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**DOI RECOMMENDS REFORMS RELATING TO FIRE SAFETY AND PREVENTION IN NYCHA PROPERTIES,  
INCLUDING WITH RESPECT TO ELECTRIC MODES OF TRANSPORTATION, FOLLOWING THREE FIRES IN 2021**

Today, Commissioner of the New York City Department of Investigation (“DOI”) Jocelyn E. Strauber, issued a report that examined fires in three New York City Housing Authority (“NYCHA”) developments, one of which is overseen by a private management company, that occurred during the last two months of 2021: a trash chute fire on November 5<sup>th</sup> at Mitchel Houses in the Bronx that killed a six-year-old boy and injured his father; a fire caused by an explosion of a battery in an electric bike (“e-bike”) on December 16<sup>th</sup> at Jacob Riis Houses in Manhattan that led to the death of one resident and severely injured another; and a trash chute fire on December 28<sup>th</sup> at Wise Towers in Manhattan (the privately managed NYCHA development) that caused smoke inhalation injuries to two residents. DOI’s investigation into the fires at Mitchel Houses and Wise Towers exposed deficiencies in a range of fire safety protocols at NYCHA developments and the privately managed development, including with respect to the repair and maintenance of trash chute hopper doors and other relevant fire safety elements in the developments, as well as the auditing of fire safety and maintenance records. DOI also found that privately managed NYCHA developments, such as Wise Towers, should be required to incorporate NYCHA’s fire safety policies into their fire safety and prevention plans, as well as to perform regular audits of fire safety records to ensure compliance with NYCHA procedures. Regarding the e-bike fire at Jacob Riis Houses, DOI determined that electric bikes and other forms of electronic transportation pose a significant risk of fire when stored or charged in enclosed spaces, including within NYCHA apartments.

Immediately after the fires, and at DOI’s recommendation in some cases, NYCHA made significant revisions to its fire safety and maintenance protocols. The report issued today includes 11 recommendations to NYCHA, among them that NYCHA improve staff training so that staff can more readily identify and correct fire safety hazards, implement procedures to ensure prompt repairs that impact fire safety, audit fire suppression inspection and repair records, provide additional oversight of privately managed NYCHA developments, and ban the operation of any business involved in the repair, storage, and/or charging of electric modes of transportation anywhere on NYCHA property. A copy of this report is attached to this release and can be found here: <https://www.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Jocelyn E. Strauber said, “NYCHA operates and oversees 335 developments throughout New York City, and fire safety must be a top priority at each of them. Three fires in 2021 – two that tragically led to fatalities, including a six-year-old boy – showed that NYCHA needs to improve its fire safety procedures across the board and better protect its tenants. And while NYCHA made immediate improvements to fire safety and building maintenance protocols after these three fires, DOI’s recommendations further advance that important effort by calling for NYCHA to provide greater oversight of fire safety protocols, thereby adding protections for the residents who live in NYCHA housing.”

DOI’s investigation found that the fires at Mitchel Houses and Wise Towers began in trash chutes. DOI’s investigation found that smoke spread from the chutes and into stairwells and hallways, and that the spread of smoke likely was due in part to NYCHA’s and private management’s failure to properly maintain the quality and integrity of

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building components relevant to fire safety, prioritize the prompt repairs or reinstallations of trash chute hopper doors and ensure staff is adequately trained for this work and properly document inspections of these critical building components.

DOI's investigation also found that, with respect to one Mitchel Houses building, NYCHA failed to perform required inspections and repairs of the fire suppression system capable of extinguishing fires within the trash compactor box.

DOI also found that the privately managed Wise Towers failed to have an adequate fire safety plan, and had deficient maintenance and fire safety protocols, and that because NYCHA is responsible for oversight of, and approval of, the management plan for Wise Towers, which should have included provisions relating to fire safety and maintenance, NYCHA failed to ensure the development had sufficient maintenance and fire safety protocols.

With respect to the fire at the Jacob Riis Houses, the New York City Fire Department ("FDNY") determined that the fire was caused by the explosion of a battery in an e-bike stored in the apartment where the death occurred. In late 2018, DOI recommended that NYCHA consider implementing a policy to regulate and/or ban e-bikes, hoverboards and scooters in NYCHA buildings. NYCHA accepted that recommendation and, as required, allowed public comment on the proposed ban. NYCHA encountered some resistance from various stakeholders, including NYCHA residents and community groups, as many residents rely on these forms of transportation for their livelihoods. To date, no regulations have been put in place. On March 20, 2023, NYCHA announced a collaboration with Con Edison on a pilot program to test viability of outdoor storage and charging stations for electric bikes and similar modes of transportation on NYCHA properties. While this pilot program ultimately may reduce or eliminate the storage of these devices within NYCHA properties, in light of the need to take immediate steps to reduce the risk posed by these modes of transportation, particularly in enclosed spaces, DOI recommends NYCHA establish protocols to limit the number of e-bikes allowed in NYCHA apartments and to ban the operation of businesses involved in the repair, storage or charging of electric modes of transportation anywhere on NYCHA property.

DOI's 11 recommendations include:

- NYCHA should revise its procedures to ensure that every shift includes at least one staff member properly trained to identify, report, and secure safety hazards, such as missing, loose, or damaged hopper doors, according to NYCHA's amended standard procedures.
- NYCHA should enforce its procedures concerning the inspection and repair process for fire suppression systems to improve efficiency by ensuring that the development forwards the inspection deficiency sheet to the Fire Safety Unit immediately to avoid needless delays in the repair process.
- NYCHA should consider putting protocols in place to monitor contracts specifically concerning those related to inspection of safety hazards, including but not limited to those that involve fire safety and suppression, and lead and mold abatement, to ensure that contracts are either extended or renewed to avoid any service delays due to expired contracts.
- NYCHA should limit the number of electric modes of transportation that use lithium-ion batteries, including, but not limited to e-bikes, electric hoverboards, and electric scooters, that are allowed to be stored and/or charged in each apartment, and make compliance with the limitation a condition of the NYCHA lease.
- NYCHA should consult with FDNY to create fire safety and prevention strategies that may allow for safe storage and maintenance of electric modes of transportation. NYCHA should then begin a campaign to inform tenants of the safest ways to store these devices inside NYCHA apartments.
- NYCHA should ban the operation of any business involved in the repair, storage, and/or charging of electric modes of transportation, anywhere on NYCHA property.

Commissioner Strauber thanked NYCHA Interim Chief Executive Office Lisa Bova-Hiatt and her staff; and FDNY Commissioner Laura Kavanagh, and her staff, including FDNY Fire Marshal Craig Kleinschmidt and the team at the Bureau of Fire Investigation, for their assistance and cooperation in this investigation.

The investigation was conducted by Chief Investigator Alfred Carletta and Deputy Counsel Lynette Wade of DOI's Office of the Inspector General for NYCHA under the supervision of Deputy Inspector General Osa Omoigui, Inspector General Ralph Iannuzzi, Deputy Commissioner/Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel G. Cort.

