

COMMITTEE ON HOUSING AND BUILDINGS

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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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June 12, 2018
Start: 10:08 a.m.
Recess: 11:27 a.m.

HELD AT: 250 Broadway-Committee Rm, 14th Fl.

B E F O R E: ROBERT E. CORNEGY
Chairperson

COUNCIL MEMBERS:

FERNANDO CABRERA
MARGARET S. CHIN
RAFAEL L. ESPINAL, JR.
MARK GJONAJ
BARRY S. GRODENCHIK
BILL PERKINS
CARLINA RIVERA
HELEN K. ROSENTHAL
RITCHIE J. TORRES
JUMAANE D. WILLIAMS

A P P E A R A N C E S (CONTINUED)

1
2
3 Rachel Van Tosh
4 Deputy Commissioner at the Department of Small
5 Business Services, SBS

6 Patrick Wehle
7 Assistant Commissioner for External Affairs at
8 The New York City Department of Buildings, DOB

9 Gus Sirakis
10 Assistant Commissioner for Technical Affairs and
11 Co-Development at the Department of Buildings,
12 DOB

13 Chief Samsair
14 Owner of Caribbean Restaurant Called Roti on the
15 Run on Fulton Street in Brooklyn

16 Julio Travares
17 Proprietor of Travares Restaurant at 234
18 Cleveland Street in Brooklyn

19 Juan Diaz
20 Proprietor of ADI Multi Service on Fulton Street
21 Brooklyn

22 Chandra Haran-Holly
23 Pharmacist, Owner of Pharmacy in Cypress Hills

24 Edward Ferrier
25 Deputy Assistant Chief of the New York City Fire
Department

Dolph Goldenburg
Interim Executive Director of Transgender Legal
Defense and Education Fund, TLDEF

Lynda Cohen
Law Fellow at Lambda Legal

Mateo Guerrero-Tabares
Popular Education Coordinator at Make the Road
New York

Lowell Herschberger
Director of Career and Education Programs at
Cypress Hills Local Development Corporation

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2

[gavel]

3

CHAIRPERSON CORNEGY: Good morning

4

everyone. I'm Council Member Robert Cornegy, Chair of

5

the Committee on Housing and Buildings and I'm joined

6

by no one actually, I'm here alone, people will be

7

joining us this... as the time winds, I didn't want to...

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in the interest of time I wanted to start the

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hearing. Today we'll hear testimony from the

10

Department of Buildings, the New York City Fire

11

Department, members of the Real Estate Industry,

12

business owners and others interested in... and

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interested members of the public on four bills. First

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Intro Number 465 sponsored by Council Member Danny

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Dromm would require the Department of Buildings to

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conduct education and outreach regarding the

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requirements for single occupant bathrooms. Second,

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Intro 644 sponsored by Council Member Eugene would

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require carbon monoxide detectors in all business and

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mercantile spaces in the city. Third, Intro 728

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sponsored by Council Member Espinal would establish a

22

temporary program to resolve awning violations and

23

require the Department of Buildings in consultation

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with the Department of Small Business Services to

25

develop an education campaign for business owners

1
2 regarding awning rules and violations. Finally, we'll
3 also hear testimony on Intro Number 836 which I
4 sponsor which would consolidate the filing review and
5 approval process for certain fire systems; emergency
6 alarm systems and fire protection plans under the
7 Fire Department. This would eliminate the need for
8 building owners to file separately with the
9 Department of Buildings saving time and money without
10 compromising public safety. Although Department of
11 Buildings would no longer have to approve the plans,
12 no work or fire suppression and fire alarm systems
13 could be performed without approval from FDNY. Any
14 other permits required for construction on
15 alternation... on alternation work which still have to
16 be obtained from DOB and FDNY would enforce the
17 construction code requirements applicable to permit
18 holders such as, as vestals, zoning and landmark
19 requirements that are currently enforced by the
20 Department of Buildings. This bill would reduce the
21 burden on building owners without eliminating vital
22 city oversight. I'd like to remind everyone who'd
23 like to testify today to fill out a card with the
24 sergeant and we'll be sticking to a two-minute clock
25

1
2 for all testimony. And now I'd like to have the
3 administration affirmed.

4 COMMITTEE CLERK: Can you raise your
5 right hand? Do you affirm to tell the truth, the
6 whole truth and nothing but the truth and answer...
7 respond honestly to Council Member questions?

8 PATRICK WEHLE: I do.

9 RACHEL VAN TOSH: Yes.

10 COMMITTEE CLERK: Thanks.

11 RACHEL VAN TOSH: Good morning Chair
12 Cornegy and members of the Committee on Housing and
13 Buildings. My name is Rachel Van Tosh and I am a
14 Deputy Commissioner at the New York City Department
15 of Small Businesses Services. At SBS, we aim to
16 unlock economic potential and create economic
17 security for all New Yorkers by connecting them to
18 quality jobs, building stronger businesses, and
19 fostering thriving neighborhoods across the five
20 boroughs. Today, I am pleased to join the Department
21 of Buildings and the Fire Department to briefly
22 testify on the impact of Intro 836 on businesses.
23 Small businesses in New York City are an essential
24 part of our communities and SBS helps them to start,
25 operate and grow. One way we're doing this is by

1
2 reducing the regulatory burden on small businesses.
3 In 2015, following extensive outreach to the business
4 community, Mayor De Blasio announced Small Business
5 First, an interagency initiative to improve the
6 regulatory environment. The goals of the initiative
7 were to provide clear information with coordinated
8 services, help business owners understand and comply
9 with regulations, ensure equal access to services and
10 reduce the burden imposed by complex regulations and
11 fines. With support from DOB and FDNY, Intro 836 will
12 bring us one step closer to fulfilling those goals.
13 This bill seeks to simplify processes between DOB and
14 FDNY to save business owners time, money and hassle.
15 It would streamline the filing, review and approval
16 processes for fire suppression systems, fire alarm
17 systems and fire protection plan under FDNY. This
18 eliminates the requirement to file with DOB and give...
19 and gives FDNY responsibility over plan review and
20 approval. These process changes would reduce the cost
21 and administrative burden on businesses without
22 compromising public health and safety. Applicants,
23 the majority of which are businesses, will save an
24 estimated total of 11 million dollars per year and
25 approximately one and a half months in process time.

