coordinated building inspections in the impacted areas, advising tenants of the option to receive an immediate transfer voucher, where necessary.

This is just a small sample of the work required to respond to Superstorm Sandy. Support from Mayor Bloomberg's administration, other City agencies, union partners, as well as our federal and state partners, including the U.S. Army Corps of Engineers, the U.S. Department of Housing and Urban Development (HUD), and the Federal Emergency Management Agency (FEMA), was crucial to our results.

While NYCHA has made great strides in our restoration and preparation efforts in the past year, as you saw during our tour in Red Hook, Brooklyn, on November 1, there is still more work to be done. For instance, as of today, 24 temporary mobile boilers remain in place to provide heat for our residents until permanent repairs are made or permanent replacement boilers are installed. This may take another two heating seasons to complete. Moreover, we must rebuild infrastructure smarter and better to ensure that our buildings in the impacted areas can withstand any future disasters or extreme weather events.

This afternoon, I will give you an overview of our efforts to better protect against and prepare for emergencies, our plans to ensure resiliency for the long-term (provided sufficient funding is made available), and the funds received so far for our restoration work.

Organizational Transformation

Once we restored critical services – faster than many private landlords – we focused on relocating and rehousing impacted families, remediating apartments

and public spaces, and assessing and developing long-term capital solutions. In addition, we launched a thorough review of how our entire organization can become better prepared for emergencies. This involved engaging residents, staff, partners in the private and nonprofit sectors, and elected officials, including some of you, to collect feedback and recommendations on how we can better prepare for and respond to future emergency events. We also established an interdepartmental task force to analyze this feedback and implement lessons learned and initiatives that further our emergency preparedness goals. The feedback we gathered guided significant organizational changes and improvements, including the updating of NYCHA's hurricane and emergency procedures, strengthening internal and external communication, and establishing resident and community outreach protocols.

Communication

Realizing that more consistent, timely, and detailed communication is necessary, we updated our emergency communications plan, maximizing our reach to a variety of audiences, including residents, elected officials, and advocates. We improved our method for providing internal communication to staff. We established a single point of contact for communication and an internal protocol for communication and coordination with key external stakeholders, including City officials, utility companies, and community-based organizations (CBO). And we continue to share information with our partners in meetings and via social media, our website, and print publications. We created an online tool called "NYCHA Alerts," which encourages residents to sign up for updates on service outages and restorations. We have expanded the role of our Customer Contact Center to serve as a conduit and collector of information, which will enhance customer service for our residents. Our new robocall system can make approximately 10,000 calls per hour. And we are establishing additional backup methods for communicating with staff and other stakeholders in case of systems failures.

Resident Engagement and Community Outreach

A Resident Engagement Team, in concert with other NYCHA staff, led our efforts to connect with residents. We collected valuable feedback by conducting 36 on-site meetings in Coney Island, Red Hook, and the Rockaways attended by more than 600 residents. A phone survey of nearly 2,000 residents revealed that 56 percent of households have a family evacuation plan. Before Sandy, only 25 percent of households felt “very prepared” for a major hurricane, but now 43 percent feel “very prepared” and 37 percent feel “somewhat prepared.”

Based on the feedback gathered, we launched a comprehensive resident awareness campaign with partners like the New York City Office of Emergency Management (OEM) and the Red Cross. Called “NYCHA Prepares,” the campaign emphasizes the importance of residents taking an active role in preparing for emergencies, creating “go-bags,” and knowing their evacuation zone in case they have to heed mandatory evacuation orders. “Train the trainer” emergency preparedness sessions were held at senior centers in all five boroughs and preparedness information was disseminated across a variety of platforms, including print publications, our website, social media, and two live Facebook chats presented in partnership with OEM and the Red Cross. NYCHA employees also hosted separate Resident Response Team training sessions with OEM. Last month, we set up in the Lower East Side, Red Hook, and the Rockaways portable emergency command post tents we secured; more than 500 residents viewed the command posts in advance of an emergency and received emergency preparedness materials and services. During an actual emergency, these command posts will serve as visible and centrally located information hubs for residents.

Identifying Vulnerable Populations

To expand our database of vulnerable residents, we created an emergency registration form for residents to provide information about conditions that leave

them vulnerable and requiring help with an evacuation, information which can be quickly shared with other City agencies or providers in the event of an emergency. The form is available in multiple languages at developments' property management offices, community centers, NYCHA events, and online, and was distributed to every household this past July. As a result of our outreach and communication, about 1,000 residents citywide have completed the form to date. While the form is voluntary, we plan to increase awareness of its importance through additional communication to residents and employees NYCHA-wide.

