

NEW YORK CITY
DEPARTMENT OF INVESTIGATION

TO: FILE

DATE: DECEMBER 6, 2018

FROM: [REDACTED]
SPECIAL INVESTIGATOR

RE: CASE NAME: BUSHWICK FIRE/E-BIKE
CASE #: 18-320
CMS#: 18-13980

CLOSING MEMORANDUM

The following is only a summary of information pertaining to this investigation and does not contain each and every fact learned during the course of this investigation.

ORIGIN OF CASE AND NATURE OF ALLEGATION:

This matter was brought to the attention of DOI through NYCHA Emergency Services Department (ESD) emails regarding a public space fire at Bushwick Houses on November 28, 2018. The emails indicated that the brother of resident [REDACTED] was visiting the NYCHA apartment when the battery of his electric scooter/e-bike "popped out and combusted" as it was parked in front of the apartment.

RESULTS OF THE INVESTIGATION:

Internal NYCHA emails indicated that [REDACTED] was treated by first responders at the scene as a precaution because he is "mentally challenged." As a safety measure due to the fire, the FDNY forced the doors of apartments 13H, 13J and 13B as well as the terrace windows in the public space area where the fire occurred.

ESD provided DOI with seven photographs of the fire scene which depict the damage to the public space, damage to the three apartment doors and the destroyed e-bike/scooter.

An internal NYCHA database search conducted by DOI determined that [REDACTED] (age [REDACTED], NYCHA account # [REDACTED]) is the head of household and sole authorized occupant of the fire apartment located at 869 Flushing Avenue, #13I. [REDACTED] moved into the apartment on May 23, 2016 and she is currently charged [REDACTED] in monthly rent. NYCHA categorizes [REDACTED] as "disabled/handicapped" and [REDACTED] reports a yearly income of [REDACTED] per year, [REDACTED] of which is derived from her social security pension.

On December 3, 2018, DOI spoke with Alan Pelikow (Pelikow), Senior Policy Advisor, NYCHA Management Services Department, regarding the presence of electricity powered vehicles on NYCHA property. Pelikow stated that NYCHA has an ADGM memorandum from 2004 which prohibits gas-powered scooters and mini-bikes. Pelikow stated that it is also illegal to store gasoline in a NYCHA apartment. Pelikow stated that NYCHA also prohibits Bicycle Riding / Skateboarding / Rollerblading and Creating a Disturbance / Engaging in Dangerous Activity on NYCHA grounds and common areas. The prohibition of these activities is also mentioned on the Highlights of House Rules, Lease, Law and NYCHA Policy document, NYCHA form 040.821, given to every household annually with their annual review recertification.

Pelikow stated that the Resident Lease agreement¹ also contains clauses which allow NYCHA to prohibit dangerous behavior. Pelikow cited, for example, lease paragraph 12.

- **g.** To take every reasonable precaution to prevent fires;
- **n.** To remove any prohibited electrical or other appliances or equipment from the Leased Premises whenever required by the Landlord;
- **q.** To act, and cause other persons who are in the Leased Premises with the consent of the Tenant to act, in a manner that will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the Development in a decent, safe and sanitary condition;

Pelikow also stated that to the extent that an electric scooter, e-bike or electric hoverboard can be considered a fire hazard if stored in an apartment; or if being used in manner that is a dangerous or the cause of a disturbance to other residents, NYCHA can prohibit them if needed².

Pelikow further stated that **NY Public Housing Law, Section 402 (7)** gives NYCHA the authority to regulate parking of motor vehicles within the interior roadways of a development. Pelikow opined that an electric bike with a motor could be considered a motor vehicle. The relevant section of NY Public Housing Law 402 (7) is as follows:

The authority shall have the power, which shall be in addition to its other powers under this chapter, to adopt rules and regulations relating to the parking, stopping or standing of a motor vehicle within the interior paths, roads, or grounds of its public housing projects. A violation of such rules and regulations shall constitute a "traffic infraction" as defined in the vehicle and traffic law, and such violation shall be heard and tried by the parking violations bureau established and created under and pursuant to title A of chapter forty of the administrative code of the city of New York, as added by chapter one thousand seventy-five of the laws of nineteen hundred sixty-nine. Such rules and regulations shall not be effective until filed as required by section fifty-four of this chapter and, in addition, until filed with the clerk of the municipality in which the principal office of the authority is located. The authority shall post appropriate signs in specific locations within a project as to the rules and regulations governing the parking, stopping or standing of motor vehicles at such locations.

