



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**New York City Council
Committee on Housing and Buildings
Testimony of Brooklyn Borough President Eric L. Adams
Monday, October 31, 2016**

Good morning Chair Williams, and members of the New York City Council Committee on Housing and Buildings and our fellow concerned citizens. Thank you for considering Intro. 1218, a bill sponsored primarily by Chair Williams with Council Members Gentile and Grodenchik at my request.

This bill would increase the minimum civil penalty for certain immediately hazardous illegal conversions, make such conversions a basis for a vacate order, and make such civil penalties, when unpaid, eligible for lien sale.

The problem that we are addressing is not new, nor is it confined to any single neighborhood, type of neighborhood, or ethnic group. It is, however, growing and becoming a crisis in communities across New York City. This bill will be an important step towards combating this crisis.

In short, profiteering property owners are taking advantage of our tight housing market and taking advantage of people, often the most vulnerable among us. These property owners are creating unlivable cubicles illegally inside homes, turning dwellings intended for only one to three families into dangerous, cramped flop houses for dozens of people. Often the wiring and plumbing in these structures is inadequate to the task, as the property was never intended to house so many people. Almost always, there is a lack of proper ingress and egress. Walls are frequently made of temporary and flimsy plywood partitions and the like. The building conversions are always done without permits, so there is no way to check on the quality of any of this work before greedy owners start raking in the cash

renting out these dangerous and barely habitable spaces for as much as \$500 a month.

These units are also immediately dangerous to the neighborhood as well. With improper and over-taxed electrical systems, they are prone to fire, creating a dangerous situation not only for those residing in the building, but also for innocent homeowners and occupants in surrounding buildings. When a fire breaks out in one of these homes, there is a significant potential for that fire to spread to adjoining homes, endangering the lives of neighbors.

There is also a highly increased danger to our first responders. We ask our first responders to run into danger, and they are prepared for that. What it is difficult for them to prepare for, is the convoluted and congested floor plan of what from outside appearances should be a typical one-to-three family home but instead has become a maze of cubicles. Having to navigate a myriad of walls and cubicles, often made with substandard construction materials, all while fighting a fire, makes a dangerous task unnecessarily more dangerous.

As I said, this problem is not new. For instance:

- On January 7, 1985, five Haitian immigrants died in a fire on East 57th Street in East Flatbush. Fourteen men, including the five, victims were found to have been squeezed into basement cubicles with no smoke detectors or proper egress. Less than a month before the fire, the New York City Fire Department (FDNY) had reported “an illegal and dangerous” situation in the two family home. The New York City Department of Buildings (DOB) commissioner said at the time that this report did “not ring an alarm bell” that would result in building inspectors responding promptly. In the aftermath, both the FDNY and DOB pointed fingers at the other for failing to act. Despite the public hue and cry, and five unnecessary deaths, no action was taken to clearly delineate which agency had primary jurisdiction, or what power each had to remedy what was obviously a tragically dangerous living environment.
- In 2003, a mother and child were killed living in cubicle apartments in a Queens fire.
- In 2005, three children were killed in an illegally converted home in Elmhurst.
- Also in 2005, two firefighters were killed leaping out of a window and four residents were injured in a building that had been illegally partitioned.

- On November 7, 2009, three people died and four more were critically injured in an illegal conversion that had multiple families living in a basement on 65th Street in Woodside. Almost 20 years earlier, the City had cited this home for an illegal conversion that was marked “resolved” on city records. DOB responded to the same complaint in 2004 but “found no violations.” Obviously, it was not resolved, or at least not in a way that ensured that the property owner would not be able or willing to recreate the illegal and dangerous condition. After the fire, the property owner was cited for the illegal conversion, lack of proper egress, and lack of smoke detectors. In a spurt of concern, DOB discovered eight illegal apartments in the home next door to the fire.
- On April 25, 2011, two adults and a child died when a fire broke out in an illegally converted apartment in Belmont. The building had been cited for the illegal conversion, lack of exits and faulty wiring two years earlier, but apparently nothing had changed. This fire prompted then-Mayor Bloomberg to say “In the end, the real people culpable are landlords who break up apartments in the interest of profits and put people who live there at risk.... We should go after the landlords and rest assured the City is going to do that.”
- On November 8, 2011, a 71 year old man died, and two others were injured on Barthholdt Street in the Bronx in a fire in a garage that had been illegally converted into multiple rooms.
- On December 3, 2013, a woman died in a fire in an illegally converted basement in Borough Park. The illegal conversion was first documented in 1990.
- And, as Chair Williams knows all too well, on November 19, 2014, one man died and 15 others were injured in an illegally converted building in Flatbush. Only the heroism of the firefighters and building residents saved the lives of the other 20 people living in the illegally subdivided apartments, including a pregnant mother.

The problem remains pervasive.

Earlier this year, 31 residents, including 13 children were removed from squalid and dangerous conditions in Dyker Heights in Council Member Gentile’s district. Fortunately, this action was taken before anyone had to die.

All of these incidents were in different boroughs, different communities, and in neighborhoods that differed economically and ethnically. And yet, all of them have

one thing in common: people are continuing to make enormous amounts of money and profit off the backs of innocent people who are residing in substandard and dangerous housing conditions.

I am not one that believes that all landlords or property owners are bad people, but clearly we have some who are taking advantage of others to make profit. This legislation attacks this long standing problem by taking the profit out of the crime, by giving DOB the tools to effectively take the property from the hands of the bad actors, disincentivizing them from creating these conditions to begin with.

We need to change the culture that allows these people to think that they can get away with it. When we pass this bill, implement its measures, and finally see properties taken away from ruthless profiteers, we can at least have some hope that we have finally put an end to this scourge.

After 31 years of public awareness, we need more than words. Now is the time to change the law to give City government the tools that are needed to take real action. I urge this body to report Intro 1218 out of committee and for the full Council to pass this legislation so that no one else dies for the sake of turning an illegal profit.