



# OFFICE OF THE TENANT ADVOCATE QUARTERLY REPORT First Quarter of 2020

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# BACKGROUND

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- This quarterly report has been prepared pursuant to Local Law 161 of 2017 and covers the first quarter of 2020.

# OFFICE OF THE TENANT ADVOCATE

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**The number of complaints received by the Office of the Tenant Advocate (“OTA”) and a description of such complaints.**

- This quarter, the Office of the Tenant Advocate (OTA) received 582 inquiries, 82 of which were referred to the Office of the Building Marshal (“OBM”) at the Department of Buildings, 38 to other DOB Enforcement Units and 121 to other city and state agencies. This total does not include the 206 complaints filed through NYC 311 related to construction as harassment, which were routed directly to OBM during this reporting period.
- Inquiries received by the OTA primarily include:
  - Inquiries pertaining to general maintenance and essential services requirements;
  - Work Without a Permit complaints;
  - Failure to comply with a Tenant Protection Plan complaints;
  - Failure to post a Tenant Protection Plan Notice or Safe Construction Bill of Rights complaints; and,
  - Inquiries pertaining to Department processes (e.g. how to post or deliver tenant protection plans).

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## **The average time taken to respond to complaints:**

- The average response time from the date on which an inquiry was received by the OTA to the date on which it was responded to was 1.5 business days.
- Where an inquiry requires an inspection, the Office of the Buildings Marshal is currently performing such inspection within .245 days of the date of referral.

## **Notable activities and staffing changes during the first quarter:**

- At the end of February, OTA staff expanded to include a 2<sup>nd</sup> Tenant Liaison to handle tenant inquiries.
- As a result of COVID-19, the NYS Governor Andrew Cuomo issued Executive Order 202.6 et seq., pausing all but essential construction.

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**The number of complaints received by the Office of the Tenant Advocate (“OTA”) related to COVID-19 concerns.**

- **Of the complaints received by the Office of the Tenant Advocate during the month of March 2020, 80 were directly related to COVID-19 concerns: 20 of which were referred to the Office of the Building Marshal (“OBM”) at the Department of Buildings, 5 to other DOB Enforcement Units, and 41 to other agencies. Typical COVID-19 related inquiries received by the OTA include:**
  - **Complaints of non-essential construction during COVID-19 PAUSE Order;**
  - **Whether work associated with the restoration of a building/utility service and/or restoration to possession after a Vacate Order constituted essential construction;**
  - **How to apply for an Essential Construction waiver;**
  - **Work Without a Permit complaints;**
  - **Failure to comply with a Tenant Protection Plan complaints;**
  - **General tenants concerns regarding leases, moving, Housing Court, evictions and rents.**

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## A description of efforts made to communicate with tenants.

- The OTA interacts with members of the public, including tenants, on a regular basis. The OTA's contact information is listed on the Department's website, which allows the public to contact the OTA directly. The OTA can be contacted at: (212) 393-2949 or [tenantadvocate@buildings.nyc.gov](mailto:tenantadvocate@buildings.nyc.gov).
- The OTA also serves as a resource to community based organizations, city, state and federal elected officials, and government agencies.
- This quarter, OTA's new Executive Director met with elected officials, city agencies and representatives from community-based and city-wide not-for profit organizations.
- OTA is updating its website content to provide additional resources for tenants.