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New York City  
Department of Investigation



## Fire Safety and Prevention in Public Housing

Jocelyn E. Strauber  
Commissioner

Ralph M. Iannuzzi  
Inspector General for the New York City Housing Authority

March 2023

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## I. Executive Summary

In late 2021, three fires occurred in two New York City Housing Authority (“NYCHA”) developments and one privately managed development run by a third-party pursuant to an agreement with NYCHA: NYCHA developments Mitchel Houses and Jacob Riis Houses (“Riis Houses”) on November 5 and December 16, and privately managed development Wise Towers on December 28, 2021. In total, these fires resulted in the deaths of an adult and a six-year-old child, as well as injuries to several residents. Following these fires, DOI commenced an investigation to determine whether NYCHA and the privately managed development could make improvements to fire safety policies and practices.<sup>1</sup>

Immediately following the three fires, and as described below, NYCHA made significant revisions to its fire safety policies. The investigation concluded that the fires at Mitchel Houses and Wise Towers began in trash chutes and smoke spread outside the chutes and into stairwells and hallways. The spread of smoke likely was due in part to the failure to 1) properly maintain the quality and integrity of building components relevant to fire safety; 2) prioritize the prompt repair or reinstallation of trash chute hopper doors; 3) ensure staff is adequately trained for this work; and 4) properly document inspections of these critical building components. DOI’s investigation also examined the fire suppression system in the building at Mitchel Houses where the fire occurred and found that NYCHA failed to (1) perform required inspections of the fire suppression system capable of extinguishing fires within the trash compactor box and (2) maintain an updated prioritization and tracking system for repair requests for that system. With respect to Wise Towers, DOI also found that the privately managed development failed to have an adequate fire safety plan, and NYCHA failed to ensure that the development had an adequate fire safety plan.

At DOI’s recommendation, Wise Towers implemented extensive improvements to its fire safety policies as well. As a result of its investigation, DOI now makes additional recommendations to improve NYCHA’s fire safety practices, including training for the development staff to identify fire safety hazards, implementing procedures to ensure prompt repairs that impact fire safety, auditing of fire

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\* DOI Commissioner Jocelyn Strauber and Inspector General Ralph Iannuzzi thank the staff of NYCHA OIG for their efforts in producing this Report, specifically, Chief Investigator Alfred Carletta, Deputy Inspector General Osa Omoigui, and Deputy Counsel Lynette Wade. Appreciation is extended to the New York City Housing Authority and New York City Fire Department for their assistance and cooperation during this investigation.

<sup>1</sup> Between October 2021 and April 2022, there were 27 fires in NYCHA developments. DOI selected the three fires addressed herein for review because two of the three resulted in fatalities, and because the Wise fire (which did not result in fatalities) provided an opportunity to examine the fire safety policies and procedures in privately managed developments, in addition to NYCHA’s policies and procedures.

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suppression inspection and repair records, and ensuring budget protection for those inspections and repairs. DOI further recommends that NYCHA require privately managed developments to enact written policies concerning maintenance and fire safety and suppression plans that incorporate NYCHA's own policies, and that NYCHA perform regular audits of those records to ensure compliance with those procedures.

Regarding the fire at the Jacob Riis Houses, the New York City Fire Department ("FDNY") determined the explosion of a battery in an electric bike ("eBike") stored in the subject apartment to be the cause of the fire. It is DOI's position that eBikes (and other forms of electronic transportation) pose a significant risk of fire when stored or charged in enclosed spaces, such as NYCHA apartments. Due to the risk of explosion of the lithium-ion batteries used in electric/battery powered modes of transportation such as eBikes, hoverboards and scooters, in late 2018 DOI recommended that NYCHA consider implementing a policy to regulate and/or ban e-bikes, hoverboards and scooters in NYCHA buildings. NYCHA accepted that recommendation and, as required, gave public notice of a proposed rule change and provided an opportunity for public comment. NYCHA encountered some resistance from various stakeholders, including NYCHA residents and community groups, as many residents rely on these devices as a manner of transportation and in some cases for their livelihoods. To date, no regulations have been put in place.

## II. Investigative Findings

### A. Mitchel Houses (Bronx, NY)

On November 5, 2021, FDNY responded to a fire in building "B1" of the Mitchel Houses, located at 303 E. 135<sup>th</sup> Street in the Bronx, that killed a six-year-old child and injured the child's father, both residents of the 19<sup>th</sup> floor. The subsequent FDNY Bureau of Fire Investigation<sup>2</sup> report ("BFI Report") stated that the fire was "located inside the compactor chute directly above the compactor between the first floor and basement." The BFI Report made the following additional observations:

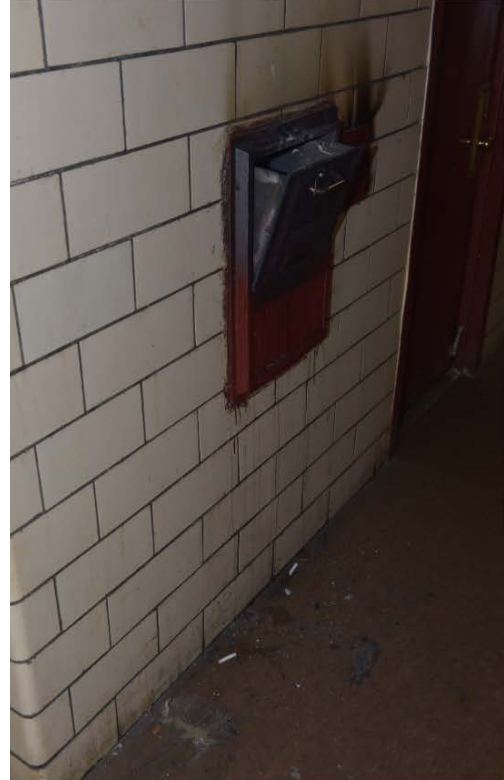
- Fire venting from the compactor chute on the 19<sup>th</sup> and 20<sup>th</sup> floors, with visible fire venting out 20<sup>th</sup> floor compactor chute into the hallway.<sup>3</sup>

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<sup>2</sup> The Bureau of Fire Investigation, led by the Chief Fire Marshal, is a unit of FDNY responsible for determining the origin and cause of all complex, fatal, and suspicious fires, performing criminal investigations into all arsons and fire-related crimes, enforcing City and State administrative laws, identifying fire patterns and trends, and interacting with other law enforcement agencies. Within the BFI Report, the terms "hopper door" and "compactor chute door" are used interchangeably.

<sup>3</sup> BFI Report 20919-2021

- Compactor chute doors that did not completely close and compactor chutes on the first and 19<sup>th</sup> floors missing their “sheet metal trays”.<sup>4</sup>
- Warping and oxidation of the compactor chute door on the 19<sup>th</sup> floor, indicating exposure to very high heat conditions.
- Various degrees of heat and smoke conditions in the hallways of the 10<sup>th</sup> floor and higher.



*Charred hallway with missing hopper door, and compactor chute with fire damage to hopper door; building B1, Mitchell Houses. Photos courtesy of FDNY BFI.*

The BFI Report also contained witness statements that reported a long history of issues with the compactor chutes, including previous fires and trash blockages, residents carelessly discarding smoking materials in public areas, and cooking oil discarded down the compactor chute. Some of these witness statements were

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<sup>4</sup> A sheet metal tray or “door pan” is a piece of metal attached to the inside of the hopper door, that, when the hopper door is open, creates a space for trash to be placed, and is a barrier between the inside of the chute and the public hallways. When the hopper door closes, the pan releases downward, and allows the trash to fall into the chute, and travel to the compactor. When functioning properly, no one should be able to see or access the inside of the chute while the hopper door is open.



