

Report to the City Council: The Department of Housing Preservation and Development's (HPD) Self Closing Door (SCD) Program (July 2023 through June 2024)

Housing Maintenance Code § 27-2041.2 (e) requires HPD to submit a report to the Mayor and the Speaker of the City Council an annual report on self-closing doors. This report is being submitted in compliance with this requirement.

I. Background

Residential multiple dwelling buildings (3 or more residential units) are required to be equipped with self-closing doors pursuant to section 28-315.10 of the Administrative Code of the City of New York, Apartment and common area doors in multiple dwellings are required by law to swing closed and latch after being opened and released (self-closing) to limit the spread of fire and smoke if there is a fire. In accordance with § 27-2041.1 of the Housing Maintenance Code, it is the duty of the owner to keep and maintain such doors in good repair.

The Department of Housing Preservation and Development (HPD) enforces this requirement through the issuance of violations based on inspections of these doors. As part of HPD's standard inspection protocol, whenever an SCD violation is issued, HPD inspectors post notices to tenants in each building to let tenants know HPD issued at least one SCD violation in the building and highlighting the importance of SCDs, how to check their doors to ensure they are working properly, that they should report malfunctioning SCDs to their building owner or property manager and, if not fixed, to HPD through 311. Violations mailed to property owners also include information on how to ensure that the doors are properly repaired.

Pursuant to Local Law 71 of 2022, passed in the wake of the Twin Parks fire in the Bronx that led to multiple fatalities, HPD was tasked with creating a program to identify buildings at high risk of fire fatality for proactive inspection. The list of the 300 multiple dwellings for proactive inspection was derived using criteria such as:

- prior tenant complaints for inoperable self-closing doors and inadequate heat.
- prior violations issued by the Department of Buildings (DOB) for fire safety conditions and failure to file annual boiler inspection reports.
- in consultation with the Fire Department, using indicators suggesting they may pose higher than average risk for fire fatalities.

HPD began the proactive inspections of SCDs at apartment entrances and in common areas in September 2023 in 300 multiple dwellings.

Program Implementation

HPD enacted various procedural and operational changes, and coordinated with partner agencies to facilitate program implementation:

- HPD codified Subchapter P of Chapter 25 of Title 28 of the Rules of the City of New York, establishing formal criteria for building selection.
- HPD collaborated with the Department of Buildings (DOB) and Fire Department (FDNY) during the compilation of the list of 300 buildings. The selection of buildings placed on this list was based on specific criteria included in the Rules.
- HPD completed modifications to internal software applications to track inspections and manage violations.
- Inspection protocols were established by HPD and documented in manuals and other training resources for inspectors.
- To facilitate completion of inspections at certain buildings, HPD leveraged FDNY resources. Joint FDNY and HPD inspections were conducted at three buildings because property management personnel were unwilling to provide access to HPD for inspection.

II. Criteria and Building Selection

Criteria

The criteria for selection of buildings are:

- (1) Buildings having at least one complaint on record with the Department regarding a self-closing door within the three years prior to selection.
- (2) Buildings with more than five heat complaints on record with the Department in each of the three heat seasons prior to selection.
- (3) Buildings with at least one fire-safety related violation issued by the Department of Buildings within the three years prior to selection; or Buildings that have failed to file an annual boiler report with the Department of Buildings, where applicable, within the three years prior to selection.

Buildings excluded from selection include:

- a multiple dwelling that is currently the subject of a court order appointing or a proceeding brought by the Department seeking the appointment of an administrator pursuant to article 7-A of the real property actions and proceedings law.
- a multiple dwelling that has been included in the alternative enforcement program pursuant to section 27-2153 of the administrative code and has not been discharged from such program.
- a multiple dwelling that is currently active in and is the subject of an order under the Underlying Conditions Program.
- a multiple dwelling that has been inspected by the Department under the annual SCD inspection program provided in these rules within the last five years; or

- a multiple dwelling that has had an inspection of a public part, as defined in administrative code §27- 2004(20), by the Department within the three years preceding selection for inspection, including, but not limited to, such inspections conducted by specialized enforcement program units within the Department.

Building Selection

The Department prioritized selection of buildings meeting the criteria which were built prior to 1999. Additional prioritization for selection was applied based on consultation with the FDNY.

The final selection included buildings in all boroughs and across building size and type.

Distribution by borough

	Manhattan	Bronx	Brooklyn	Queens	Staten Island	TOTAL
Buildings	88	66	90	50	6	300
Units	3608	6133	3387	4436	416	17980
Minimum building size	8	6	6	6	14	
Median building size	20	70	16	16	51	
Maximum Building size	286	589	194	917	151	
Buildings > 100 Units	9	14	11	17	2	53

Of the selected properties, most met the following criteria: complaints regarding self-closing doors and no heat complaints (both) (25.7%); missing boiler report (18.3%); complaint regarding self-closing doors (17.3%); DOB fire safety violations issued (10.3%)

III. Owner Notification

Once buildings were selected, HPD sent notice to the owners or agents of selected buildings via mail. Emails were also sent to property owners if email addresses were provided at the time of registration. Notice was sent to the person(s) identified in the most current Property Registration on file with HPD.

The notice encouraged owners to ensure that all doors in common areas and at apartment entrances are properly self-closing and fireproof prior to HPD's inspections. It advised the property agent/owner that a full building inspection was going to be conducted specifically to check for these conditions.

