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CITY OF NEW YORK  
DEPARTMENT OF HOUSING  
PRESERVATION AND DEVELOPMENT

PUBLIC HEARING ON PROPOSED RULES

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March 28, 2024

10:04 a.m.

100 Gold Street  
New York, New York

Minutes of the meeting  
taken by:

Marie Foley, RMR, CRR  
Reporter/Notary Public

A P P E A R A N C E S:

NEW YORK CITY DEPARTMENT OF HOUSING  
PRESERVATION AND DEVELOPMENT

100 Gold Street

New York, New York 10038

BY: ANDREW WALLACE, Associate General Counsel  
wallaca@hpd.nyc.gov

ANNMARIE SANTIAGO

Deputy Commissioner

Office of Enforcement and  
Neighborhood Services

JOSHUA CUCCHIARO

Associate Commissioner

Code Enforcement

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MR. WALLACE: Good morning.

I am Andrew Wallace,  
Associate General Counsel for the  
New York City Department of Housing  
Preservation and Development, HPD.

This is a public hearing on  
proposed rule amendments relating  
to HPD's heat sensor program and  
Internet capable heat sensor  
devices.

Today is March 28, 2024, and  
the time is 10:04 a.m.

I would like to welcome all  
participants. I would like to  
acknowledge my HPD colleagues who  
are here today.

I'm joined by AnnMarie  
Santiago, HPD Deputy Commissioner  
for Enforcement and Neighborhood  
Services, and we're also joined by  
Joshua Cucchiaro, HPD's Associate  
Commissioner For Code Enforcement.

This hearing is being  
recorded by Marie Foley, our

1  
2 stenographer for Magna Legal  
3 Services.

4 Welcome to all.

5 First, just some  
6 housekeeping.

7 This hearing is being  
8 transcribed and recorded. I will  
9 try to speak slowly and clearly to  
10 accommodate the transcription, and  
11 I ask that any speakers please do  
12 the same.

13 Second, the purpose of a  
14 rules hearing is for the Department  
15 to receive and to listen to  
16 comments by members of the public  
17 on these proposed rule amendments.

18 The Department considers all  
19 comments that we receive in  
20 reviewing the proposed rule  
21 amendments before final  
22 publication.

23 This hearing is not;  
24 however, a question-and-answer  
25 session.

1  
2 If you have questions about  
3 the proposed rule amendments, you  
4 may submit them in writing, and the  
5 Department will consider them as it  
6 does any other comments that we  
7 receive.

8 Third, the record for this  
9 rule-making will remain open until  
10 the end of the day today.

11 If you would still like to  
12 submit a written comment or a  
13 question, you may do so on  
14 rules.cityofnewyork.us, or you may  
15 e-mail your comments or questions  
16 to rules@hpd.nyc.gov, or you may  
17 e-mail them to me at  
18 wallaca@hpd.nyc.gov.

19 The public hearing will  
20 conclude at 11:00 a.m. Anyone who  
21 wishes to speak may do so for three  
22 minutes.

23 I will now read the  
24 Statement of Basis and Purpose For  
25 the Proposed Rule Amendments to

1  
2 provide the proper context for this  
3 hearing.

4 Statement of Basis and  
5 Purpose of Proposed Rules.

6 Administrative Code Section  
7 27-2033.1, which was added by Local  
8 Law 18 for the year 2020, requires  
9 the Department of Housing  
10 Preservation and Development  
11 ("HPD") to select 50 class a  
12 multiple dwellings where the owner  
13 is required to install an Internet  
14 capable temperature reporting  
15 device ("device") in each dwelling  
16 unit of the selected building for a  
17 period of four years.

18 The 50 buildings are to be  
19 selected based on criteria that  
20 include, but need not be limited  
21 to, the number of violations of  
22 subdivision a of Section 27-2029 of  
23 the Administrative Code issued over  
24 the preceding two years and whether  
25 HPD has received heat complaints

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from more than one dwelling unit in such building. For buildings selected to install devices, HPD is required to conduct regular inspections of such buildings to confirm compliance with the installation and maintenance requirements of the devices, provision of a central heating system, and the maintenance of required minimum temperatures. The rationale for this requirement is to provide an enhanced and proactive mode of enforcement to promote compliance with the City's minimum heating requirements in those buildings that have a demonstrated history of noncompliance with these requirements.

In 2023, the City Council enacted Local Law 70 of 2023, which amended Section 27-2033.1 to require the selection of the 50

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buildings every year, beginning on July 1, 2024, rather than every two years, and amended inspection protocols so that HPD inspections occur at least twice each month, rather than at least every two weeks.

Local Law 70 also made a number of other amendments, which are reflected in these proposed rules.