1
2 SBS is fully supportive of this legislation and we
3 thank Chair Cornegy for sponsoring it. Thank you and
4 I'm happy to take any questions following subsequent
5 testimony along with my colleagues from DOB and FDNY.

6 PATRICK WEHLE: Good morning Chair
7 Cornegy and members of the Housing and Buildings
8 Committee. I am Patrick Wehle, Assistant Commissioner
9 for External Affairs at the New York City Department
10 of Buildings. I am pleased to be here to offer
11 testimony on three of the bills before the committee
12 today, Introductory Numbers 465, 644, and 728.
13 Introductory Number 465 would require that the
14 Department conduct education and outreach regarding
15 the single occupant toilet room requirements in the
16 New York City Plumbing Code. Specifically, the bill
17 would require the department to create materials
18 concerning this requirement including examples of
19 acceptable signage. Such materials must be made
20 available in the languages most commonly spoken by
21 limited English proficient individuals and must be
22 linguistically and culturally competent. The
23 department is also tasked with reporting on the
24 efficacy of its education and outreach annually.
25 Following the enactment of Local Law 79 of 2016, the

1
2 Plumbing Code requires that all single occupant
3 toilet rooms be made available for use by persons of
4 any gender and that they be labeled as such. This
5 requirement improved restroom access for all New
6 Yorkers, regardless of their gender identity.
7 Information pertaining to this requirement is
8 currently available on the city's website and New
9 Yorkers have the ability to file complaints with 3-1-
10 1. When new like.. requirements like these are added
11 to the construction codes, the department conducts
12 outreach to the construction industry, including
13 through our Buildings News electronic newsletter and
14 service updates. The city's commission on human
15 rights also has a campaign dedicated to restroom use
16 and gender identity. Given that information on the
17 law and restroom access is readily available and the
18 department has received very few complaints
19 concerning it, the department does not believe
20 specific outreach related to this requirement is
21 necessary at this time. The department encourages New
22 Yorkers to file complaints with the department if
23 they find that the requirement is not being met or
24 with the Commissioner on Human Rights if they are
25 faced with discrimination. Introductory Number 644

1
2 requires business and mercantile occupancies to
3 install carbon monoxide detectors when such
4 occupancies are equipped with a fire alarm system.
5 This requirement would apply to the new construction
6 on these occupancies and to certain alterations. When
7 properly installed and working, carbon monoxide
8 detectors can provide an early warning of the
9 presence of carbon monoxide allowing sufficient time
10 for occupants to either escape or take appropriate
11 action, before the deadly gas can build up to
12 dangerous levels. As such, the department supports
13 requiring these detectors in more spaces as it
14 include... as it could improve safety and we look
15 forward to working with the council and other
16 interested stakeholders on this issue. Finally,
17 Introductory Number 728 requires the Department of
18 Finance to create a program to allow for the
19 resolution of certain signage violations. The program
20 would last 180 days and allow respondents to cure
21 violations within 60 days rather than face a penalty.
22 The department would be tasked with publicizing the
23 DOF program and developing a separate program to
24 educate the business community about relevant signage
25 regulations. Finally, this legislation would create

COMMITTEE ON HOUSING AND BUILDINGS

1
2 an interagency task force to explore issues related
3 to signage regulations in the city's Building Code
4 and Zoning Resolution and issue a report to the Mayor
5 and Speaker of the City Council. Business signs and
6 their installation must comply with requirements in
7 the City's Building Code and Zoning Resolution. The
8 regulations in the Building Code address permitting
9 and structural issues and the regulations in the
10 Zoning Resolution address issues including surface
11 area, projection, height, and illumination. These
12 regulations exist to protect people from dangerous
13 and illegally installed signs and to reduce visual
14 clutter. Enforcement of signage regulations is
15 entirely complaint based. The department received
16 1,167 complaints in 2016 and 1,000 complaints in
17 2017. As a result of these complaints, the department
18 conducted 883 inspections in 2016 and 837 inspections
19 in 2017. These inspections resulted in the issuance
20 of nearly 1,000 violations over that two-year period.
21 The city council passed a series of moratoriums on
22 the imposition of penalties for signage violations in
23 the early 2000's, the last of which ended in 2006.
24 The city was also tasked with conducting outreach to
25 businesses to educate them about signage regulations

COMMITTEE ON HOUSING AND BUILDINGS

1
2 and about any amendments made to... by the city to the
3 existing regulations as part of that effort. It is
4 the department's understanding that the Department of
5 City Planning submitted a report to the city council
6 with recommendations for amending the Zoning
7 Resolution and that such recommendations were not
8 implemented. The program provided in Intro 728 to
9 allow for the resolution of signage violations is
10 problematic. The city is particularly concerned with
11 the requirement that refunds be processed for
12 violations that were correctly issued, as this is not
13 commonplace, nor appropriate. It should also be noted
14 that the requirement... that as required by Local Law
15 45 of 2016, the Department of Finance already
16 administered an amnesty program, which ended in 2016
17 and which allowed for the mitigation of penalties for
18 many violations issued by a variety of city agencies,
19 including signage violations issued by the Buildings
20 Department. Running a comparable program for a subset
21 of signage violations would be a costly endeavor with
22 potentially limited response. Building off the report
23 previously provided by the Department of City
24 Planning, the Department would welcome the
25 opportunity to discuss signage regulations further

COMMITTEE ON HOUSING AND BUILDINGS

1
2 with the city council and its partner agencies. Thank
3 you for your attention and the opportunity to testify
4 before you today. I welcome any questions you may
5 have.

6 CHAIRPERSON CORNEGY: Is that it, thank
7 you. We've been joined by Council Member Dromm,
8 Espinal, Grodenchik and Rivera and we'll have opening
9 statements on the bills, first by our Council Member
10 Dromm.