Owners were reminded to test the doors using the following checklist, included in the notice to owners about selection:

- Does the door swing fully shut and close completely after being opened fully?
- If there is a latch, does it engage?

- Note any underlying condition or obstruction that prevents the self-closing door from operating properly:
- Door needs refitting - there is a large gap at the bottom of the apartment door
- Defective closing mechanism
- Device or item holding, or capable of holding, the door open
- Is there any damage to the self-closing mechanism?
- Are the hinges intact, or are they loose or missing?

Property owners are alerted about planned SCD proactive inspections. Afterwards, when gaining access to a building is problematic, HPD attempts to schedule inspection dates with property owners or their representatives. The approach has been largely successful, and most property owners are cooperative.

IV. Proactive Inspections

The SCD compliance inspectors attempt to inspect all doors in buildings selected for proactive inspections including common areas, public areas, hallways, corridors, and apartment doors, where accessible.

From September through the end of June 2024, HPD inspected 300 buildings (mostly in the Bronx and Brooklyn; table with city-wide totals above) containing approximately 17,946 apartments and 3,351 doors in the public areas, totaling 21,297 doors. Two of the 300 buildings were determined to be vacant and undergoing renovations and SCD inspections were not conducted as a result. With an almost 50% access rate to doors in apartments and public areas, inspections of 10,456 door were completed and about 71% of doors inspected were found to be working properly. The inspections resulted in the issuance of 3,151 self-closing door violations by HPD. All but 11 of the buildings inspected resulted in issuance of at least one SCD violation. 51% (1,622) of the 3,151 violations issued were in buildings with ≥ 100 units.

Inspection results: Access

Apartment Doors		
Total Apartments	Total Apartments No Access	Total Apartment Doors Inspected
17,946	10,598	7,348

Public Area Doors		
Total public area doors	Total no access doors in the public area	Total public area doors inspected
3,351	243	3,108

Inspection results: Working order

Borough	Apartment doors inspected and in proper working order	Common area doors inspected and in proper working order
MN	802	815
BX	1,799	680
BK	987	282
QN	1,532	368
SI	104	31
Total	5,224	2,176

Inspection results: Violations issued for malfunctioning/missing self-closing doors

By location

Apartment Doors	Common Area Doors	Total Doors
2,118	1,033	3,151

By borough

Borough	Violations issued	% of violations	Building Count
MN	922	29%	90
BX	853	27%	66
BK	661	21%	88
QN	643	21%	50
SI	72	2%	6
Total	3,151	10%	300

Compliance

For the most part, property owners/managing agents acted quickly to correct violations for SCDs issued during the proactive inspections. Of the 3,151 violations issued for malfunctioning self-closing doors, nearly 75% (2,336) were certified as corrected by property owners, which is higher than the 50% of SCD violations certified overall.

Owner Compliance by Borough

Borough	Violations issued	Corrected by owner	% of Total
MN	922	686	74%
BX	853	682	79%
BK	661	450	68%
QN	643	442	68%
SI	72	46	63%
Total	3,151	2,336	74%

HPD attempts to reinspect all SCD violations when the time for the correction of the conditions expire, whether the owner has certified correction or not. When violating conditions are found to be uncorrected, the HPD's Emergency Repair Program (ERP) directs contractors to correct the immediately hazardous condition.

V. Program Assessment

HPD successfully implemented the SCD proactive inspection program for multiple dwellings. Program results are generally positive. Although nearly all the buildings inspected were issued at least one SCD violation (286 buildings were issued a SCD violation during proactive inspections), inspectors found most of the inspected doors (approximately 70%) to be properly operating: self-closing and latching.

Of the 3,151 SCD violations issued during proactive inspections, owners certified correction of ~74% of the time. This rate of violation certification far exceeds the certification of SCD violations noted during Calendar Year (CY) 2023 which totaled approximately 52% (from the Report to the City Council: Audits of Certification of Correction CY 2023). This suggests, possibly, that the notice provided to owners about planned, proactive inspections elicited better compliance response.

Corrections made as a result of the program result in tangible safety improvements for New Yorkers. During an SCD proactive inspection in September 2023, a violation was issued for a malfunctioning SCD at the entrance to apartment B at 1038 Anderson Avenue, Bronx. The property owner submitted a certification that the violation was corrected on October 10, and an inspector from HPD confirmed compliance through a re-inspection on October 16, 2023. A little over a month later, on November 29, 2023, HPD's Special Enforcement Unit (SEU), the team responsible for assisting New Yorkers displaced from multiple dwellings because of fires and other disasters, inspected 1038 Anderson Avenue, Bronx following a fire. The inspector from SEU found apartment B had been significantly damaged by fire and a partial vacate for the apartment was ordered. The property damage caused by the fire was limited to a single apartment, quite possibly, because the self-closing door at the entrance to the apartment was recently repaired.

VI. Next Steps

During FY25, HPD will:

- Finalize new list of 300 buildings designated for proactive inspection.
- Contact corresponding property owners/managers and provide notice about building selection and upcoming proactive inspections.
- Conduct SCD proactive inspections at 300 additional buildings.
- Track disposition of SCD violations issued during proactive inspections.

Additionally, HPD will continue analysis of program outcomes to determine both identify if any changes are needed to the criteria for selection and well as review the impact on participating buildings.

By combining enhanced enforcement with our regular enforcement of self-closing door requirements, education about self-closing doors, the safe use of space heaters, the importance of smoke detectors, and the dangers of lithium-ion batteries, HPD and other City agencies are working together to help tenants keep safe.