Every year, residents self-identify as having a disability, including mobility, vision, hearing, or mental health disabilities, during the annual review process, and this information is recorded in NYCHA's resident database. As of July 1, 77,000 residents citywide identified themselves as seniors and 87,000 as having a disability, including 30,000 with mobility impairment – figures that are not mutually exclusive. We are working to finalize a system that generates online internal reports of this resident data by development, borough, and hurricane evacuation zone. Having this information readily available during an emergency will enable NYCHA staff to more quickly determine whether those residents with self-identified disabilities require assistance to evacuate or transportation to a medical facility (which would be coordinated with EMS). This information will also ensure that vulnerable residents who insist on sheltering-in-place are assessed for medical or other support needs and provided with information and resources to assist them in sheltering-in-place safely.

Community and Partner Outreach

During Sandy's aftermath, NYCHA was impressed with the agility, dedication, and resourcefulness of many CBOs in the impacted areas, whose volunteers distributed food, water, medicine, and other essentials to residents in need in an organized and orderly manner. While government, and NYCHA specifically, excel in many areas, we cannot be – nor should we be – expected to be responsible for

every aspect involved in any recovery process. By their very nature, CBOs are able to solicit and distribute donations quicker and without the bureaucracy associated with government. A lesson learned is that partnerships with CBOs are essential to resident engagement during and after a crisis. To that end, we clarified policies and procedures for managing donations and volunteers from external organizations, including CBOs, and partnered with NYC Service to register volunteers.

Since Sandy, NYCHA has engaged CBOs in Red Hook, the Lower East Side, and Coney Island, briefing these organizations on our future plans and discussing potential collaborations. We made sure these groups were able to participate meaningfully in the resident emergency preparedness events I discussed earlier. We look forward to strengthening these relationships moving forward, and I am hopeful that we are building a mutual trust which will allow us to serve residents more effectively in the future.

The Incident Command System

Another outcome of our “lessons learned” process is our implementation of the Incident Command System (ICS), a component of FEMA’s National Incident Management System that provides a consistent, nationwide approach and vocabulary for multiple agencies to work together during emergencies. ICS is a systematic tool that enables effective and efficient management of emergency incidents. By providing a standardized “chain of command” and management structure, ICS aligns us with other government agencies. Because it is highly adaptable, it can be used to organize both short- and long-term field-level operations for a broad spectrum of emergencies, from small to complex incidents, both natural and manmade. ICS’s common organizational structure facilitates response activities involving facilities, equipment, personnel, procedures, and communications. ICS is nationally proven – it is also used by the private sector and nongovernmental organizations. We have begun implementation organization-wide – a multi-year process – and are training and drilling staff on

the ICS approach: about 1,500 employees have been identified for, and/or have completed, mandatory training. The long-term goal is for every NYCHA employee to become familiar with ICS principles.

Other Internal Improvements

Following an assessment of our emergency equipment needs, we initiated contracts for renting items such as pumps, and are working with a vendor to set up equipment packages that can be deployed to developments in the event of an emergency. Also, a contract is in place for the provision of mobile boilers. To ensure continuity of operations, we established a second Emergency Operations Center (EOC) in Brooklyn and expanded the existing EOC in Long Island City. Creating protocols for using community centers during an emergency fortifies our ability to respond to emergencies. By developing standardized reports, we ensure pertinent information is made available to support decision-making regarding resident outreach and property outages. We developed an emergency staffing plan for deploying staff to alternate work locations should their work location be closed as a result of an emergency event. Going forward, we will develop a skills assessment that allows us to deploy staff where they are most needed. We created a plan to protect and move critical inventory and equipment and implemented methods for capturing expenditures and labor costs during emergencies. We have reviewed and updated NYCHA's emergency procedures; to date, about 75 percent of staff have undergone training on these materials.

Restoring for a Resilient Tomorrow

In the year since Superstorm Sandy struck New York City, NYCHA has dedicated itself to ensuring that our buildings and equipment are protected and that our residents and staff are better prepared for emergencies. As soon as we stabilized impacted areas after the storm, Operations and Capital Projects staff assessed the damage to our infrastructure to determine the repairs needed. This work is

ongoing, and part of our process to ascertain how we can best restore for the future.