Specifically, the law and proposed rule amendments provide the following: Require that HPD's inspections confirm that the devices are installed; allow HPD to suspend proactive inspections as of January 31st in a heat season based on amended criteria; allow HPD to set a fee for any monitoring inspection conducted pursuant to Administrative Code Section 27-2033.1(b)(2) after January 31st for the rest of the same heat



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season; allow the tenant the choice of which living room within the dwelling unit that the device will be installed; mandate that owners of selected buildings submit a report to HPD during each 30-day period within the heat season which includes data collected from each device installed within the selected building; require that HPD post a sign in each of the designated citywide languages in a prominent location in each selected building that notifies tenants of the requirements of Administrative Code Section 27-2033.1; and provide criteria under which a selected building may be discharged from the requirements of Section 27-2033.1, at the end of a particular heat season, but, earlier than the required four years.

The proposed rule amendments also provide an option for property

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owners to pay a penalty to satisfy violations that were issued pursuant to Administrative Code Section 27-2033.1 but which were not corrected at the time the building was eligible for discharge.

With that background, we will now proceed to any member of the public who wishes to provide comments.

I see we've been joined by an individual identified as C.S. C.S., would you like to make a comment?

We also have a J.D.

Do either of you care to make comments?

MR. CUCCHIARO: Andrew, I think both C.S. and J.D. are HPD employees.

MR. WALLACE: Okay.

Welcome. All right.

So, at this point, we don't

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have any participants from the public.

So we will keep the hearing open until 11:00 a.m., as required, but I'm going to go on mute and go off camera.

As I was saying to Marie, I will be here and watch if anybody comes on, but if nobody comes on beforehand, maybe we'll just reconvene 10 of, 5 of 11:00 to close the hearing properly.

So, thank you all. And see you in a little while.

(Whereupon, a recess was taken at this time.)

MR. WALLACE: Hello, everyone.

We're back on the record at the HPD hearing regarding heat sensor devices.

The time is now 10:58 a.m.

During the time that we were on recess, so to speak, nobody has

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entered the meeting, so we have no one that wishes to comment on the meeting.

I'll just say for the record also, that nobody signed up for the meeting and we did not receive any e-mail comments in the rules e-mail.

But nevertheless, as I stated at the beginning of the meeting, the record will remain open for any comments until the end of the day today.

So we've got about a minute to go. Just to make sure we comply with all the requirements, we'll keep it open until 11:00.

I just want to thank all of my colleagues for joining today, and also for all of the input and contributions that were made bringing this rule to promulgation, these amendments.

AnnMarie, Josh, also

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Mary-Lynne Rifenburg, thank you very much for your assistance and your guidance.

All right.

It is now 11:00 a.m.

As I said, there do not appear to be any additional commentators, so this will conclude the public hearing on the opportunity to comment regarding Department of Housing Preservation and Developments heat sensor program and Internet capable heat sensor devices.

I'd like to thank Marie also for her assistance in joining us this morning.

And thank all of you.

And this concludes the hearing, and I wish you a very good day.

Thank you.

(TIME NOTED: 11:00 A.M.)

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C E R T I F I C A T E

I, MARIE FOLEY, RMR, CRR, a Reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness(es) whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

*Marie Foley, CRR*

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MARIE FOLEY, RMR, CRR

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|--|--|--|---|--|
| <b>1</b>   | <p><b>AND</b> [2] - 1:5, 2:5<br/> <b>ANDREW</b> [1] - 2:8<br/> <b>Andrew</b> [2] - 3:3, 10:20<br/> <b>AnnMarie</b> [2] - 3:18, 12:25<br/> <b>ANNMARIE</b> [1] - 2:13<br/> <b>answer</b> [1] - 4:24<br/> <b>appear</b> [1] - 13:8<br/> <b>assistance</b> [2] - 13:3, 13:17<br/> <b>Associate</b> [4] - 2:8, 2:19, 3:4, 3:22</p>   | <p><b>comply</b> [1] - 12:16<br/> <b>conclude</b> [2] - 5:20, 13:9<br/> <b>concludes</b> [1] - 13:20<br/> <b>conduct</b> [1] - 7:5<br/> <b>conducted</b> [1] - 8:22<br/> <b>confirm</b> [2] - 7:7, 8:16<br/> <b>consider</b> [1] - 5:5<br/> <b>considers</b> [1] - 4:18<br/> <b>context</b> [1] - 6:2<br/> <b>contributions</b> [1] - 12:22<br/> <b>corrected</b> [1] - 10:6<br/> <b>Council</b> [1] - 7:22<br/> <b>Counsel</b> [2] - 2:8, 3:4<br/> <b>criteria</b> [3] - 6:19, 8:20, 9:18<br/> <b>CRR</b> [3] - 1:24, 14:5, 14:20<br/> <b>Cucchiario</b> [1] - 3:22<br/> <b>CUCCHIARIO</b> [2] - 2:18, 10:20</p>  | <b>F</b> 15   |  |
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