11 COUNCIL MEMBER DROMM: Thank you very
12 much and thank you Chair Cornegy for hearing Intro
13 465 and for your support for the Lesbian, Gay,
14 Bisexual, Transgender and Queer community. I was the
15 chief sponsor of legislation the council passed, and
16 the Mayor signed requiring single occupancy restrooms
17 be available to everyone regardless of gender
18 identity. Local Law 79 of 2016 ensures all single
19 occupancy restrooms have a readily visible sign
20 located near the entrance noting availability for
21 persons of all genders. Although that bills passage
22 was a crucial step towards lessening the risk of
23 harassment or physical attacks on transgender and
24 gender nonconforming people using restrooms we are
25 now facing a more practical implementation issue.

COMMITTEE ON HOUSING AND BUILDINGS

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2 Unfortunately, many buildings and business owners are
3 either unaware of the law or are flouting the
4 requirement with no seeming consequence. Last week
5 two people from my office conducted a survey of
6 restaurants and bars in my district and found that
7 widespread noncompliance, they're findings show, and
8 I have to say everywhere I go I don't see the signage
9 change happening, I don't see it happening, you know
10 at all really, their findings show that no
11 establishment had signage clearly designating its
12 single room occupancy restrooms available for all
13 sexes. Of the places with single... multiple single
14 occupancy restrooms only two thirds still exhibited
15 single sex signage, the remainder did not have such
16 sex, sex... segregated facilities but also did not
17 exclusively display all gender signage. Intro 465
18 will require the Department of Buildings to establish
19 and implement an education and outreach program to
20 increase awareness of Local Law 79 and an annual
21 report on the implementation and efficacy of its
22 efforts. Without proper education and enforcement of
23 Local Law 79 is nothing but a symbolic gesture,
24 transgender and gender nonconforming New Yorkers need
25 more than symbolism, they need action. Intro 465 is

COMMITTEE ON HOUSING AND BUILDINGS

1
2 an easy and common-sense way to show our support for
3 New Yorkers of all gender identities and expressions.
4 I thank my colleagues and the many human rights
5 advocates who have worked on this issue, together we
6 must ensure that transgender and gender nonconforming
7 people are treated with the respect and dignity they
8 deserve.

9 CHAIRPERSON CORNEGY: Thank you Council
10 Member Dromm, Council Member Espinal.

11 COUNCIL MEMBER ESPINAL: Thank you Chair
12 Cornegy for having this hearing today. Intro Number
13 728 is very near and dear to my community and I'm
14 happy to see many small business owners here to tell
15 their story and give the testimony on this bill. For
16 the past year, dozens upon dozens of small businesses
17 especially along the Fulton Street corridor in
18 Cypress Hills, East New York of my district have
19 received violations for the awnings on their store
20 fronts. To give some context, the DOB now requires a
21 permit for business awnings however in 2005 the city
22 of New York passed a moratorium which temporarily
23 halted enforcement of building signage violations yet
24 with no warning or any information on how to comply
25 with the law once the moratorium ended the DOB has

COMMITTEE ON HOUSING AND BUILDINGS

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2 issued violations to over 80 businesses in my
3 community. These are businesses who for decades have,
4 have had these signs without any complaints or fines
5 from the city. Many merchants bought their location
6 prior to the end of the moratorium with the existing
7 signage in place and had never been told that they
8 needed to register their awning with the DOB. And
9 make no mistake, these fines are hefty and
10 burdensome. As you will hear today fines can range
11 from 5,000 dollars to 20,000 dollars. Imagine how
12 this would affect a small business owner's bottom
13 line. As we know many small businesses are already
14 struggling to stay afloat as they deal with rising
15 rents and outside market pressures including the
16 threat of gentrification in neighborhoods like ours.
17 What's even more troublesome is that the vast
18 majority of these entrepreneurs are immigrant owners
19 from vulnerable communities. Small businesses are the
20 backbone of our society as we all know. We should be
21 supporting them and helping them thrive rather than
22 pushing them to extinction over petty fines that are
23 easily avoidable with the right education. That is
24 why I'm so proud to sponsor Intro Number 728 which
25 would take major steps to resolve awning judgements

COMMITTEE ON HOUSING AND BUILDINGS

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2 and, and get money back to those business owners who
3 incurred the violations, it would also institute a
4 moratorium on penalties so more businesses have, have
5 more time to comply without getting fined and conduct
6 education so these communities are clear on what is
7 expected of them. Thank you again Chair and to all
8 those who came to testify.

9 CHAIRPERSON CORNEGY: Thank you Council
10 Member Espinal, we're going to move to questions but
11 before I do I just want to publicly thank Danny Dromm
12 the Finance Chair for shepherding us through the
13 first budget under this Speaker, I think you did a
14 terrific job.

15 COUNCIL MEMBER DROMM: Thank you.

16 CHAIRPERSON CORNEGY: And with that I'll
17 let you ask the first round of questions.

18 COUNCIL MEMBER DROMM: Okay, very good
19 and thank you Mr. Wehle. I, I came in a little bit
20 near the end of your testimony, but I do have some
21 questions. What efforts has the DOB taken to inform
22 establishments about the all gender signage
23 requirements.

24 PATRICK WEHLE: Good morning Council
25 Member Dromm, so with all changes that.. made to the

COMMITTEE ON HOUSING AND BUILDINGS

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Construction Codes we do provide general outreach to

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the industry, so we have what we call the Building

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News, electronic newsletter which goes out too many

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thousands of different types of facets of the

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industry and people who interact regularly with the

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department where they are provided with notice. We

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also released what's called service updates related

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to changes to the law that provides outreach as well.

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Specific also to this requirement the Commission on

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Human Rights did provide to promote outreach as well.

12

COUNCIL MEMBER DROMM: Are all city owned

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or leased spaces complying with the signage

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requirements, how do you track it?

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PATRICK WEHLE: We track our... we, we

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would track compliance based on complaints, so when

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we receive a complaint obviously we would go out and

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perform an inspection.

19

COUNCIL MEMBER DROMM: So, when somebody

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goes out to a site and they see that the signage is

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not correct that does not get reported back to you,

22

they just leave it?

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PATRICK WEHLE: No, so it... upon our

24

receiving a complaint the Department would... [cross-

25

talk]

COMMITTEE ON HOUSING AND BUILDINGS

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COUNCIL MEMBER DROMM: No, but in... on a
general inspection let's say.