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supported by FDNY observations of cigarettes extinguished throughout the public hallways on walls, floors and compactor chute doors, an excessive amount of trash pulled out of the compactor and chute, and poor housekeeping and trash on multiple floors within building B1.<sup>5</sup> A few days after the fire, on November 7 and 9, 2021, DOI conducted site visits of building B1 and observed smoke damage on the 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> floors, with the most severe damage occurring on the 19<sup>th</sup> floor.

In the majority of NYCHA buildings, residents dispose of their garbage via a trash (or compactor) chute that leads to a compactor, contained in a “compactor box,” in the building’s basement.<sup>6</sup> The chute has openings on each floor, in a common hallway, into which garbage can be placed. A hopper door is a metal, fire resistant self-closing door that covers each chute opening, that is intended to serve as a barrier between the hallway and the chute. Using the handle, a resident opens the hopper door to place garbage in the chute, which then travels down the chute into the compactor. A properly functioning hopper door should close automatically when the handle is released. Compactor chutes are constructed similarly to chimneys, which are attached to a fireplace. When a fireplace is in use, smoke, which generally rises, flows up through the chimney, through the flue and out of the house while the outside air is pulled into the flue, keeping the flames alive. The same concept applies to NYCHA compactor chutes, except chutes have openings on each floor, covered by hopper doors, allowing residents to deposit trash, which empties into the compactor.

Due to this construction, hopper doors in NYCHA buildings may also act as a fire safety measure. In the event of a fire within the compactor box or chute, any smoke created by the fire should rise through and to the top end of the chute and then exit the building through ventilation louvers located on the roof.<sup>7</sup> While hopper doors do not have air-tight seals, when closed and functioning properly, they act as a barrier between the chute and public spaces, preventing or lessening the spread of smoke into public passageways; a fact recently discussed by former FDNY Commissioner Daniel Nigro in his public comments on the January 2022 fire at Twin Parks Northwest, a non-NYCHA building located in the Bronx.<sup>8</sup>

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<sup>5</sup> BFI Report 20919-2021

<sup>6</sup> In addition to high rise, multi-family buildings, NYCHA also maintains one and two-family homes in its portfolio, which, along with certain other buildings, do not have chutes and compactors. These properties have curbside garbage pickup only.

<sup>7</sup> Louvers are heat and smoke vents that are installed in buildings as an active fire protection measure. They are openings in the roof which are intended to vent the heat and smoke from a fire inside the building by the action of buoyancy; they are known as “gravity vents”. In NYCHA buildings, the openings do not close, but remain open to provide continuous ventilation.

<sup>8</sup> Hicks, N., & Morphet, J. (January 10, 2022). “City Repeatedly flagged busted fire doors before Bronx tower inferno”. *The New York Post*. <https://nypost.com/2022/01/10/city-repeatedly-flagged-busted-fire-doors-before-bronx-tower-inferno/>

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During the Mitchel fire, smoke from the chute fire traveled up through the compactor chute. As noted in the BFI Report, the missing, damaged, or malfunctioning hopper doors allowed smoke to breach the barrier between the hallways and chute, causing heavy smoke to flow into the hallways. The BFI report also indicates that while extinguishing the fire, FDNY traveled to the roof and found that the screens atop the compactor chute (fans attached to the louvers) were clogged with debris, requiring the screens to be removed. These screens serve to prevent any refuse (leaves, trash, etc.) from falling into the chute. While the report does not state what type of debris clogged the screens, if the debris came from the fire, or whether the screens were clogged prior to the fire, an obstructed screen may prevent a free flow of smoke up and out of the louvers, causing smoke to be trapped within the chute. Because the system is designed to allow air to flow upwards and out of the louvers on the roof, it is logical to presume that any obstruction to the louvers would cause smoke to become trapped in the chute, and to flow backwards, a condition called “backdrafting”.<sup>9</sup> Air always flows through the path of least resistance, i.e., if there are multiple openings for entering or exiting a building, the air will move through the largest space that offers the least resistance.<sup>10</sup>

In this case, under optimal conditions, the path of least resistance would be up and out of the louvers on the roof. However, if there were any openings caused by missing hopper doors, or by hopper doors that did not completely close, or if the louver screens were clogged, the smoke may have been unable to vent out, causing it to flow backwards and into the hallways via openings include the missing or partially open hopper doors. While the BFI Report did not state the cause of the clogged screen or the type of debris, the obstruction of the screen appears to be a contributing factor to the smoke that filled the hallways during the fire. It is therefore DOI’s conclusion that had NYCHA properly inspected and maintained the hopper doors and louver screens, the smoke would have traveled up through the chute and exited through the louvers on the roof, reducing the amount of smoke escaping into the hallways.

Pursuant to this investigation, DOI interviewed staff and residents, performed building inspections, and retrieved the maintenance records of building B1 for the twelve months preceding the fire from NYCHA’s work order/maintenance database, Maximo. A review of these records revealed the following maintenance requests concerning damaged, jammed, locked, or missing hopper doors in building B1:<sup>11</sup>

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<sup>9</sup> A backdraft is a current of air or water that flows backward down a chimney, pipe, etc.

<sup>10</sup> United States Environmental Protection Agency. (January 2011). “Building Science Introduction”. *Energy Star Qualified Homes*. <https://basc.pnnl.gov/information/building-science-introduction-air-flow>

<sup>11</sup> Maximo is a computerized asset and work management system used by NYCHA to track all types of maintenance, including inspections, preventive and corrective maintenance work, emergency responses, and seasonal maintenance.

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- April 12, 2021: A NYCHA worker reported that the 7<sup>th</sup> floor hopper door was off and needed to be put back on the wall. That day, a worker reported that the hopper door was installed. Under NYCHA protocols at that time, this complaint for damaged/missing/loose hopper door was properly categorized as lower Priority 3, requiring response as scheduled by NYCHA’s call center.<sup>12</sup>
  - August 19, 2021: An eighth-floor resident reported a damaged/missing/loose hopper door, also categorized as lower Priority 3.

Maximo records show that on September 23, 2021, NYCHA received a service call reporting that the hopper door had fallen off a chute opening on the 20<sup>th</sup> floor, and that a work order was created, classified as a level 3 priority. The handling of this service request speaks to the flaws in NYCHA’s hopper door maintenance procedures. When DOI interviewed the building superintendent (“Superintendent”), he stated that, although he did not recall this work order, he inspected the entire building in late September 2021 and in late October 2021, and he did not observe any missing hopper doors during either of those inspections. Although the Superintendent claimed not to recall the work order, Maximo records show that on October 26, 2021, the Superintendent assigned a maintenance worker to repair a missing 20<sup>th</sup> floor hopper door. When asked why, if he had no prior knowledge of the reported missing door, he created this work order, the Superintendent was unable provide a reason. DOI later spoke with the maintenance worker assigned to this repair, a NYCHA employee recently transferred to the Mitchel Houses. The maintenance worker stated that he told the Superintendent that he did not know how to perform this repair, as the hopper doors at the Mitchel Houses were different than those at his previously assigned development. This worker stated that pending a permanent repair - the reinstallation of the hopper door - the Superintendent instructed him to board up the opening left by the missing hopper door with Masonite, which the maintenance worker did.<sup>13</sup> The maintenance worker further stated that he believed the Superintendent would reassign the work order to a qualified staff member or an external contractor to complete the hopper door repair. However, Maximo records do not show that the work order was reassigned. Records show that the missing door on the 20<sup>th</sup> floor was not replaced until November 10, 2021, four days after the fire.

