

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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September 8, 2011

Start: 11:12 am

Recess: 11:30 am

HELD AT: Council Chambers  
City Hall

B E F O R E:

ERIK MARTIN DILAN  
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.  
Elizabeth Crowley  
Lewis A. Fidler  
James F. Gennaro  
Robert Jackson  
Letitia James  
Brad S. Lander  
Melissa Mark-Viverito  
Rosie Mendez  
Jumaane D. Williams  
Eric A. Ulrich  
James S. Oddo

CHAIRPERSON DILAN: Good morning.

My name is Erik Martin Dilan, and I'm the chairperson of the City Council's Committee on Housing and Buildings. I'd like to thank everyone for attending this hearing for the purpose of a vote and a disposition of two items—the first of which is proposed Intro 531-A, which is a local law that will amend the Administrative Code of the city of New York in relation to the installation of window guards. The second is a pre-considered resolution sponsored by Speaker Quinn in support of the New York State Attorney General's comprehensive investigation into the mortgage packaging practices of several banks and calling upon the 50 state attorney general's taskforce to - - the state attorney general's investigatory and prosecutor powers pursuant to New York State's Martin Act in any settlement with major financial institutions.

Just briefly proposed Intro 531-A would add window guard installation and requirements to New York City's Housing Maintenance Code and would allow HPD to enforce such requirements. Currently, New York City's

1  
2 Department of Health and Mental Hygiene is the  
3 city agency responsible for ensuring that window  
4 guards are installed and that tenants are notified  
5 of an owner's obligation to install window guards  
6 if a child age 10 or younger resides within the  
7 apartment. This bill will allow HPD to issue  
8 class C or immediately hazardous violations to  
9 property owners who fail to comply with the  
10 requirements, but does give owners 21 days after  
11 service of notice of violation to correct the  
12 conditions. Owners who fail to correct the  
13 condition may be liable for civil penalty up to  
14 \$50 per day where the violation occurs at a  
15 multiple dwelling or with five or fewer dwellings  
16 and between \$50 and \$150 and \$125 per day for a  
17 violation that occurs in a multiple dwelling with  
18 five units or more. The Department of Health and  
19 Mental Hygiene will still be responsible for  
20 establishing specifications for window guards and  
21 investigating any accidents that result from—God  
22 forbid—a fall from a window. The Department of  
23 Mental Hygiene may also issue an order to correct  
24 the condition that the Department of Health  
25 determines contributed to a fall, but only HPD

1  
2 would now have the authority to seek a monetary  
3 penalty for the failure to comply with  
4 installation requirements.

5           The pre-considered resolution  
6 before us recognizes the mortgage crisis and the  
7 millions of homes that have been repossessed as a  
8 result of the crisis. The resolution also  
9 discusses the robo signing scandal that has called  
10 into question the practices used by financial  
11 institutions in initiating foreclosure actions.  
12 To investigate the scandal, a taskforce was  
13 convened by attorney generals from all 50 states.  
14 The taskforce is currently negotiating a  
15 settlement agreement with the financial  
16 institutions and recognizing New York's unique  
17 interest as the nation's financial capital and the  
18 impact that foreclosures have had on minority  
19 communities. This resolution asks the taskforce  
20 to preserve the New York State Attorney General's  
21 right to investigate and prosecute securities-  
22 related fraud cases under the state's Martin Act  
23 in any settlement that is eventually reached with  
24 the financial institutions. The attorney general  
25 of this state has expressed concern that a

1  
2 settlement by the taskforce has the potential to  
3 interfere with current and future investigations  
4 by his office into mortgage-related securities  
5 fraud by financial institutions. This resolution  
6 offers Attorney General Snyderman support in his  
7 investigation and calls on the taskforce to  
8 preserve our attorney general's investigatory and  
9 prosecutorial powers in any settlement agreement  
10 with financial institutions involved in mortgage  
11 abuses. I would like to ask the clerk to couple  
12 both items and ask that my colleagues vote in  
13 favor of both items on today's agenda.

14 And before I ask the clerk to call  
15 the roll, I'll do a brief introduction of the  
16 members--to my far left, Council Member Mendez of  
17 Manhattan, Council Member Viverito of Manhattan,  
18 Council Member Lander of Brooklyn, Council Member  
19 Williams of Brooklyn, Council Member Crowley of  
20 Queens, Council Member Fidler of Brooklyn and  
21 Council Member Jackson of Manhattan. At this  
22 time, I'd like to ask the clerk to call the roll.

23 COMMITTEE CLERK: Kevin Pin,  
24 Committee Clerk, roll call in the Committee on  
25 Housing and Buildings. Council Member Dilan?

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CHAIRPERSON DILAN: I vote aye.

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COMMITTEE CLERK: Fidler?

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COUNCIL MEMBER FIDLER: Aye.

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COMMITTEE CLERK: Jackson?

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COUNCIL MEMBER JACKSON: Aye on

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all.

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COMMITTEE CLERK: Mark-Viverito?

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COUNCIL MEMBER MARK-VIVERITO: Aye

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on all.

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COMMITTEE CLERK: Mendez?

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COUNCIL MEMBER MENDEZ: Aye on all.

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COMMITTEE CLERK: Crowley?

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COUNCIL MEMBER CROWLEY: Aye on all

15

and I'd like to put my name on as a co-sponsor of

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Intro 531-A.

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COMMITTEE CLERK: Lander?

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COUNCIL MEMBER LANDER: Aye on all,

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and I'd like to be added as a co-sponsor to both

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pieces of legislation please. Thank you.

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COMMITTEE CLERK: Williams?

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COUNCIL MEMBER WILLIAMS: Aye on

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all.

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COMMITTEE CLERK: By a vote of

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eight in the affirmative, zero in the negative and

1 no abstentions, the items have been adopted.

2 Members, please sign the Committee reports.

3 CHAIRPERSON DILAN: Okay. We'll  
4 leave the roll open and the Committee open for as  
5 long as the rules allow, and at the expiration of  
6 that time, this Committee will be adjourned.

7 COMMITTEE CLERK: Oddo?

8 COUNCIL MEMBER ODDO: Yes on Intro  
9 531A and no on the pre-considered resolution.

10 COMMITTEE CLERK: Intro stands at  
11 11 in the affirmative, 0 in the negative and no  
12 abstentions. Pre-considered reso stands at 10 in  
13 the affirmative, 1 in the negative and no  
14 abstentions.

15 [background conversation]

16 [pause]

17 COMMITTEE CLERK: James?

18 COUNCIL MEMBER JAMES: Aye.

19 COMMITTEE CLERK: Ulrich?

20 COUNCIL MEMBER ULRICH: I vote aye.

21 COMMITTEE CLERK: The vote stands  
22 at 13 in the affirmative, 0 in the negative and no  
23 abstentions.

24 [background conversation]

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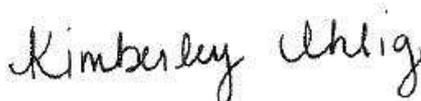
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COMMITTEE CLERK: Final vote in the  
Committee on Housing and Buildings intro 531-A 13  
in the affirmative, 0 in the negative and no  
abstentions. Pre-considered reso 12 in the  
affirmative, 1 in the negative and 0 abstentions.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

Date \_\_\_\_\_ September 22, 2011 \_\_\_\_\_