NYCHA's action plan identified approximately \$1.8 billion in potential Sandy-related expenditures based on this large-scale assessment. This includes more than \$150 million for operating costs and emergency repairs incurred in the weeks immediately after the storm. Also included in that amount are:

1. The cost of making permanent repairs, such as replacing electrical panels;
2. Elevating infrastructure and building new utility buildings;
3. Mitigation measures, such as providing emergency backup power; and
4. Other advanced approaches to restoration, like the use of combined heat and power plants.

Our plan includes \$50 million for programmatic improvements such as a new EOC, information technology disaster backup, program management, and training. We have identified a need for \$180 million for resiliency at community centers so they can be used as emergency centers and play a bigger role in serving our residents and the local community in future emergencies. Finally, the action plan includes a need of more than \$620 million for resiliency measures in areas that were impacted but not damaged as a result of Superstorm Sandy. This work will make our most vulnerable buildings and infrastructure resilient for the long-term and resistant to potential damage.

Restoration Funds Received to Date

However, only a fraction of the funding that we need to advance our efforts has actually been received. To date, NYCHA has received only \$129.8 million: \$3.5 million from FEMA and \$126.3 million from insurance. This does not even cover the costs that we incurred in our immediate response in the weeks after Sandy. The first tranche of HUD's Community Development Block Grant – Disaster Recovery (CDBG-DR) funding allocates \$120 million to NYCHA for providing emergency backup power at approximately 100 buildings; however, NYCHA has not yet received this funding. HUD recently announced a second tranche of

CDBG-DR funding in the amount of \$1.4 billion for New York City. NYCHA is currently working with the Administration to determine how much of that allocation will be applied to NYCHA's needs.

A lack of funding has serious impact on the design and execution of repairs and resiliency efforts. Without the money we need for true resiliency, we will have to make tough but unavoidable choices that will be of consequence for the coming generations of NYCHA families. For instance, our equipment will simply be repaired and put back where it was before (which was the case following Hurricane Irene), putting it at risk for damage from future disasters. But even the current lack of certainty on funding is having an impact on our recovery. Without knowing what elements of our plan will be funded, design decisions for even simple repairs cannot be made and we cannot begin the requisite design, procurement, and construction process. In the interim, the temporary systems and repairs we made in the weeks after the storm continue to serve our residents.

In addition to the capital needs that have been described, Superstorm Sandy will have a long-lasting impact on NYCHA's operating budget. Our insurance premiums have increased significantly – over 300 percent annually, for about half the coverage. These increased insurance costs are not eligible for any of the potential Sandy funding sources that have been described; therefore, these costs must be absorbed by our already limited operating revenue streams.

Conclusion

Due to our intensive assessments, on-the-ground efforts, and planning, NYCHA properties are better protected and our residents and staff are better prepared for emergencies. However, there is a lot more work that needs to be done, and as of today, NYCHA has received only a portion of the money we need. Additional funding will enable us to recover from Superstorm Sandy's destruction in a way that is as smart, strong, and resilient as possible. As much as last year's storm has been an incredible challenge, it also presents an opportunity to pursue a more

sustainable future. Partnership – including with elected officials and other external stakeholders – is also essential to our efforts to tackle the challenges we have been served and to safeguard against any incidents that may arise.

Future generations of NYCHA residents depend on us to make the right choices today. We look forward to working with the Administration and City Council on these very important issues.

Thank you; I am happy to answer any questions you may have.



Testimony of

**Harvey Epstein before the New York City Council Committee on Public Housing Concerning the
New York City Housing Authority's Efforts to Repair, Rebuild and Recover in the Wake of Sandy
and Other Disasters**

Thank you Council Members of the Committee on Public Housing for the opportunity to testify today. My name is Harvey Epstein, and I am the Director of the Community Development Project of the Urban Justice Center. The Community Development Project at the Urban Justice Center strengthens the impact of grassroots organizations in New York City's low-income and other excluded communities. We partner with community organizations to win legal cases, publish community-driven research reports, assist with the formation of new organizations and cooperatives, and provide technical and transactional assistance in support of their work towards social justice.

I speak today to address the New York City Housing Authority's efforts to recover in the wake of Sandy and other disasters. In October of 2012, Hurricane Sandy struck New York City with devastating force. The storm left thousands of New Yorkers stranded and without power, and the storm's effects are still being felt across the City over a year later. The New Yorkers who reside in NYCHA housing felt these effects more strongly than most—many had no available refuge when told to evacuate, and all of the residents had to rely almost exclusively on the City for protection and repairs. While the magnitude of Sandy's destruction was without precedent, it will not be the last time a storm or other disaster of that scale will strike New York. It is therefore imperative that NYCHA develop a comprehensive plan to address what to do when the next disaster strikes, and how to best recover from one.