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PATRICK WEHLE: I'm sorry, I don't fully
understand... [cross-talk]

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COUNCIL MEMBER DROMM: Do you go out...
[cross-talk]

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PATRICK WEHLE: ...your question... [cross-
talk]

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COUNCIL MEMBER DROMM: ...and do a general
inspection or just...

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PATRICK WEHLE: We don't... if your
question is whether or not we perform proactive
inspections... [cross-talk]

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COUNCIL MEMBER DROMM: Right... [cross-
talk]

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PATRICK WEHLE: ...on these signage
violations... [cross-talk]

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COUNCIL MEMBER DROMM: Not to signage
violations... [cross-talk]

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PATRICK WEHLE: ...absolutely... [cross-talk]

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COUNCIL MEMBER DROMM: ...but any other
type of proactive inspections.

24

PATRICK WEHLE: Yes, we do perform

25

proactive inspections and as part of that inspection

COMMITTEE ON HOUSING AND BUILDINGS

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2 we'll look for a number of indigenous related
3 violations of the Construction Codes, yes.

4 COUNCIL MEMBER DROMM: Do you look for
5 signage violations?

6 PATRICK WEHLE: I think more often than
7 not when we're performing our inspections they're
8 often times on construction sites, right, there are
9 times when we perform inspections based on a
10 complaint that we receive from the department, that
11 inspector does have the discretion to look for other,
12 you know violations of our codes so it's something
13 the inspector could check for, yes.

14 COUNCIL MEMBER DROMM: Do they?

15 PATRICK WEHLE: I can't tell you in every
16 instance that they do, I can tell you that while
17 they're out there performing their inspections they
18 are... they are performing those observations
19 generally... [cross-talk]

20 COUNCIL MEMBER DROMM: So, how do you
21 know if there's compliance with the law or not?

22 PATRICK WEHLE: I can tell you that
23 there's been very few complaints received by the
24 department as it relates to the compliance of the
25 law, that I can tell you.

COMMITTEE ON HOUSING AND BUILDINGS

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COUNCIL MEMBER DROMM: How many transgender and gender nonconforming people work for the Department of Buildings?

PATRICK WEHLE: I don't have an answer for that question, I don't know.

COUNCIL MEMBER DROMM: You don't collect data?

PATRICK WEHLE: I don't have that data, data with me, I can't say whether or not the department collects that data, but I don't have that with me.

COUNCIL MEMBER DROMM: You don't know if they do collect it or not?

PATRICK WEHLE: I honestly couldn't tell you, no.

COUNCIL MEMBER DROMM: Well how many transgender nonconforming individuals are in the DOB leadership?

PATRICK WEHLE: As far as I know the answer is zero.

COUNCIL MEMBER DROMM: Not good, what efforts is the DOB making to encourage diversity within its ranks?

COMMITTEE ON HOUSING AND BUILDINGS

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PATRICK WEHLE: So, as part of our hiring efforts, you know we have now currently 1,600 employees within the department, we always have a need for hiring new plan examiners, you know inspectors and as part of our outreach for hiring we hold, hold many hiring pools throughout the city at a variety of locations, we do various types of outreach as well.

10

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COUNCIL MEMBER DROMM: So, why is that you don't know if they collect how many LGBT or how... excuse me, how many transgender employees that you have, you... do you... that you don't know that if you collect that data or not?

15

16

17

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19

PATRICK WEHLE: Honestly, I don't know if we keep track of that, we... perhaps we do, I certainly... if we do I certainly don't have that information with me but I'm more than happy to look into that and get back to you and the committee.

20

21

22

COUNCIL MEMBER DROMM: Well that does seem to be somewhat of a problem. Has DOB ever had a pride event?

23

24

PATRICK WEHLE: This month actually we are, yes.

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COUNCIL MEMBER DROMM: When is that?

COMMITTEE ON HOUSING AND BUILDINGS

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PATRICK WEHLE: I don't know the exact

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date off hand.

4

COUNCIL MEMBER DROMM: Gee whiz, not, not

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much of a priority when you come in for a hearing on

6

this matter and you don't know the answers to these

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questions, what's one left to think?

8

PATRICK WEHLE: I could tell you that we

9

were supportive of, of the Local Law when it was

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enacted in 2016 and when we receive complaints we are

11

responding... [cross-talk]

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COUNCIL MEMBER DROMM: Mr. Wehle... [cross-

13

talk]

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PATRICK WEHLE: ...accordingly... [cross-

15

talk]

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COUNCIL MEMBER DROMM: ...just by your

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response though it indicates to me that you're not

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taking the law seriously because you've not, not even

19

made any... you know any steps to have knowledge about

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who the transgender, gender nonconforming people are

21

within the DOB, what type of a priority is it for you

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if you don't know the answers to these questions...

23

[cross-talk]

24

PATRICK WEHLE: Well... [cross-talk]

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COMMITTEE ON HOUSING AND BUILDINGS

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COUNCIL MEMBER DROMM: ...and then how can you be entrusted to implement the law?

4

PATRICK WEHLE: I think we are implementing the law, we supported the passage of the law and we've implemented it, we've made changes to our code, we provide outreach to the industry, we provide services notices on the new requirement and upon receiving complaints we take appropriate action and perform inspections... [cross-talk]

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COUNCIL MEMBER DROMM: It seems like a minimal amount of effort on your part to send out an email without any follow up, without any inspections, without tracking, without any knowledge of who the transgender employees are, without knowledge of even when the pride celebration is going to happen, when you come to a hearing on a specific issue like this one would expect that you would come prepared minimally to answer some of those questions.

20

21

22

PATRICK WEHLE: I'm here prepared to speak on the, the legislation itself, the Introductory Number that's what I'm here to discuss.

23

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COUNCIL MEMBER DROMM: But if you don't know that other stuff you can't speak about it and that's the problem. That's, that's a huge problem

COMMITTEE ON HOUSING AND BUILDINGS

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2 within your agency, that needs to be corrected
3 immediately. The, the, the Human Rights Commission
4 should be looking at your agency, that's what should
5 be going on here. Anyway, how do spaces new and
6 renovated that want to install multi-stall all gender
7 bathrooms go about doing that?