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<sup>12</sup> This work order was set at level 3 priority. NYCHA Standard Procedure 040:09:7 states that Maximo issues all work orders with a specific service priority level, levels 1, 3, 4, 5, 7, 8 and 9, with 1 being lowest priority, and 9 being the highest. Work orders classified as level 3 or 1, are lower priority, and therefore scheduled as time and resources permit. However, work orders classified as levels 7, 8, and 9 are required to be addressed within 24 hours.

<sup>13</sup> Masonite is a type of engineered wood, made of steam-cooked and pressure-molded wood fibers.

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Consistent with Maximo records, building residents interviewed by DOI stated that the 20<sup>th</sup> floor hopper door had been broken for at least one month prior to the November 5, 2021 fire. Residents also reported that, although NYCHA staff had boarded up the entrance to the chute on the 20<sup>th</sup> floor with a piece of plywood and posted signs directing residents to dispose of their garbage on the ground floor, the board had been broken, presumably to deposit garbage in the chute, leaving the opening to the chute uncovered. Residents reported that the removal of temporary repairs to hopper doors was common in the building. When questioned, the Superintendent claimed that he and other NYCHA staff, including maintenance workers and the Supervisor of Caretakers, conducted daily or weekly inspections of each building at Mitchel, including examining hopper doors and chutes for operability and self-closing features.<sup>14</sup> Based on documents reviewed by DOI, it appears that any records of building inspections, if kept, were informal at best. DOI located only one informal record, an email dated October 25, 2021, stating that a building walk-through performed by the Supervisor of Caretakers did not indicate any problems with the 20<sup>th</sup> floor or any other hopper door in the building where the fire occurred.

NYCHA maintains two forms on which to document inspections, Form 060.130, *Building Inspection Report*, to be completed monthly by property managers and development supervisors, and Form 040.691, *Supervisor of Caretakers/Supervisor of Grounds – Caretaker Checklist for Daily Building and Grounds Inspections*. However, it appears that Mitchel staff may not have regularly performed or documented daily inspections in the months leading to the November 2021 fire. Form 040.691 requires that the inspection include a check of the roof, including roof fan and vents. While it is unclear precisely when the louver screens on the roof became clogged with debris, the fact that the screens were clogged raises a question whether NYCHA performed this aspect of its monthly inspections consistently, in the months leading to the November fire.

As a result of its findings, DOI concluded that 1) NYCHA's policies failed to appropriately prioritize hopper door repairs despite the fire safety risks posed by missing, damaged or malfunctioning hopper doors; 2) Mitchel staff failed to properly document daily or weekly inspections that the Superintendent claimed were performed, including inspections of the hopper doors; and 3) by late September 2021, a work order existed in the Maximo system for a broken hopper door on the 20<sup>th</sup> floor, of which Mitchel staff should have been aware, which was not assigned to a qualified maintenance worker; and 4) although Mitchel staff covered the chute opening with

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<sup>14</sup> Caretakers are maintenance staff members at each development that have janitorial responsibilities such as sweeping and mopping public places, collecting trash, and cleaning, conducting daily building checks, and other related duties, as directed. The Supervisor of Caretakers manages the caretakers, and is responsible for enforcing safe work behaviors, and ensuring caretakers have the tools needed to perform their tasks.

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Masonite, they failed to observe that the temporary covering had been removed, leaving the chute open. The failures to properly inspect and maintain building B1 caused the hopper doors to be in poor condition (those that did not close properly, missing integral parts, or missing altogether), likely contributing to the heavy smoke condition in the hallways during the November 5, 2021 fire.

In response to DOI's findings, NYCHA demoted the Superintendent to the position of Assistant Superintendent with a pay reduction and transferred him to a different development. NYCHA also revised certain maintenance and janitorial policies. On December 22, 2021, NYCHA issued an amendment to Standard Procedure ("SP") 060:67:1 – Janitorial Operations, stating:

“If hopper doors are marked as damaged, missing, or loose, the Supervisor must assign a Maintenance Worker to: (1) secure the hopper by either locking the existing door in place or covering/sealing the opening with a steel plate, sheet metal or equivalent fireproof material with fire rating of 1.5 hours by affixing it to the wall around the opening; (2) create a work order to repair hopper door and designate all hopper door work orders as a level 7 priority [previously a level 3] ; and (3) post a **“Trash Chute Closure Sign”** near the sealed off hopper door to direct residents on where to dispose trash while the inoperable hopper is being repaired.”

This revised policy also mandates that NYCHA Caretakers (“Caretakers”), check hopper doors as part of routine safety inspections during daily building walkthroughs, complete Form 003.056, *Daily Activity Report*, and report any deficiencies to supervisors so that they can be promptly addressed. Further, on February 15, 2022, NYCHA issued a second amendment to SP 060:78:1 – *Maintenance and Service of Interior and Exterior Compactors*, which requires Caretakers to inspect chutes daily and to identify any chute blockages. The second amendment states that if a chute blockage is identified, it must be immediately reported to the Supervisor of Housing Caretakers, entered in Maximo as Priority Code 7, and the chute blockage must be addressed and cleared within 24 hours. This amendment also provides instructions on how to clear blockages and how to inform residents of any temporary chute closures.<sup>15</sup>

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<sup>15</sup> Between April and October 2022, NYCHA's Waste Management Department organized an inspection of NYCHA's full portfolio of over 22,000 hopper doors. A summary of the inspection results included the identification and immediate securing (with sheet metal or equivalent), and eventual replacement of 11 missing doors, 1,333 hopper door repairs, 2,934 hopper doors that needed a thorough cleaning, 636 damaged, missing, or loose hopper door handles, 586 interior pans that required repairs, and 3,085 locations that were missing the proper decal above the hopper door, a decal that identified the items allowed to be placed in the chute.



In light of DOI's findings with respect to the November 5, 2021 fire, DOI also investigated the operability and maintenance of the fire suppression systems in each building within Mitchel Houses.<sup>16</sup> A fire suppression system consists of sprinklers in an enclosure (a "compactor box") located in the building's basement. As set out in more detail below, in the event of a fire in the compactor or compactor box, the sprinklers are activated to extinguish the fire. If a fire, such as the subject fire in B1, began in the chute, outside of the range of the compactor box, the sprinkler system would not activate. In this case, DOI reviewed the compactor inspection and repair records of each building, finding irregularities only in the records for building B1 (where the above-referenced fire occurred). Due to these findings, DOI subsequently conducted additional site visits to the other buildings of Mitchel Houses to obtain additional information.