While it is undisputed that NYCHA faces a large task in repairing and rebuilding the homes of those affected by Sandy, it is clear that its efforts in many aspects have fallen short. Campos Plaza provides an example of a housing development that has not received adequate attention following Sandy. According to Dereese Huff, President of Campos Plaza Tenant Association, NYCHA has left much of Campos Plaza in a state of disrepair—for example, to this day, the mail room and boiler room have not been completely cleaned or repaired. Worse, two playgrounds were left contaminated by the storm, and

rather than properly cleaning the playgrounds, NYCHA simply fenced them off. One of the playgrounds was not well protected and children were able to reach the playground, developing rashes from their contact with the playground as a result. The other playground remains closed to this day.

This is not to say that NYCHA's handling of Sandy was entirely inadequate. Aixa Torres, President of Smith Houses Tenant Association, praised the efforts of the NYCHA staff that arrived immediately after the storm. While Ms. Torres is not happy with NYCHA's organizational response, she pointed out that the people who came to her housing development in the immediate aftermath of the storm were enormously helpful—some even slept on the floor of the housing development following long days of aiding the development's residents. But NYCHA's response as an organization has been lacking. Some housing developments have—more than a year later—not been restored.

NYCHA can do better. Housing developments should not wait over a year for repairs. Children should not be left with contaminated playgrounds. The best way to ensure that the mistakes of Sandy will not be repeated is to come up with a comprehensive plan for these emergencies, and the Urban Justice Center is willing to work with NYCHA in developing such a plan. Any plan NYCHA develops should be done with the knowledge that disasters like Sandy will strike again, and thus should include preventive measures. When evacuations are required, NYCHA should have transportation and alternate lodging ready. And NYCHA needs to do everything in its power to make its housing developments clean and safe as soon as possible following an event like Sandy.

As a provider of affordable housing to this city's low-income residents, NYCHA owes a duty to its tenants to keep them safe from natural disasters. Its response time needs to be faster and its rebuilding efforts need to be more comprehensive. By developing a comprehensive plan to deal with future disasters, NYCHA can take an important step toward achieving these goals. Again, I, along with my colleagues at the Urban Justice Center, am eager to help NYCHA develop such a plan.

Thank you again for the opportunity to testify today. Please call me at 646-459-3002 or email me at hepstein@urbanjustice.org if you have any questions related to this information.

Testimony by New York Legal Assistance Group (NYLAG)

**before the New York City Council,
Committee on Public Housing:**

**NYCHA's Efforts to Repair, Rebuild and Recover in the
Wake of Sandy and Other Disasters**

November 20, 2013

Chairwoman Rosie Mendez, Council Members and staff, good afternoon and thank you for the opportunity to speak about NYCHA's efforts to repair, rebuild and recover in the wake of Superstorm Sandy and other disasters. My name is Jane Li and I am a Staff Attorney at the New York Legal Assistance Group in the Storm Response Unit. NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, children in need of special education, domestic violence victims, patients with chronic illness or disease, low-income members of the LGBT community, victims of natural disasters like Sandy as well as others in need of free legal services.

NYLAG's Storm Response Unit, which was launched shortly after Sandy, has spoken to and served thousands of Sandy victims, many of whom are tenants still seeking to be restored to safe and habitable homes. Of the numerous displaced Sandy victims, we

know that approximately 80,000 of these were NYCHA residents.¹ While we recognize the challenge NYCHA faces as the City's largest landlord, NYCHA should be held accountable to its mission "to increase opportunities for low- and moderate-income New Yorkers by providing *safe, affordable housing* and facilitating access to social and community services."²

Immediately after Sandy, 423 NYCHA buildings lost power, heat, and/or hot water.³ Restoration of these essential services was delayed because of inadequate emergency preparedness. Reports indicate that "because there was no up-to-date survey of electrical needs, the Army Corps of Engineers, called in to help install generators five days after the storm, first had to visit 100 [NYCHA] buildings simply to determine what kind of generator each needed."⁴ Similarly, securing temporary boilers was delayed as appropriate boilers had to be located and transported into New York City – in one instance from as far away as Texas – to replace damaged equipment.⁵

While NYCHA claims that all essential services have now been fully restored, NYCHA residents complain that their buildings continue to utilize temporary equipment, inadequate to meet the demands of these buildings, thus resulting in only intermittent service. We are assisting a seventy-one year old NYCHA resident with bronchitis who lives in a development in Far Rockaway who has not had hot water since Superstorm Sandy. While her hot water was only intermittent before Sandy, available only every two

¹ See NYC Hurricane Sandy After Action Report (2013), *available at* http://www.nyc.gov/html/recovery/downloads/pdf/sandy_aar_5.2.13.pdf.