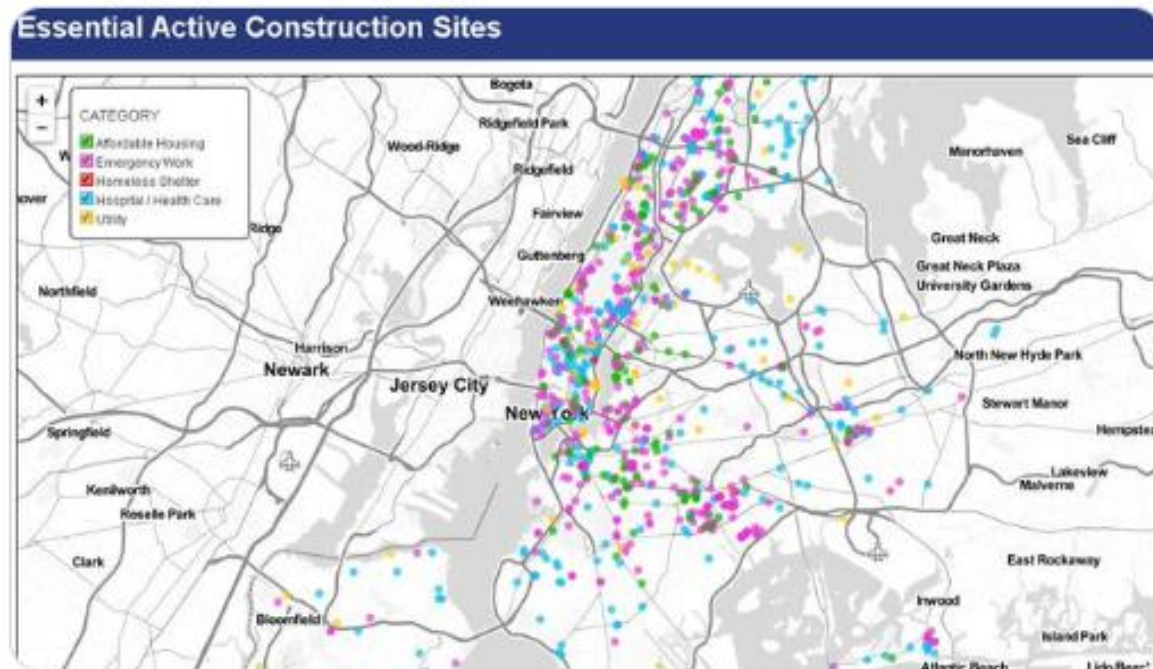
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NYC Buildings @NYC\_Buildings · Apr 8

Our interactive map  is updated in real time so NY'ers can see construction sites completing emergency or essential work.

Explore & learn more: [on.nyc.gov/3bNpRV7](https://on.nyc.gov/3bNpRV7)



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## INDUSTRY BEST PRACTICES FOR Dust Mitigation/Control In Occupied Buildings with Active Construction

### PHYSICALLY ISOLATE OCCUPIED AREAS FROM WORK AREAS

Work inside occupied buildings should be physically separated from occupied areas by constructing temporary physical barriers. These barriers should be constructed of plywood and polyethylene plastic built in or over passageways between the construction area and the occupied spaces. Construction barriers should be sealed with polyethylene plastic and duct tape on the construction side as well as the occupied side to provide a duet barrier.

All areas in which pollutants move between construction and occupied areas should be examined and sealed. These areas include but are not limited to:



- crawlspaces
- electrical outlets and light switches in shared walls
- pipe and electrical conduits between walls
- ventilation system ductwork
- holes in interior walls, and/or spaces above interior walls, and roof/floor decking (e.g. spaces above ceiling tile systems).

Outdoor construction-generated pollutants can migrate indoors under various conditions. The following are recommendations to reduce migration of outdoor pollutants to the indoor environment:

- Seal around exterior doors with weather stripping and door sweeps to prevent infiltration of outdoor construction-generated pollutants.
- Cover any dirt/debris piles in close proximity to the building with tarps or wet down dirt/debris to decrease aerosolization of particulates.
- Landlord or contractor should seal windows during times of active construction that may increase the volume of particulates in the air.
- Change HVAC filters regularly in areas impacted by renovation activities. Consider upgrading to more efficient filters.
- Temporarily deactivate HVAC systems during construction generating high amounts of outdoor pollutants. If activity is longer than 1 day, alternative means of ventilation should be provided for the impacted areas. If this is not possible, relocation of activities in these areas should be considered.



*Please be advised the above information is a compilation of recommended industry best practices.*



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If you're a tenant & are worried about construction happening in your residence, we can help! Our essential construction map is updated daily & you can call [@nyc311](https://www.nyc.gov/311) to report potential illegal construction.

Explore the map: [on.nyc.gov/3bNpRV7](https://on.nyc.gov/3bNpRV7)





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**The number of recommendations made to the Commissioner to issue a stop work order for a site that is not complying with a tenant protection plan and the number of such recommendations followed by the Commissioner.**

**This quarter, 49 Office of the Buildings Marshal (OBM) inspections stemming from tenant harassment complaints resulted in a Stop Work Order and 1 Vacate Order. Additionally 60 OBM proactive inspections resulted in a Stop Work Order for failure to comply with the Tenant Protection Plan.**

**Finally, as a result of proactive inspections, 81 Stop Work Orders were issued to contractors who are listed on the Department Of Buildings' published watch list for contractors found to have performed work without a required permit in the preceding two years.**



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