8 PATRICK WEHLE: So, as a part of the
9 overall plan review process when the applicant is
10 submitting documentation to the department for its
11 review, that documentation needs to make reference
12 that they're going to be including the appropriate
13 signage on the, the, the bathroom that's being
14 installed or renovated.. [cross-talk]

15 COUNCIL MEMBER DROMM: For the all.. for
16 the multi-stall?

17 PATRICK WEHLE: Correct, for the single..
18 for the single occupancy bathrooms that require the
19 gender-neutral signage that information needs to be
20 included on the plans submitted to the department.

21 COUNCIL MEMBER DROMM: But for.. if, if,
22 if an.. if a building wants to have a multi-stall all
23 gender bathroom how do they go about doing that?

24 [off-mic dialogue]
25

COMMITTEE ON HOUSING AND BUILDINGS

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PATRICK WEHLE: You know what if I may

3

Gus Sirakis is our Assistant Commissioner for

4

Technical Affairs maybe he can join me here and he'll

5

be better... [cross-talk]

6

COUNCIL MEMBER DROMM: Uh-huh... [cross-

7

talk]

8

PATRICK WEHLE: ...do a better job

9

answering that question.

10

CHAIRPERSON CORNEGY: Gus for the record

11

can you just identify yourself?

12

GUS SIRAKIS: Sure, Gus Sirakis,

13

Assistant Commissioner for Technical Affairs and Co-

14

Development at the Department of Buildings. So, I, I

15

believe the process would still be the, the same as

16

Patrick described with regards to filing of plans,

17

going through plan examination and obtaining the

18

permit for the issuance of the... for the... for the work

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that's going to be performed and I, I believe you're,

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you're trying to describe all gender bathrooms with

21

full height partitions for the... for the... [cross-talk]

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COUNCIL MEMBER DROMM: Uh-huh... [cross-

23

talk]

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GUS SIRAKIS: ...stalls, yes that's...

25

[cross-talk]

COMMITTEE ON HOUSING AND BUILDINGS

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COUNCIL MEMBER DROMM: And what about the

3

signage for that?

4

GUS SIRAKIS: That would also need to be

5

included in the... in the... [cross-talk]

6

COUNCIL MEMBER DROMM: In the proposal...

7

[cross-talk]

8

GUS SIRAKIS: ...the plans... in the... [cross-

9

talk]

10

COUNCIL MEMBER DROMM: Uh-huh... [cross-

11

talk]

12

GUS SIRAKIS: ...plans, yes.

13

COUNCIL MEMBER DROMM: Okay. Alright...

14

[cross-talk]

15

CHAIRPERSON CORNEGY: What... Gus I would

16

just ask that you report back to this committee

17

whether... the, the right answer because you, you don't

18

know for sure, okay and I think you... I think you...

19

[cross-talk]

20

GUS SIRAKIS: I, I think I was... I was...

21

the only reason I was being I guess a little... a

22

little hesitant there was because I wanted to be sure

23

I understand the question properly, I think the, the

24

clarification of... [cross-talk]

25

CHAIRPERSON CORNEGY: Okay... [cross-talk]

COMMITTEE ON HOUSING AND BUILDINGS

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GUS SIRAKIS: ...individual stalls with

3

full height partitions and doors so that its an

4

individual occupant... [cross-talk]

5

CHAIRPERSON CORNEGY: Okay, thank you.

6

COUNCIL MEMBER DROMM: Alright, thank

7

you.

8

CHAIRPERSON CORNEGY: Council Member

9

Espinal.

10

COUNCIL MEMBER ESPINAL: Thank you Mr.

11

Chairman for being so generous. So, back to my bill

12

and when it comes to signage in front of the store

13

fronts, you've mentioned in your testimony that, that

14

till 2016 DOF has had an amnesty program, could you

15

speak more to that?

16

PATRICK WEHLE: Yeah, not until 2016,

17

2016 but in 2016 a Local Law was adopted establishing

18

a temporary amnesty period, period for all sorts of

19

violations including what would have been... with

20

signage violations as well.

21

COUNCIL MEMBER ESPINAL: And what does

22

that... what, what do the program do exactly?

23

PATRICK WEHLE: So, for a period, I think

24

it was a six-month period as well not for the entire

25

penalty associated with the violation but penalties

COMMITTEE ON HOUSING AND BUILDINGS

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2

on top of that related to interest and default

3

penalties, if the violation was cured those penalties

4

could be waived so not the base penalty just the

5

default if there was one and any interest associated

6

with the penalty.

7

COUNCIL MEMBER ESPINAL: So, so allowed

8

business owners to, to cure the violation... [cross-

9

talk]

10

PATRICK WEHLE: Correct... [cross-talk]

11

COUNCIL MEMBER ESPINAL: ...without having

12

to pay?

13

PATRICK WEHLE: Correct.

14

COUNCIL MEMBER ESPINAL: Okay. I, I just

15

find it very coincidental that after the amnesty

16

program which was in 2016 all of a sudden we have

17

1,000 complaints regarding signage and in 2017, a

18

year after you have over 800 inspections due to

19

signage, now would, would, would the DOB agree that

20

signage violations are probably not common knowledge

21

with everyday New Yorker or do you... do you think

22

that's something that everyone knows that maybe a

23

sign is not put up correctly?

24

PATRICK WEHLE: Honestly, it's hard for

25

me to say, I mean if you're... if you're asking me if..

COMMITTEE ON HOUSING AND BUILDINGS

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2 are there some small businesses out there perhaps who
3 are unfamiliar with the requirements and the building
4 code and the zoning resolution I'd say it's certainly
5 possible.

6

COUNCIL MEMBER ESPINAL: I just... I just
7 find it very odd that, you know I think... you, you've
8 testified also that a lot of the inspections were
9 made because there were... there were complaint driven,
10 I just find it very hard to believe that someone in
11 East New York sat down and made 80 calls about 80
12 different businesses, do, do... does the DOB have any
13 information on where those calls are coming from or
14 is that all concealed information?

15

PATRICK WEHLE: We don't it's through 3-
16 1-1 so it's anonymous, we don't know who's making the
17 complaints but what I can tell you is that all the
18 inspections that were performed not just, you know
19 Fulton Corridor but throughout the city are based on
20 complaints received by the department through 3-1-1.