² NEW YORK CITY HOUSING AUTHORITY, <http://www.nyc.gov/html/nycha/html/home/home.shtml> (last visited Nov. 17, 2013).

³ NYC Hurricane Sandy After Action Report, *supra* note 1.

⁴ Eric Lipton & Michael Moss, *Housing Agency's Flaws Revealed by Storm*, N.Y. TIMES (Dec. 9, 2012), <http://www.nytimes.com/2012/12/10/nyregion/new-york-city-housing-agency-was-overwhelmed-after-storm.html>.

⁵ *Id.*

or three days, since Sandy, she has been unable to get hot water at all. Despite calling constantly to complain and getting many repair tickets, her hot water has not been restored, detrimentally impacting her health and hygiene. Yet, our client continues to pay her rent on time each and every month. The solution offered by her Housing Assistant was that she should just boil hot water on the stove. This is unacceptable.

In addition to restoring essential services, NYCHA is responsible for maintaining habitable conditions, including making timely and adequate repairs to individual units. It is no secret that NYCHA has faced a great deal of criticism by residents and tenant advocates over the last several years for unduly long delays in completing repairs. However, for residents impacted by Sandy, many of the outstanding conditions are immediately hazardous and repair must be prioritized and expedited. A client recently called NYLAG because her roof developed a leak after Superstorm Sandy. To date, no repairs have been commenced. She recently received notice informing her that the plastering work is scheduled for December 31, 2014. NYCHA tenants should not be expected to pay their rent in full, while having to wait two years for much needed repairs.

Many NYCHA residents suffer from chronic illnesses that necessitate a severely restricted diet. Thus, it is imperative that residents have working appliances, including but not limited to stoves and refrigerators. We assisted a sixty-seven year old diabetic Redfern Houses resident. Due to flood damage to the electrical infrastructure, our client's stove was made inoperable after Sandy, as were all the units on the "A line" of her building. Consequently, in February, NYCHA removed all the impacted stoves and provided the tenants with hot plates. While her stove was finally repaired about one

month ago, she was forced to live without a working stove for six months and forced to exhaust her limited resources on purchasing food to meet her health needs.

Many storm-affected NYCHA residents continue to complain about mold growth in their apartments. Instead of promptly cleaning up the mold and fixing the underlying water problem that caused it, residents claim that NYCHA only scrapes off the mold and re-plaster the walls. It does not take long for the mold to return. For NYCHA tenants who already have respiratory problems, the mold exacerbates existing health conditions. We have also heard from clients who have developed skin infections from living in mold-infested apartments.

NYCHA must change its policies to provide more effective and efficient maintenance of its developments. The recently created NYCHA watch list is a good start in that it allows residents to track outstanding repair requests. However, merely knowing that a repair request remains unfulfilled does not improve a tenant's quality of life. NYCHA needs to provide increased transparency surrounding repairs and account for how repairs are prioritized and how follow up is ensured.

Since it is likely that New York City will be affected by future disasters, it is critical that NYCHA make changes on a larger and more sustainable scale. As outlined in the "A Stronger, More Resilient New York" report, NYCHA needs to invest at least \$1.1 billion towards resiliency investments – 420 million to insure the inclusion of resiliency measures in post-Sandy repairs, 620 million to implement basic resiliency and mitigation measures in NYCHA buildings and 60 million to upgrade thirty flood-vulnerable community centers.

Currently, there is a funding gap in the City's proposed rebuilding and resiliency initiatives. NYLAG strongly urges this committee to ensure that NYCHA receives full funding to implement its identified resiliency needs. NYCHA has faced unprecedented fiscal challenges in the recent years and as a result, NYCHA residents have borne the brunt of the funding shortfall. New York City must recommit itself to providing safe, stable, and affordable housing for low- and moderate-income New Yorkers.

We would welcome the opportunity to further discuss or comment on these matters in the future. Thank you for the opportunity to testify today.