*Compactor; building B1, Mitchel Houses. Photo courtesy of FDNY BFI.*

From the staff at the Mitchel Houses, DOI learned that NYCHA has contracts with two external contractors to inspect, diagnose, and repair deficiencies within the fire suppression/safety system at Mitchel: Richards Plumbing & Heating ("Richards")

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<sup>16</sup> Each building in the Mitchel Houses has its own compactor and fire suppression system.

and Crescent Contracting Corp. (“Crescent”). Richards performs both monthly and annual inspections of Mitchel’s fire suppression system, identifying deficiencies and testing compactor specifications. Crescent diagnoses and repairs any deficiencies found during an inspection. DOI investigators and a representative from Richards (“the Representative”), inspected the compactor in the basement of building B1 and found that the compactor system is equipped with four heat controllers, which are thermostat-activated sprinklers that are designed to detect rising heat levels within the compactor box that would indicate presence of a fire. In the event of a fire, when the temperature reaches a certain level, the heat controllers activate, triggering the sprinklers to extinguish any fire inside the compactor box. The Representative told investigators that the heat controller system is designed so that each controller operates independently of the others. That is, if one heat controller fails, the others should operate as stand-alone mechanisms to recognize a raise in temperature, activate the sprinklers and extinguish a fire in the compactor box.

A review of the monthly reports for inspections conducted by Richards between January 2021 and November 2021, the month of the subject fire, showed that as early as January 2021, Richards reported to NYCHA that one heat controller was missing and needed to be corrected “ASAP”. Richards’ monthly reports showed that the missing heat controller was not corrected for the next seven months. Additionally, these same reports repeatedly noted a leaking sprinkler pipe, deficient sprinkler heads and alarm bells. A review of Crescent’s records for that same period determined that, despite Richards’ seven inspection reports indicating that the repairs should be performed “ASAP,” Mitchel staff did not contact Crescent to perform any of those requested repairs. The inspection and repair records obtained from Mitchel show that Crescent completed all these repairs on November 5, 2021, as “emergency repairs,” after the subject fire had been extinguished and the building was safe to enter.

To determine why NYCHA had not ensured that the necessary repairs were promptly made, DOI reviewed NYCHA’s process for addressing needed repairs to the fire suppression system. NYCHA SP 040:04:3 – *Fire Safety*, and SP 060:78:1 – *Maintenance and Service of Interior and Exterior Compactors*, includes the following procedures for inspection and repair of systems related to fire safety, as monitored by the NYCHA Fire Safety Unit (“FSU”):<sup>17</sup>

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<sup>17</sup> The Fire Safety Unit provides guidance to property management staff on fire safety inspections and repairs, reviews repair authorization requests received from property management, initiates repair authorization requests to fire safety systems as needed, and conducts checks of fire safety vendors.

- (1) Immediately following an inspection, Richards provides a copy of the report to the development office, usually to the Superintendent. This report outlines any needed repairs or deficiencies identified.
- (2) The Superintendent then scans and emails the deficiency cover sheet (a one-page document that summarizes what was found during the inspection and what requires follow up) to a special email account for the FSU. Upon receipt, FSU reviews the paperwork, and creates an authorization, or request for release, so that the vendor, Crescent, may be contacted to perform the repairs.
- (3) FSU then forwards the authorization back to the Superintendent. It is the Superintendent's responsibility to contact Crescent to request repairs. The Superintendent does not set a time or date for repairs with Crescent. Once Crescent is notified, Crescent selects the date on which it will perform the requested repairs at the development. The Superintendent is not notified when Crescent performs the repairs.
- (4) After repairs are completed, Crescent will inform the Superintendent that the work is complete. The Superintendent then inspects the work. If it is satisfactory, Crescent will give the Superintendent an invoice, which is submitted to the FSU so that Crescent can be paid.

FSU indicated that the time to complete repairs can vary, depending on FSU's workload, staffing, budget, and the severity of the deficiency, however, SP 040:04:3 requires that "within 5 business days of the inspection, the property maintenance supervisor emails NYCHA Form 040.546, *Fire Safety – Request for Repair Authorization Release*" to the FSU. This investigation found that NYCHA did not comply with its own procedure at Mitchel, since there was a four-to-six-week lag between the Superintendent's receipt of the inspection report concerning the heat controllers and FSU's receipt of the deficiency cover sheet. The head of the FSU has explained that this delay was due to the Superintendent's failure to send the deficiency sheet to FSU in a timely manner.

Furthermore, the Representative (from Richards) informed DOI that there were five months during 2020 when Richards did not perform any inspections at Mitchel. They stated that, despite having a contract with NYCHA that allowed Richards to perform monthly inspections until May 29, 2020, Richards did not perform any inspections of the compactor and fire suppression system at Mitchel between April 1 and August 31 of 2020. The Representative stated that NYCHA did not authorize inspections during that time, alleging that NYCHA staff informed them that the development did not have the funding to pay for inspections. When asked for



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comment on the lack of funding, NYCHA stated that there is always funding to cover fire inspection, however the inspections did not occur due to expiration of contracts.

With respect to performance of required building inspections conducted by NYCHA staff, DOI determined that the informal method of performing and documenting daily building inspections at Mitchel Houses is inadequate and violates NYCHA's policies. Inspections are essential to maintaining a safe building, by preemptively locating and repairing any deficiencies, particularly those concerning fire safety issues, and the conditions and proper functioning of hopper doors and roof louvers. DOI also found that a lack of adequately trained staff may have contributed to the delay in repairing the affected hopper door. As discussed further below, DOI recommends that NYCHA take steps to ensure developments have adequate staff on site that are properly trained to address conditions that threaten fire safety, such as repairs to hopper doors. With respect to fire suppression system inspections, DOI found compliance with NYCHA inspection policies at Mitchel Houses to be inadequate. DOI recommends NYCHA implement specific time frames within which repairs to the fire suppression system should be completed. Regarding the delay of fire suppression inspections, DOI finds that neither a lack of funding nor a contract expiration is an acceptable reason to cancel, or delay essential, required inspections. DOI therefore recommends NYCHA take steps to ensure that funding is always available for these types of essential repairs, and that contracts be closely monitored to avoid any service delays due expiration.

#### **B. Wise Towers (Manhattan, NY)**

On December 28, 2021, there was a fire in the compacter chute of building "B2" in the Wise Towers development, located at 133 W. 90<sup>th</sup> Street in Manhattan. The BFI Report concerning the fire stated that trash clogged within the chute near the second floor of the building was set on fire by an unknown source.<sup>18</sup> Similar to the fire and chute condition at the Mitchel Houses, a missing hopper door on the 10<sup>th</sup> floor appears to have allowed smoke to escape the chute through the uncovered chute opening, filling the hallways and stairwells, and injuring two residents due to smoke inhalation.

Wise Towers is a NYCHA development that is managed by a private development company ("PDC") operating under the Permanent Affordability Commitment Together ("PACT") agreements, pursuant to the U.S. Department of

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<sup>18</sup> BFI Report #10751-2021.

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Housing and Urban Development, Rental Assistance Demonstration (“RAD”).<sup>19</sup> In connection with these programs, NYCHA selected PACT Renaissance Collaborative as the PDC to renovate, preserve, and oversee the management of 17 NYCHA developments located throughout Manhattan, collectively known as the “PACT Manhattan Bundle”. Wise Towers is one of the 17 developments that comprise the PACT Manhattan Bundle. Monadnock Development is the lead entity for PACT Renaissance Collaborative, and Cornell Pace Inc., is contracted to provide on-site day-to-day property management services (the “Property Manager”) and staff to Wise Towers. While NYCHA has oversight of the PDC that manages Wise Towers, as discussed further below, there are no NYCHA staff employed at Wise Towers.