21

COUNCIL MEMBER ESPINAL: So, I, I think
22 the issue is, is that here we have a situation where
23 business owners as I mentioned earlier had no
24 information on whether or not their signs were put up
25 illegal... or were legal or not or they didn't know

COMMITTEE ON HOUSING AND BUILDINGS

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2 that there was a process to have those signs up and
3 they were blindsided when, when DOB came out and gave
4 them violations of 5,000 to 20,000 dollars, I think
5 it's no secret that any small business in my
6 community that's, that's run by mostly lower income
7 entrepreneurs that 5,000 dollars could mean whether
8 or not they keep their doors open. So, there, there
9 is some sort of conspiracy idea out there that this
10 was probably driven by an individual who wanted to
11 take advantage of the market and the community. So, I
12 know you mentioned that you think that refunding the
13 community this funding.. the, the, the fines is
14 problematic but I think it's the only way we'll be
15 able to pay back the people in my community so that
16 they can have that opportunity to continue to perform
17 their businesses in the city. So, I'm, I'm, I'm going
18 to take it upon myself to continue pushing this bill
19 as is because I think it's just the only way we can
20 move forward.

21 PATRICK WEHLE: Understood, you know what
22 I would say is that certainly all building owners
23 have an obligation to ensure that their buildings are
24 in compliance with the relevant laws in this case the
25 building code and the zoning resolution. With that

COMMITTEE ON HOUSING AND BUILDINGS

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2 being said I certainly get the concern and the
3 department would be happy to work with you and the
4 council on doing more targeted outreach perhaps in
5 specific communities in specific parts of the city,
6 specific commercial corridors to better equate them
7 with the requirement and the law that they're
8 obligated to live up to.

9 COUNCIL MEMBER ESPINAL: Do you have any
10 information on, on where... what, what, what parts of
11 the city were these complaints being made beyond East
12 New York?

13 PATRICK WEHLE: I can... I can provide you
14 with more detail, with me I have information that's
15 borough based so I don't have anything with me that
16 targets... looks at specific parts of the city,
17 community boards say perhaps but if you'd like I'd be
18 happy to put that information together and show...

19 [cross-talk]

20 COUNCIL MEMBER ESPINAL: Yeah, that,
21 that'd be very helpful.

22 PATRICK WEHLE: You got it.

23 COUNCIL MEMBER ESPINAL: Thank you.

24 CHAIRPERSON CORNEGY: Thank you Council
25 Member Espinal. I'm going to before I go to more of

COMMITTEE ON HOUSING AND BUILDINGS

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2 my colleagues I'm going to ask a few questions in
3 line with what Council Member Espinal asked. I, I
4 used to Chair as you well know the Committee on Small
5 Business and there were times when there were fines
6 and fees levied or assessed to businesses that we
7 asked for a period or a time to cure so they were
8 given a warning and in instances like this it seems
9 as though these businesses could have benefited from
10 a warning plus a period or time to cure, I want to
11 know if you're interested in going forward especially
12 in, in, in minority communities in looking at that as
13 a prescription as opposed to just this blanket
14 seemingly targeted enforcement?

15 PATRICK WEHLE: So, what I can tell you
16 is certainly the law doesn't allow for that per se
17 but what we can do is, you know talk to you more
18 about it and consider it. One thing that certainly
19 would be helpful as the... as Council Member Espinal
20 mentioned is enhanced outreach so if we can work
21 together to find ways to target specific areas where
22 there might be these problems today or they might
23 happen in the future speak with them directly and
24 inform them what the requirements of the law are, so
25 they don't fall into this situation after the fact.

COMMITTEE ON HOUSING AND BUILDINGS

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CHAIRPERSON CORNEGY: Well I know that this committee would certainly like to work with you in that... to that vein so that we could... our small businesses are under tremendous... under this tremendous pressure right now all over the city and in particular in minority communities and we'd like to see the city be a partner and an ally in helping them to sustain their businesses as opposed to what seems to be taking place right now.

PATRICK WEHLE: Understood, we'd be happy to work with you on that.

CHAIRPERSON CORNEGY: Okay, thank you. so, just a couple of questions about Intro 728, do you know, or can you report to me how many awning violations did DOB issue in 2017?

PATRICK WEHLE: Yes, so in 2017 we received exactly 1,000 complaints and based on those complaints we issued 582 violations.

CHAIRPERSON CORNEGY: You said that the information you have was borough based, do you know those zip codes that are associated with those violations?

PATRICK WEHLE: So, with me I only have, you know a breakdown by borough but again as I

COMMITTEE ON HOUSING AND BUILDINGS

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2 mentioned to Council Member I could refine that a
3 little bit better for community boards certainly and
4 provide to the committee.

5 CHAIRPERSON CORNEGY: So, Brooklyn is, is
6 a very big place and I'd be interested to see... we...
7 actually we could do a, a brief analysis just by the
8 zip codes in Brooklyn as to whether or not some
9 communities that are of interest to members of this
10 committee and so I'd, I'd like to get even the
11 borough breakdown.

12 PATRICK WEHLE: Well for, for... I do have
13 the borough breakdown so in Brooklyn for example in
14 2017 there were 346 complaints received to which we
15 issued 211 violations.

16 CHAIRPERSON CORNEGY: And, and, and
17 offline I'd like to get those zip codes because I
18 think that... I, I hope that it wouldn't be a pattern
19 that's demonstrated of targeted enforcement by
20 looking at those zip codes, I won't try to do that
21 here but offline I'd certainly like to... [cross-talk]

22 PATRICK WEHLE: And... [cross-talk]

23 CHAIRPERSON CORNEGY: ...work, work with
24 you to make sure... [cross-talk]

COMMITTEE ON HOUSING AND BUILDINGS

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PATRICK WEHLE: Yeah and we'll... I'll be happy to provide a breakdown within the borough for Council Member Espinal and the committee.

5

CHAIRPERSON CORNEGY: Okay, is that... is that alright?

7

COUNCIL MEMBER ESPINAL: Yeah.

8

CHAIRPERSON CORNEGY: Okay. Oh, you have another question.

10

COUNCIL MEMBER ESPINAL: Would DOB be able to give us the, the amounts of money that are collected from small businesses in the past two years due to sign, signage violations?