Respectfully submitted,

Jane Li, Staff Attorney

Sunny Noh, Supervising Attorney

Ann Dibble, Director



Testimony by The Legal Aid Society

Before the New York City Council Committee on Public Housing Oversight — NYCHA's Efforts to Repair, Rebuild and Recover

After Sandy and Other Disasters

November 20, 2013

Introduction

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is an integral part of our City's emergency response efforts. It is more than a law firm for clients who cannot afford to pay for counsel. The Legal Aid Society is an indispensable component of the legal, social and economic fabric of New York City — passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of 1,100 of the brightest legal minds. These 1,100 Legal Aid Society lawyers work with more than 700 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other

legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

Our Civil Practice has offices in every borough of the City, and last year worked on more than 48,000 individual legal matters, including some 5,800 Superstorm Sandy related cases. An additional two million low-income children and adults benefit from the Civil Practice's law reform litigation. The Civil Practice works to improve the lives of needy New Yorkers by helping vulnerable families and individuals on issues ranging from housing, homelessness prevention, foreclosure prevention, public assistance, disability benefits, employment law and low-wage worker matters, health law, elder law, family law and domestic violence, education law, consumer law, tax law, community economic development, immigration, and reentry and reintegration matters for clients returning from correctional facilities.

The Society is counsel on numerous class-action cases concerning the rights of public housing residents and Section 8 tenants and is a member of the New York City Alliance to Preserve Public Housing, a local collaboration of New York City Housing Authority (NYCHA) resident leaders, advocates and concerned elected officials.

We appreciate the opportunity to testify before the City Council's Public Housing Committee concerning NYCHA's response to and recovery after Superstorm Sandy. We greatly appreciate the leadership of Chair Rosie Mendez and her commitment to public housing and Section 8 residents.

Sandy's Immediate Impact on NYCHA Public Housing Residents and Section 8 Tenants

- 26 NYCHA developments – home to more than 45,000 residents – are in Hurricane Evacuation Zone A (Zone A).
- NYCHA shut down all elevators in public housing developments throughout Zone A and ordered the evacuation of all residents in those buildings as of 7:00 p.m. on October 28, 2012.
- Immediately after Sandy hit on October 29, 2012, 80,000 NYCHA residents were left without power, heat and/or hot water.

- Many homebound tenants were trapped in their apartments, unable to navigate dark stairwells from upper floors.
- NYCHA entered into emergency contracts with electrical contractors to install generators and/or build temporary switch boxes to restore connections to the power grid¹.
- NYCHA used 24 temporary boilers and approximately 100 generators to restore heat and electricity to its facilities².
- It was not until November 18, 2012, that NYCHA announced that it had restored essential services to 100% of its buildings.
- In the most heavily impacted areas of Red Hook, Coney Island and the Rockaways, many NYCHA residents continued to experience problems with intermittent power, heat and hot water and elevator service throughout the City's 2012-13 "Heat Season" because temporary generators and boilers were unable to power full usage by buildings.
- Sandy caused damage to many NYCHA apartments – many residents reported problems with leaks in their apartments post Sandy, mold or mildew, problems with plastering and damp walls.
- In the most heavily impacted areas, Sandy caused damage to many private apartments leased by Section 8 tenants, forcing those tenants to evacuate their apartments and rendering their homes uninhabitable.
- Thousands of NYCHA residents were forced to spend money on flash lights, batteries, bottled water, prepared food, space heaters and emergency supplies in order to survive during this time.

The Legal Aid Society's Immediate Response to Help NYCHA Residents and Section 8 Tenants In Need

- In the days immediately after Superstorm Sandy hit the City, staff from The Legal Aid Society assisted public housing residents in Red Hook and Coney Island with FEMA and emergency food stamps applications and other legal needs.

¹ "NYCHA Numbers" at Page 20, *NYC Hurricane Sandy After Action – Report and Recommendations* to Mayor Michael R. Bloomberg, May 2013 by Deputy Mayor Linda L. Gibbs, Co-Chair and Deputy Mayor Caswell F. Holloway, Co-Chair.

² Id at 20.

- The Legal Aid Society's disaster relief efforts continued for weeks and months after Sandy in the most impacted communities, including Coney Island, Rockaway, Red Hook, Staten Island, and the Lower Eastside. In addition to community outreach, Legal Aid Society attorneys advocated at NYCHA on behalf of individuals who had Sandy related issues, such as securing Section 8 emergency transfer vouchers, obtaining transfers from public housing apartments damaged by the storm and obtaining urgent repairs to apartments.
- During the first three weeks after Sandy hit, The Legal Aid Society met twice with the General Manager of NYCHA and other NYCHA staff members and brought key issues and concerns to NYCHA's attention that we had observed during and learned from our disaster relief outreach efforts in impacted communities, including: the need for a publicly announced plan concerning the status of administrative hearings and eviction proceedings; the need for a moratorium on eviction proceedings through January, 2013; the need for an expedited procedure for obtaining emergency Section 8 transfers for Section 8 tenants displaced by Sandy; the need for a waiver of rent for the month of November in light of the lack of services for residents; and the need for a plan for repairing conditions in NYCHA apartments caused by Sandy.