Pelikow also provided DOI with various documents related to this matter including a "rules of conduct" sign, "highlights of house rules," and a 2004 ADGM memorandum regarding prohibition of motorized scooters.

On December 6, 2018, DOI contacted two neighbors who reside near the fire apartment³. Both neighbors stated that they were not home at the time of the fire and they have no pertinent information regarding it. The first neighbor stated that the "mentally challenged" man uses the electric scooter which he parks inside the fire apartment. This neighbor was not sure if the man resided at the fire apartment and noted that the man has been seen using the electric bike on only one occasion on the development grounds and that he had not previously seen the electric bike parked outside of the fire apartment. The second neighbor stated that the "mentally challenged" man has been using the electric bike for approximately one year and he parks it inside the fire apartment. The neighbor was not sure if the man resides at the fire apartment and stated that the man had two electric bikes, but he "got rid of" the second electric bike the day after the fire occurred and destroyed the first electric bike.

¹ Form 040.507 in the NYCHA forms and reference library.

² As per Pelikow, there is no current NYCHA policy prohibiting or regulating electric bikes/electric hoverboards/electric scooters.

³ [REDACTED]

CONCLUSIONS AND RECOMMENDATIONS:

During this investigation, DOI did not uncover any evidence indicating that NYCHA employees were negligent in their duties regarding the Bushwick Houses public space fire which occurred on November 28, 2018. NYCHA ESD emails and photographs show that the fire was caused by an electric bike parked outside of an apartment when its battery "popped out and combusted". NYCHA's Senior Policy Advisor confirmed to DOI that NYCHA does not presently have a policy prohibiting or regulating electric bikes/electric hoverboards/electric scooters. Two neighbors interviewed by DOI were aware that an electric bike had been parked inside of the fire apartment and one neighbor stated that the operator had two electric bikes, but he got rid of the second electric bike the day after the fire occurred.

Based on these findings, DOI recommends that NYCHA:

- Consider 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.

It is also recommended that this case be closed.

Submitted by: [Redacted] Date: 12/7/18
Special Investigator

Reviewed by: [Redacted] Date: 12/17/18
Deputy Inspector General

Recommended Approval by: [Redacted] Date: 12/19/18
First Deputy Inspector General

Approved by: [Redacted] Date: 12/19/18
Ralph M. Iannuzzi
Inspector General

[Redacted]



The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

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December 20, 2018

Stanley Brezenoff
Interim Chair & Chief Executive Officer
New York City Housing Authority
250 Broadway
New York, NY 10007

Re: Bushwick Houses fire / E-bike

Dear Mr. Brezenoff:

The New York City Department of Investigation has concluded an investigation regarding a public space fire which occurred at Bushwick Houses on November 28, 2018. Specifically, the brother of Bushwick Houses resident [REDACTED] was visiting the NYCHA apartment located at 869 Flushing Avenue, #13I when the battery of his electric scooter/e-bike "popped out and combusted" as it was parked in front of the apartment.

The evidence obtained during DOI's investigation did not uncover any evidence indicating that NYCHA employees were negligent in their duties regarding the Bushwick Houses public space fire. NYCHA ESD emails and photographs show that the fire was caused by an electric bike parked outside of an apartment. NYCHA's Senior Policy Advisor Alan Pelikow confirmed to DOI that NYCHA does not presently have a policy prohibiting or regulating electric bikes/electric hoverboards/electric scooters. Two neighbors interviewed by DOI were aware that an electric bike had been parked inside of the fire apartment and one neighbor stated that the operator had two electric bikes, but he got rid of the second electric bike the day after the fire occurred.

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If you have questions or need additional information, please contact Deputy Inspector General Osa Omoigui at (212) 306-3992. Thank you.

Very truly yours,

Margaret Garnett
Commissioner



Ralph M. Iannuzzi
Inspector General, NYCHA-OIG

cc: Vito Mustaciuolo, General Manager & Chief Operating Officer
Vilma Huertas, Executive Vice-President & Chief Compliance Officer
Patrick O'Hagan, Vice-President for Compliance
Hyacinth Jeffers, Acting Director, Department of Internal Audit & Assessment
Anil Agrawal, Assistant Director, Department of Internal Audit & Assessment