During this investigation, DOI examined the maintenance and fire safety policies in place at Wise Towers. The development uses a system called “YARDI”, to create, track and close apartment and building repair work orders.<sup>20</sup> Residents may request repairs via a telephone hotline, a cell phone application, or online portal, however the system does not provide a work order number, or any other means by which to track the status of the request. If a request is made via the Yardi hotline during business hours, 9:00 AM to 5:00 PM, Monday to Friday, an operator will take the request and create work orders in the Yardi system. If a request is received on a holiday, or outside of business hours, the call is routed to an answering service where an operator will collect the information and email the details to the management office; the office addresses the request during business hours. If an emergency repair request is received on a holiday or outside of normal business hours, the answering service operator immediately forwards the information to the Property Manager for immediate attention. The operators are trained to determine which repairs are emergencies by screening requests for terms such as “heat”, “leak”, “hot water”, or “fire.” These practices were not formalized in writing.

Management explained that on the evening of December 25, 2021, the Saturday prior to the fire, a resident contacted the repair hotline to report that the 10<sup>th</sup> floor hopper door was missing from the chute opening. Prior to the fire, the property manager informed DOI that the management did not deem “hopper door” a term that would trigger an emergency response. Therefore, because the call was received on a holiday, the answering service took the call and emailed the information to the maintenance coordinator. Since the requested repair was not considered an

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<sup>19</sup> The U.S. Department of Housing and Urban Development created RAD to give public housing authorities such as NYCHA “a powerful tool to preserve and improve public housing properties and address the nationwide backlog of deferred maintenance.” <https://www.hud.gov/RAD> NYCHA established the PACT program to access RAD funding to complete repairs and renovations in selected developments and provide residents with access to on-site social services. <https://www.nyc.gov/site/nycha/about/pact.page> ([www.hud.gov/RAD](https://www.hud.gov/RAD))

<sup>20</sup> NYCHA does not have access to the YARDI system and all requests for work order information at Wise Towers must be made to the management company.

emergency, the work order was not created until December 27, 2021, the day before the fire.<sup>21</sup> The property manager stated that maintenance staff contacted their repair vendor Powergreen, but the company advised that they had no staff to handle the repair due to a surge in COVID-19 cases. To address this situation, the property manager assigned two Wise Towers porters to seal the chute opening left by the missing hopper door using cardboard and tape. After the fire, the porters later located the missing hopper door in the 10<sup>th</sup> floor slop sink room and reinstalled it over the chute opening.



*Hopper door detached from chute opening; building B2, Wise Towers.  
Photo courtesy of FDNY BFI.*

Wise Towers' management informed DOI that, although they have no written policy concerning the appropriate response to a missing, damaged, or non-functioning hopper door, management stated that their policy is to screw the hopper door shut, wrap the hopper door with caution tape and take it out of service, and place warning

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<sup>21</sup> Following the subject fire, the word "hopper" was added to this list.

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signs around the area. Similarly, management stated that in the event of a clogged or otherwise malfunctioning compactor chute that needs to be repaired, maintenance is to follow the same procedure as noted above. In this case, Wise Towers' management failed to follow their own unwritten policies concerning the repair of hopper doors before the December 2021 fire. Management stated that the property manager ordered that the uncovered chute opening be covered with cardboard, which is not fire resistant, and did not order the placement of warning signs around the location of the missing hopper door. To this point, during a January 4, 2022 site visit to Wise Towers, DOI investigators observed hopper doors that were out of order and in need of repair but were simply taped shut (not screwed shut), contrary to the management's unwritten policy. These hopper doors could be easily reopened. As previously discussed with respect to the Mitchel fire, above, had Wise Towers followed their own policy and screwed the hopper door shut pending repairs, the closed door may have prevented, or greatly limited the amount of smoke allowed to exit the opening and fill the hallways and stairwells. Relatedly, had the maintenance policies treated "hopper" as an emergency term, the property manager would have been contacted immediately on December 25, 2021, to address the issue, following the resident's call, and the property manager would have had reason, and potentially enough time, to secure an alternate vendor to repair the hopper door, as Powergreen was unavailable.

DOI's investigation identified problems with the PDC's management of Wise Towers, particularly the lack of fire safety and management policy at Wise Towers and revealed insufficiencies in NYCHA's oversight of the management of the PDC. In this relationship, the PDC manages the development, NYCHA retains ownership of the property and NYCHA's oversight of the PDC extends to the Management Agent ("The Agent") – a company employed by the PDC responsible for the day-to-day management of the development. Under this agreement, NYCHA is responsible for the review and approval of the Management Plan ("The Plan"), a document that contains all policies and procedures for the day-to-day and overall operation of the development and would include any fire safety and prevention policies. Wise Towers' management disclosed to DOI they did not have a formal, written fire safety and prevention policy, and that at no time during the development's conversion from public to private management, did NYCHA provide to, or discuss with, the PDC or Agent any information pertaining to fire safety and prevention. Because Wise Towers' management did not have a fire safety and prevention policy, a policy that should have been included in The Plan, DOI determined that the absence of such an essential policy shows that NYCHA did not exercise proper oversight over both the PDC and the Agent by failing to sufficiently review the management plan before approval, as a sufficient review should have exposed the lack of a fire safety and prevention policies.

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In the months following the subject fire, DOI worked with Wise Towers to establish a fire safety and prevention plan which has been incorporated into the current management plan.<sup>22</sup> DOI provided Wise Towers with information about NYCHA's "5ALIVE" program, along with posters about fire safety. The 5ALIVE is a safety check performed by maintenance staff while making repairs or performing inspections in apartments and involves a check of the following areas:

- Alarms: Smoke and carbon monoxide detectors must be present, installed and operating
- Ledges: Check window guards in units with children (except fire escape window exits)
- Information: Confirm fire safety notice is posted on the back of the apartment door
- Volts: Test ground fault circuit interrupter outlets (GFCI outlets)
- Entrance: Test doors to ensure they are self-closing, with a functioning latch

NYCHA maintenance staff are required to document completion of the 5ALIVE check on any completed work order or inspection report, as well as any deficiency found during that check, and the steps taken to make any required repairs to correct any deficiency. DOI also provided the property manager with specifications for the fire-resistant material that NYCHA uses to temporarily seal chute openings. NYCHA specifications state that if hopper doors are marked as damaged, missing, or loose, the supervisor must assign a maintenance worker to secure the hopper by either locking the existing door in place or covering the opening with a steel plate, sheet metal or equivalent fire-proof material with fire rating of 1.5 hours. As of October 31, 2022, Wise Towers' management has accepted DOI's recommendation and incorporated NYCHA's "5 ALIVE" safety check protocols into their policies. Management has informed DOI that it has obtained adequate fireproof material, meeting NYCHA's specifications, to seal hopper doors temporarily until permanent repairs can be made.

As mentioned previously, at the time of the fire, Wise Towers did not consider "hopper" a word that would tend to indicate an emergency, which caused a delay in the response to the missing hopper door complaint. DOI also found that at the time of the fire, the Yardi maintenance request system did not have 1) the ability to provide work order numbers for tracking requests, 2) a formal priority classification system for repair requests, or 3) a reliable method to manage emergency complaints reported after regular business hours. From these facts, DOI determined that if, prior to the

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<sup>22</sup> In response to DOI's investigation, Wise Towers' management now mails fire safety plans to residents each January and has copies of the plan posted and available in the Superintendent's office.