Problems with NYCHA's Immediate Response to the Storm

Lack of Communication, Accountability and Coordination

Superstorm Sandy overwhelmed the natural and man-made barriers that protect New York City and have served City residents so well throughout the City's history. In the days and weeks that followed, public and private agencies and individuals struggled to restore basic services to many thousands of New Yorkers affected by the storm. NYCHA could not stop Sandy, but it could have stopped its residents from being unduly panicked by Sandy by effectively distributing information that it had in its possession about the restoration of essential services.

After Sandy hit the City, thousands of NYCHA residents were without power for many weeks and were unable to access information using telephones or cellular phones, televisions, radios and computers. Wait times to speak with a NYCHA representative on NYCHA's

Customer Contact Center (CCC) line were exceedingly long and residents reported not being able to get through. While NYCHA posted information on its website with updates on the restoration of electricity and heat and hot water and information concerning Section 8 emergency transfers, thousands of residents and displaced Section 8 tenants were unable to access this information given the lack of power in their homes. We met with hundreds of NYCHA residents during our outreach efforts who repeatedly told us that this lack of communication from NYCHA about efforts to restore services, the timing of clean-up operations and other disaster relief efforts threatened their safety, and caused unnecessary stress, confusion and anguish.

Moreover, the limited updates that were being released by NYCHA on its website provided little information addressing the actual needs of residents and did nothing to calm the ever-growing fears of residents trapped in dark, cold apartments. The days immediately after the storm hit were a time when people needed accurate, reliable and timely information. In the days and weeks after Sandy hit, residents, Section 8 tenants, elected officials and advocates were desperate for *real* information from different units within NYCHA about a variety of NYCHA's operations and this was strikingly absent. Instead, the communications issued by NYCHA units focused on the positive things that NYCHA accomplished once results had been achieved.

Throughout the entire post-Sandy process of restoring building operations, there was no accountability or transparency regarding NYCHA's organization of efforts and who was in charge of each area of operations on a development and city-wide basis. Indeed, in many cases, it seemed no one was in charge.

In sum, the lack of preparation, coordination and communication on the part of NYCHA resulted in an increasingly chaotic and desperate situation for the most vulnerable of NYCHA's residents and Section 8 tenants in the days and weeks after Sandy hit.

NYCHA Residents and Section 8 Tenants with Special Needs

In early 2012, NYCHA publicly confirmed that 30 percent of its households are headed by seniors. Immediately prior to Sandy, NYCHA also announced that it has a list of 3,500 residents city-wide who have self-identified as individuals with disabilities. NYCHA staff at each of its developments who interact on a daily basis with residents of each building have *personal* knowledge of which residents within their development have special needs – persons with disabilities, homebound persons and elderly residents – even though these residents may not

have self-identified as having disabilities or be included on NYCHA's list. NYCHA also knew how many households in its developments throughout Zone A had evacuated before Sandy hit the City on October 29, 2012. Armed with this information, NYCHA's response to its most vulnerable residents who remained and were trapped in their cold, dark apartments after Sandy hit can only be described as grossly negligent.

Immediately after the storm, NYCHA repeatedly claimed that its staff went door-to-door throughout developments in Zone A both before and after Sandy hit to address the specific needs of the residents whose names appeared on their list of 3,500. The reality is very different from NYCHA's portrayal of events. The Legal Aid Society was in these communities two days after Sandy hit and for weeks afterwards and we were unable to find *one* resident who received a single visit from a member of NYCHA's staff in the days and even weeks after Sandy hit. Instead, we found many homebound tenants who had been trapped in their apartments, unable to navigate dark stairwells from upper floors and in desperate need of medical assistance, and who had no contact with the outside world until volunteers from community-based organizations conducting disaster relief outreach knocked on their doors and got them the help they so badly needed in the days after the storm hit.

One Year After Sandy- What Has Been Done?

