

NYCHA Utility Accountability Act (A2573/S546)

Compensating tenants and holding NYCHA accountable during critical utility outages

The Problem

Disruptions To Gas, Heat, Water and Electricity In Public Housing Are Chronic, Costly, And Consequential For Tenants

Frequent and lengthy utility outages have become commonplace at the New York City Housing Authority (NYCHA). Tenants regularly experience months without cooking gas, weeks without electricity and days without heat. Despite HUD Agreement oversight, NYCHA has poorly communicated with its residents during persistent utility outages. Meanwhile, the significant costs of dealing with these outages has fallen on tenants, 90 percent of whom are Black and Latinx.^[1]

Elevated health risks, unreimbursed expenses, and unanswered questions about utility repair timelines have become features of everyday life for NYCHA tenants, a reality that would be far from acceptable in comparable apartment housing.



Recent examples of NYCHA's widespread utility outages:

- In 2022, NYCHA's Brooklyn developments experienced 552 hot water outages, 232 heat outages, and 292 water outages demonstrating widespread utility failures.^[2]
- Citywide in 2022, an estimated 2,000 NYCHA residents went without hot water for several hours at a time, while over 700 residents didn't have heat on days where the temperature outside was as low as 23 degrees. 800 residents had no water at all for long periods of time.^[3]

The Response

The NYCHA Utility Accountability Act Provides Just Relief To Tenants Through Reduced Rent

The NYCHA Utility Accountability Act (Assembly Bill 2573 / Senate Bill 546) is pending state legislation that advances racial justice by reducing tenant rent during utility outages.

- This Act requires **NYCHA to credit residents with the higher of either 10% of their rent or \$75 per month**, on a prorated daily basis for each day with a disruption of heat, water, gas, or electricity service.
- Financial penalties against NYCHA, in the form of reduced tenant rent, will prompt faster utility repairs and better communication on addressing the root cause of chronic utility disruptions.
- The Senate passed the Act by floor vote in 2021, 2022, and 2023. Action is urgently needed by the Assembly Housing Committee.

Impact On Tenants

Ms. Ceruti, a resident of the NYCHA Wagner Houses in East Harlem, has been living for nearly two years without gas in her building. NYCHA cut off kitchen stove gas to her and 30 of her neighbors following a dangerous basement gas leak in June 2022. Ms. Ceruti was initially given a worn-out hot-plate by NYCHA and has since been ignored when she has asked for updates about the repair plan. Living without a basic utility

has harmed her family through increased food costs and the indignity of not being able to prepare a hot meal in her own home. “NYCHA should be held accountable by us the residents,” says Ms. Ceruti.



“Reduced rent during utility outages is only fair and will help make sure we’re not left without answers.”

— MS. CERUTI
Resident, NYCHA Wagner Houses

FOR MORE INFORMATION

Ross Joy, joyr@nycourts.gov

Stephen Kpundeh, sjk2241@columbia.edu

Janhavi Nemawarkar, jsn2144@columbia.edu

[1] *NYCHA Resident Data Book Summary*, NEW YORK CITY, (Mar., 2022) <https://www.nyc.gov/assets/nycha/downloads/pdf/Resident-Data-Book-Summary-2022.pdf>.

[2] Spencer Lee Gallop, *Utility Outages Continue to Plague NYCHA Residents*, LEGAL AID SOCIETY OF NEW YORK (Jan. 9, 2022), <https://legalaidnyc.org/news/utility-outages-continue-to-plague-nycha-residents/>.

[3] Ximena Del Cerro, *Utility outages at NYCHA complexes increased last year, leaving thousands without heat, hot water*, BROOKLYN PAPER (Jan. 11, 2022), <https://www.brooklynpaper.com/heat-hot-water-outages-increased-nycha-2022/>.