14

PATRICK WEHLE: Yeah, I, I don't have that with me but I'm happy to work with the Department of Finance to get that information and share it with the committee as well.

18

COUNCIL MEMBER ESPINAL: Alright, thank you.

20

CHAIRPERSON CORNEGY: So, I know you mentioned that outreach is something that you're very interested in going forward does the DOB currently conduct any awning regulation awareness?

24

PATRICK WEHLE: Currently nothing specific, I mean we do have conversations, we've met

25

COMMITTEE ON HOUSING AND BUILDINGS

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2 with Council Member Espinal and members on the Fulton
3 Corridor at least on one occasion. We do have what we
4 call small business nights in each of our borough
5 offices so in Brooklyn for example Tuesday evenings
6 from four o'clock to seven, seven p.m., we open our
7 doors and we allow small businesses to come in and
8 ask us any questions that they'd like; could be about
9 signage regulation or anything else and we have
10 experts on staff who are there to assist folks with
11 any questions that they might have.

12 CHAIRPERSON CORNEGY: I know this
13 committee would like to partner with you to do some
14 Town Halls maybe in partnership with our... with our
15 BIDS, I know that my BID would, would benefit from a
16 Town Hall where, where its members could bring their
17 concerns and or complaints directly to you in that..
18 [cross-talk]

19 PATRICK WEHLE: We... [cross-talk]

20 CHAIRPERSON CORNEGY: ...same format.

21 PATRICK WEHLE: We'd welcome that
22 opportunity.

23 CHAIRPERSON CORNEGY: Alright, do I have
24 any, any more questions, Carlina?

25

COMMITTEE ON HOUSING AND BUILDINGS

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COUNCIL MEMBER RIVERA: I just wanted to follow up on the last thing, so the format that you're using for your four to seven open house that takes place at your headquarters or where exactly?

6

PATRICK WEHLE: It's at each of our borough offices.

8

COUNCIL MEMBER RIVERA: And so, you're... I just want to make sure that we have the commitment on record that you're willing to take something very much like this and bring it to districts in coordination with your agency, we certainly won't take four... three hours but I think if you can do something in the evenings for the, the members of... the residents in our community we would greatly appreciate it?

17

PATRICK WEHLE: Absolutely, welcome the opportunity.

19

COUNCIL MEMBER RIVERA: Thank you.

20

RACHEL VAN TOSH: And I would just add on behalf of SBS that this information is included online at NYC business so an explanation of the regulations are available in multiple language to any business owner, they're included in an onsite compliance visit that we provide to any business

25

COMMITTEE ON HOUSING AND BUILDINGS

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2 owner that requests it and we'd be happy if helpful
3 to partner with DOB and with the council to provide
4 further outreach to business owners.

5 COUNCIL MEMBER RIVERA: Well I appreciate
6 you saying that, we are trying to get one in my
7 district and we're having some scheduling issues so
8 if we could follow up I would love to bring you into
9 the district.

10 RACHEL VAN TOSH: Absolutely.

11 COUNCIL MEMBER RIVERA: Thank you.

12 CHAIRPERSON CORNEGY: So, I would like to
13 circle back to Council Member Dromm's legislation,
14 Intro 465 keeping with the theme of outreach. I know
15 that you said that the Department of Human Rights.. or
16 the Human Rights Commission has done some outreach,
17 I'm wondering what outreach if any has the DOB
18 already done regarding the gender-neutral bathroom
19 requirements?

20 PATRICK WEHLE: So, specific to this
21 requirement beyond when the Local Law was enacted
22 where we put information in our building newsletter,
23 issued a service notice to the industry, that's, that
24 was the outreach that we performed.

COMMITTEE ON HOUSING AND BUILDINGS

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CHAIRPERSON CORNEGY: Okay, thank you. I

3

think... I, I don't know if I neglected to mention that

4

we have been joined by Ritchie Torres and now Council

5

Member Fernando Cabrera. You look like I... like I made

6

a mistake that you were Ritchie, no, I knew... I knew

7

it was you... I knew it was you. Does that... are there

8

any more questions, I have a few more. Intro 836, are

9

there any budgetary implications for the Department

10

of Buildings as a result of this bill?

11

PATRICK WEHLE: Yes, just give me one

12

second... [cross-talk]

13

CHAIRPERSON CORNEGY: Sure... [cross-talk]

14

PATRICK WEHLE: So, the Department of

15

Buildings would lose approximately eight million

16

dollars in fees and the fire... the Fire Department

17

would see an increase in fees of about two million

18

dollars.

19

CHAIRPERSON CORNEGY: I don't even know

20

how to respond to that...

21

RACHEL VAN TOSH: With over, overall

22

savings for businesses of over... or applicants of

23

about five and a half million dollars.

24

CHAIRPERSON CORNEGY: So, I certainly

25

would keep my focus there, we know that these are not

COMMITTEE ON HOUSING AND BUILDINGS

1 ..
2 revenue generating opportunities so while I
3 appreciate you... [cross-talk]

4 PATRICK WEHLE: Understood... [cross-talk]

5 CHAIRPERSON CORNEGY: ...giving me that...
6 giving me that number it... on the... it, it's in the
7 best interest of, I believe... obviously it's my bill
8 and I believe in, in, in the interest of small
9 businesses. Can you please describe the current
10 procedure for approval processes for the system that
11 would be affected by this legislation?

12 RACHEL VAN TOSH: Sure, so as I mentioned
13 in my testimony applicants will save about a month
14 and a half overall between the processes and the way
15 it works is that we're talking about three different
16 processes here and each process goes through I'd say
17 like four stages. First is filing where business
18 owners submit their, their project specifications and
19 all of the required documentation. The second is the
20 plan review stage where it... the relevant department
21 makes sure that the plan meets all of the applicable
22 code requirements. Then there's actually the
23 installation and construction stage where the
24 business owner goes off and does the work with their
25 contractors and then finally there is the final

COMMITTEE ON HOUSING AND BUILDINGS

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2 inspection and approval. So, previously both Fire and
3 Buildings interacted with the applicant for each of
4 those different stages of the process and now it will
5 be fire.