City Agencies Release Reports and Guides

In May, 2013, the Mayor's Office issued an after action report entitled "Hurricane Sandy After Action" with a number of recommended improvements to the City's operations before, during and immediately after a severe storm³. The report established priorities for NYCHA in preparing for the next storm, including clearly outlining responsibilities to residents who shelter in-place after a disaster.⁴ The City's Office of Emergency Management (OEM) has issued a guide entitled "Ready New York – My Emergency Plan"⁵. OEM describes the guide as a workbook designed to help New Yorkers, especially those with special needs, create a personal emergency plan.

³ The Report is available at http://www.nyc.gov/html/recovery/downloads/pdf/sandy_aar_5.2.13.pdf

⁴ Id. at Page 14.

⁵ Ready New York – My Emergency Plan is available at http://www.nyc.gov/html/oem/html/ready/myemergencyplan_guide.shtml

Actions by NYCHA

On October 29, 2013, one year after Superstorm Sandy, NYCHA confirmed that 15 developments remain reliant on 24 mobile boilers to provide heat and hot water, the same number that were installed after Sandy to restore heat and hot water to residents.

On October 21, 2013, NYCHA announced on its website that it is “Better Prepared” and posted photos of three Command Post Events that were held in October, 2013 in Red Hook, Oceanside and Campos Plaza at which it provided residents with information to help their families prepare for an emergency⁶. At these events, NYCHA handed out pamphlets on what to do in an emergency and raffle tickets for the chance to win a “Go Bag.”⁷

Recommendations:

The Legal Aid Society testified at a hearing before this Committee on January 17, 2013, and again on February 13, 2013, concerning NYCHA’s Emergency Planning and Response During and After Sandy⁸. As part of that testimony, based on the experiences of both NYCHA public housing residents and Section 8 voucher holders we met during our relief efforts and our interactions with NYCHA staff in addressing the needs of our clients, we made numerous recommendations to NYCHA on how NYCHA could better prepare for and respond to disasters in the future.

Nevertheless, a year after Sandy hit the City, NYCHA has yet to publicly issue any new emergency preparedness and response plans. NYCHA has not even complied with recommendations made in the City’s *After Action* Report in which it was directed to work with residents to outline its responsibilities after a disaster to those who are sheltered in place and in the event of prolonged power outages. It is therefore impossible to know if NYCHA has learned from the experiences during and after Sandy and if it is now better prepared to respond to the needs of its residents and Section 8 voucher holders after a disaster.

Accordingly, The Legal Aid Society makes the following recommendations —

⁶ NYCHA’s website at <http://www.nyc.gov/html/nycha/html/residents/emergency-preparation.shtml>

⁷ NYCHA’s website at <http://www.nyc.gov/html/nycha/html/news/nycha-one-year-after-sandy.shtml>

⁸ Public Housing Committee hearing entitled “Oversight— Emergency Planning and Management During and After the Storm: NYCHA Emergency Planning and Response.”

(1) NYCHA needs to prepare and publish a comprehensive evacuation plan for its public housing residents that contains information specifically tailored to the needs of public housing residents and is coordinated with the City's evacuation plans. Any evacuation plan should include information on the types and location of transportation that will be available to be used to evacuate, including information on accessible transportation to evacuate people with disabilities.

(2) NYCHA needs to prepare and publish a disaster response plan that is specific to public housing residents and includes information concerning, for example, the location of any central command posts; the identity of any NYCHA staff members who are designated as a point person and charged with communicating updated information to residents concerning emergency relief efforts, restoration of services and other operations as necessary; a list of the emergency supplies a resident can expect to be provided with at his/her development and the location of such supplies; and the number and location of emergency power sources to power medical equipment and cell phones.

(3) NYCHA needs to develop and publish a communications plan containing information on the modes of communication that will be used after a disaster, and needs to ensure that the content of information distributed before and after a disaster is improved upon from that distributed after Sandy.

(4) NYCHA needs to develop and publish an internal operations plan in which it designates a point person for each operational unit within its Public Housing and Leased Housing Departments and its Law Department (including the Landlord-Tenant division and the Tenant Administrative Hearing Division). That point person must be responsible after an emergency occurs for developing and executing NYCHA's response to the particular emergency, coordinating work with other units within NYCHA and distributing information to residents, Section 8 voucher holders, elected officials, community-based organizations and the public concerning the unit's work and who can ultimately best serve NYCHA's residents and have the authority and accountability to act.

Conclusion

We remain available to work with NYCHA so that we can together address the need for a comprehensive disaster relief response that will address the needs of all its impacted residents and Section 8 tenants and especially the most vulnerable New Yorkers in public housing and Section 8 housing.

Thank you again for the opportunity to testify before the Committee on Public Housing.

Respectfully Submitted:

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