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fire, Wise Towers had a proper classification system which viewed “hopper” as a word that would trigger an emergency response, management would have responded to the December 25, 2021 service call the day it came in, not two days later, which may have allowed for additional time and options to repair or properly secure the hopper door. A more immediate response may have mitigated injuries and/or damages caused by smoke escaping the chute opening. In response to this investigation, Wise Towers’ management has added “hopper” to their list of words that will trigger an emergency response, which will allow for a faster response to hopper door repairs. Further, the PDC has modified the Yardi system, now enabling it to automatically generate and issue work order numbers when residents submit maintenance requests online via RENTCafé, however, it remains unclear if tracking numbers will be issued if a request is made by phone or in person.<sup>23</sup>

### C. Riis Houses (Manhattan, NY)

On December 16, 2021, an apartment fire occurred in building “B10” of the Riis Houses, located at 118 Avenue D in Manhattan, which resulted in the death of one person and serious injury to another. The BFI Report stated that upon entering and inspecting the subject apartment, FDNY discovered that “[o]ne electric scooter, made of metal, showed extreme deformity outward from the battery chamber - indicating an explosive force from within.”<sup>24</sup> Following the fire, members of the household stated publicly that the doorknob on the apartment’s front door was not functioning properly, which “trapped” them inside the apartment during the fire.

The BFI Report documented four persons inside the apartment at the time of the fire, asleep in the two bedrooms. The BFI Report cited eyewitnesses who said that, on the date of the fire, at approximately 7:00 am, they heard an explosion, and soon after, heard screams coming from the apartment. One neighbor’s account stated that she “realized the screaming was coming from apartment 4B and that a female occupant was stuck behind the door.” The neighbor “attempted to open the [apartment] door and started alerting neighbors about the fire on their floor.” The witness further stated that she “was then joined by other occupants on the floor and reattempted to forced [sic] the fire apartment door open” and that she and the other residents “kept trying until they heard the firefighters coming up the stairs.” The BFI Report stated that after forcing entry into the apartment by breaking down the door, the “[d]eadbolt lock was in the locked position at the time of investigation” and that

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<sup>23</sup> RENTCafé, a software of the Yardi Systems service, allows property managers to manage online leasing, maintenance, and rentals. RENTCafé also lets tenants place work orders and inform property managers of maintenance issues as soon as they occur.

<sup>24</sup> BFI Report #10716-2021. Within this report, FDNY refers to the eBike as an “electric scooter”. Where the BFI Report is quoted, the term “electric scooter” will be used.

FDNY located the female adult “unconscious behind the door when they entered, lying prone, head facing the door”, and a male adult “inside the north bedroom, lying prone, head facing the doorway, approximately 1 foot away from the doorway [ whose body] was heavily fire damaged.” FDNY stated that the two remaining persons in the subject apartment, an adult and child, grabbed “onto a pipe chase affixed to the exterior of the building and slid down the pipe chase to ground level.”<sup>25</sup>

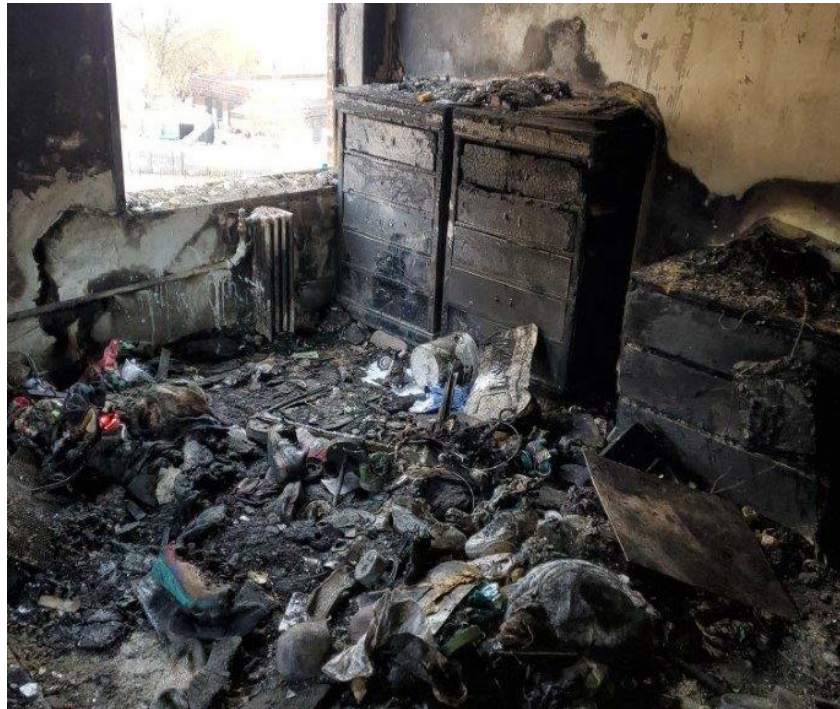
The subject apartment suffered severe fire damage, as shown in BFI photos, and further explained in the BFI Report, which noted “[h]eavy fire damage ... in both bedrooms” and “[t]he wall dividing both bedrooms was a permanent, non-load bearing wall ... found to have been completely collapsed into the south bedroom as a result of an explosion followed by fire.” Firefighters observed “several electric scooters” in the apartment. One scooter, which appeared to be made of metal, “showed extreme deformity outward from the battery chamber – indicating an explosive force from within” – that is, the battery within the electric scooter had exploded, causing the fire.



*Charred remnants of the non-load bearing wall in the subject apartment; building B10, Riis Houses. Photo courtesy of FDNY BFI.*

<sup>25</sup> BFI Report #10716-2021

The BFI Report further stated that FDNY observed many electrical wires in the north bedroom of the subject apartment and removed ten lithium-ion batteries and one cordless drill from the apartment. In an interview with a NYCHA employee conducted after the fire, the employee informed DOI that the deceased person operated an eBike repair business out of the apartment.



*Fire damaged bedroom of subject apartment; building B10, Riis Houses.  
Photo courtesy of FDNY BFI.*

The surviving tenants of the apartment told news media that the front door lock had jammed, trapping them inside the apartment during the fire.<sup>26</sup> They also stated that they had contacted NYCHA to repair the door lock on the front door of the apartment but never received a response. DOI's investigation, which included a review of site photos, interviews of relevant NYCHA personnel, and review of maintenance documentation, did not substantiate that account. For clarity, the BFI Report reported a deadbolt found in the locked position. A review of photos taken by DOI determined that the deadbolt found in the locked position is part of the NYCHA

<sup>26</sup> Tracy, T., & McShane, L. (2021, December 17). East Village fire victim was charging nine eBike batteries at once when blaze exploded in apartment. *The Daily News*. <https://www.nydailynews.com/new-york/ny-east-village-ebike-fatal-fire-20211217-q3clvufvuzgcbmaobhumncbfam-story.html>



-installed lock. From interviews of the Superintendent and maintenance workers for Riis Houses, DOI learned that the tenants had damaged the subject apartment's front doorknob and/or door lock on several occasions. The tenants reported that they forgot their keys and tampered with the front doorknob and/or door lock to gain access to the apartment.

DOI also reviewed the subject apartment's maintenance records for the period between May 22, 2015, the date the tenants moved into the apartment, and December 16, 2021, the date of the fire, and found that on 16 separate occasions, the tenants requested repairs to the interior and exterior doors and locks of the subject apartment. A review of those 16 records in Maximo shows that NYCHA responded to and completed each repair. Maximo records also show that on October 1, 2021 (approximately two months before the fire), maintenance staff completed a biennial inspection of the apartment. DOI spoke with the maintenance worker who performed this inspection, and the worker stated that at the time of the inspection, they did not observe electric scooters or eBikes in the apartment. The maintenance worker stated that they did, however, notice damage to the doorknob and lock of the front door. The maintenance worker stated that the now-deceased tenant was at home during the inspection and admitted that he had pried the door open after getting locked out of the apartment, damaging the doorknob and the lock. The maintenance worker stated that they repaired the doorknob and lock, completed the inspection, and subsequently spoke with the Superintendent about the damage to the front door.

Maximo records for the subject apartment between October 1, 2021, the date of the last inspection and repair of the lock and doorknob, and December 16, 2021, the date of the fire, show the tenants in the apartment did not submit any repair requests for either the doorknob or the lock during that period. Further, Maximo records show that on November 16, 2021, a month before the fire, a maintenance worker visited the apartment to address a bathtub enclosure issue. The completed work order for that repair indicated that during this visit, the maintenance worker completed the required check of all the fire safety items of 5ALIVE, which includes a check of the locks, and found everything satisfactory. Based on these facts, DOI has concluded that NYCHA did not fail to repair or maintain the apartment front door lock or doorknob, as DOI did not locate any open or incomplete maintenance requests for the doorknob or the lock of the subject apartment, after November 16, 2021, when a NYCHA maintenance employee last inspected the doorknob and locks. The Maximo records show that each time the tenants reported a problem with the doorknob or lock, NYCHA responded and completed each repair, and there is no indication that any such report was made between the check of the 5ALIVE factors in November and the fire.

It is DOI's position that eBikes (and other forms of electric/battery powered transportation) pose a significant risk of fire when stored or charged in enclosed spaces, including within NYCHA apartments. On December 20, 2018, DOI issued a referral letter to NYCHA regarding the November 28, 2018 fire at Bushwick Houses, also caused by an eBike battery explosion. In that referral letter, DOI recommended that NYCHA "[c]onsider implementing a policy specifically regulating and/or prohibiting electricity/battery powered modes of transportation including, but not limited to, e-bikes, electric hoverboards and electric scooters in NYCHA apartments." On March 20, 2023, New York City Mayor Eric Adams issued a press release announcing a pilot program to promote safe usage, storage and charging of eBikes in New York City to protect residents from preventable risks arising from these devices.<sup>27</sup> This release also announced that NYCHA will collaborate with Con Edison to create safe, outdoor e-micromobility storage and charging solutions at selected developments in Queens, Brooklyn, and Manhattan.

DOI acknowledges and commends NYCHA on their participation in this pilot program that ultimately may reduce or eliminate the storage of these devices within NYCHA properties. In the meantime, in light of the need to take immediate steps to reduce the risk posed by these devices, DOI recommends that NYCHA create guidelines to limit the number of eBikes allowed in NYCHA apartments, to provide for safe storage and maintenance, and to ban the operation of any businesses in or on NYCHA property involved in the repair, storage, and/or charging of electric/battery powered modes of transportation.

### III. Recommendations

Based on the findings of these investigations, DOI makes the following Policy and Procedure Recommendations:

1. NYCHA should revise its procedures to ensure that every shift includes at least one staff member properly trained to identify, report and secure safety hazards, such as a missing, loose, or damaged hopper door, according to NYCHA's amended standard procedures.
2. NYCHA should reissue to property managers and superintendents SP 040:04:3 – *Fire Safety*, and Form 060.130 – *Building Inspection Report*, to emphasize the importance of compliance with these requirements, and ensure that all property

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<sup>27</sup> New York City Office of the Mayor. (2023, March 20). *Mayor Adams Announces Plan to Combat Lithium-Ion Battery Fires, Promote Safe Electric Micromobility Usage* [Press Release]. <https://www.nyc.gov/office-of-the-mayor/news/195-23/mayor-adams-plan-combat-lithium-ion-battery-fires-promote-safe-electric-micromobility#/0>

managers and superintendents possess the requisite knowledge to evaluate and recognize deficiencies and potentially dangerous conditions in need of repair.

3. NYCHA should enforce its procedures concerning the inspection and repair process for fire suppression systems to improve efficiency, by ensuring that the development forwards the inspection deficiency sheet to the FSU immediately, to avoid needless delays in the repair process.
4. NYCHA should consider expanding its oversight function to audit more fire suppression inspection and repair records for each development at predetermined intervals, to ensure adherence to established protocol and time frames, and that all paperwork and repair requests are up to date. If an audit reveals noncompliance with NYCHA repair and inspection policy, NYCHA should take appropriate disciplinary action against responsible parties for any failure to follow the policy.
5. To ensure that funding is always available to inspect and repair fire suppression systems, NYCHA should consider excluding the inspection and repair of fire suppression systems from budgetary constraints, like the budget exclusions applicable to other safety issues, such as lead and mold abatement.
6. NYCHA should consider putting protocols in place to monitor contracts specifically concerning those related to inspection of safety hazards, including but not limited to those that involving fire safety and suppression, and lead and mold abatement, to ensure that contracts are either extended or renewed, to avoid any service delays due to expired contracts.
7. Concerning PDCs and Agents charged with the management of NYCHA properties, NYCHA should adopt the following policies:
  - a) Require that all PDCs and Agents have an actionable fire safety plan that incorporates or mirrors NYCHA policies, including, but not limited to, “5ALIVE” safety check information, and hopper door repair procedures, and guidance concerning fire-resistant materials.
  - b) Ensure that PDCs and Agents have a written policy concerning the reporting and management of maintenance requests, and that such policy has been distributed to all employees.
  - c) Require that all PDCs and Agents enact repair policies that include contingency plans to handle emergency repairs, including but not limited to

maintaining a list of back-up vendors to perform repairs when a primary contractor is unavailable, and a unit to provide maintenance for emergencies that occur outside of business hours (i.e., holidays, weekends, evenings, etc.).

- d) Ensure all PDCs and Agents use a work order/maintenance database with features that allow for the classification and prioritization of maintenance requests, issuance of work order tracking numbers to residents regardless of how the request is received, ability to verify that management received the request, and tracking of the request.
8. NYCHA should limit the number of electric/battery powered modes of transportation that use lithium-ion batteries, including, but not limited to eBikes, electric hoverboards, and electric scooters, that are allowed to be stored and/or charged in each apartment, and make compliance with this limitation a condition of the NYCHA lease and any violation of this ban a breach of the tenant's lease.
9. NYCHA should consult with FDNY to create fire safety and prevention strategies that may allow for safe storage and maintenance of electric/battery powered modes of transportation (as described in recommendation 8). NYCHA should then begin a campaign to inform tenants of the safest ways to store these devices inside NYCHA apartments.
10. NYCHA should ban the operation of any business involved in the repair, storage, and/or charging of electric/battery powered modes of transportation (as described in recommendation 8), anywhere on NYCHA property.
11. Upon acceptance of recommendation 8, NYCHA should revise their 5ALIVE fire safety inspection to include a requirement that maintenance workers check the apartment to ensure compliance with the above-referenced limitation and note any findings on the completed work order in Maximo. NYCHA should take appropriate steps to address the breach of the lease the same manner as any other lease violation.