6 CHAIRPERSON CORNEGY: So, speaking of
7 that this, this question is for FDNY so a capacity
8 question, do you believe that the FDNY has sufficient
9 resources to carry out the functions that are
10 currently carried out or performed by the Department
11 of Buildings?

12 EDWARD FERRIER: Well currently the bill
13 proposes the change to process so the process will
14 change. So, the amount that's coming to the Fire
15 Department today will remain the same, moving forward
16 we expect to increase processing. Currently we
17 charge... you asked about price before, you know we
18 currently charge, charge 420 dollars which is a flat
19 rate, DOB currently accepts 100... 165 dollars in
20 application fee so the Fire Department will be
21 assuming that 165 plus our 420 that we do. We will
22 have to gear up, you know with the expectation of
23 increase in processing time like Rachel was saying is
24 that now be, before it went to DOB now they're coming
25 directly to the Fire Department to file the

COMMITTEE ON HOUSING AND BUILDINGS

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2 application so we'll have to do a variety of
3 activities in order to make sure... you know to
4 compensate for what DOB was doing before so we have...
5 we do have a plan and it has been discussed since
6 2015 like Rachel said so we, we are confident that we
7 will be able to go online when ready to move over.

8 CHAIRPERSON CORNEGY: So, does the plan
9 include increased manpower?

10 EDWARD FERRIER: Yes.

11 CHAIRPERSON CORNEGY: Okay and, and so
12 that's, that's built into... built into the plan is, is
13 the cost?

14 EDWARD FERRIER: Well we expect to...

15 [cross-talk]

16 CHAIRPERSON CORNEGY: For the increased
17 manpower?

18 EDWARD FERRIER: We know what the, the
19 increase is going to be, we expect about like...
20 currently about 9,800 applications annually that we,
21 we're going to process, we expect to increase that 15
22 percent annually every year moving forward. We're,
23 we... like I said we do have a plan for it, you know
24 and it's going to involve our intake people, you know
25 when the plan comes in, extra processing. One of the

COMMITTEE ON HOUSING AND BUILDINGS

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2 things I'd like to add too which, which we didn't
3 bring up is regarding cost savings is that currently
4 now what happens is that plans have to be filed by
5 licensed design professional which is either a
6 registered architect or a licensed engineer for range
7 hood, you know range hood suppression systems instead
8 they'll have to be filed by a master fire suppression
9 contractor which... who file the plans for the pre-
10 engineered system and the Fire Department will have
11 to hire additional engineers to review the plans to
12 ensure they're in compliance with entry standards and
13 the end codes.

14 CHAIRPERSON CORNEGY: So, this council's
15 relationship with FDNY I, I, I would like to think
16 because... off site as being a decent one, what I
17 don't... the, the reason I'm asking these questions is
18 because what I don't want to happen is next you come
19 back and say we, we, we appreciated the law but we
20 didn't have enough to do it and then... and then we're
21 at an adversarial point with each other when this is
22 the time when we could be negotiating whether or not
23 the resources are available, whether or not the plan
24 dictates the allocation of the appropriate resources,
25 I, I want our relationship to remain strong, I don't

COMMITTEE ON HOUSING AND BUILDINGS

1 ..
2 want to come back a year or to from now saying that
3 the, the, the law wasn't implemented appropriately
4 and, and the service didn't... never was rendered and
5 then your response is that well we, we didn't... we, we
6 didn't have enough capacity... [cross-talk]

7 EDWARD FERRIER: Uh-huh... [cross-talk]

8 CHAIRPERSON CORNEGY: ...to do it.

9 EDWARD FERRIER: Well I, I agree with
10 you, I think that's probably smart and its efficient
11 and, you know as much as I like coming back here I
12 don't want to come back here again if I don't have
13 to.

14 CHAIRPERSON CORNEGY: I, I love you but...
15 [cross-talk]

16 EDWARD FERRIER: You know... but it's my
17 understanding that there's been a lot of discussions
18 regarding that and I think we feel... the Fire
19 Department feels confident that we're... you know the
20 plan that we have forward we'll be able to address
21 our concerns going forward.

22 CHAIRPERSON CORNEGY: Thank you. If there
23 are no more questions for this panel... oh, we've been
24 joined by Council Member Perkins. If there are no

COMMITTEE ON HOUSING AND BUILDINGS

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2 more questions for this panel, we can call the next
3 panel. Thank you so much.

4 PATRICK WEHLE: Thank you.

5 CHAIRPERSON CORNEGY: Dolph Goldenburg,
6 Cathren Cohen, Mateo Guerrero-Tabares, and Lynda
7 Nguyen. I, I felt like saying no running, I'm a
8 father of six, as soon as I saw that I was like no,
9 no running. Okay, that's why I'm always looking
10 stressed. Can you please just state your name and
11 begin your testimony, we can start... we can start
12 there. Generally, my chivalry won't allow for, for
13 that to happen and we usually allow for women to
14 testify first but...

15 DOLPH GOLDENBURG: Hi, good morning Chair
16 Cornegy and Council Member Dromm. Sorry, in support
17 of Introduction 465 which would... [cross-talk]

18 CHAIRPERSON CORNEGY: I'm sorry, Dolph
19 can you... can you just tell me what the acronym...
20 [cross-talk]

21 DOLPH GOLDENBURG: Oh, Transgender Legal
22 Defense and Education Fund.

23 CHAIRPERSON CORNEGY: Thank you.

24 DOLPH GOLDENBURG: Thank you. So, in
25 support of Introduction 465, which would amend the

COMMITTEE ON HOUSING AND BUILDINGS

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2 crucially important legislation enacted in 2016 as
3 Local Law 79. TLDEF is committed to ending
4 discrimination against transgender people including
5 gender non-conforming and non-binary and to achieving
6 a quality for our community through impact litigation
7 and education. in furtherance of that goal, our then
8 staff attorney Ethan Rice testified before this
9 committee in favor of Local Law 79 in January 2016
10 and explained in great detail the necessity and
11 importance of that legislation in making it possible
12 for transgender New Yorkers to perform the most basic
13 of functions, using a bathroom, without fear of
14 harassment or the threat of violence. A copy of our
15 previous testimony in support of Local Law 79 is
16 submitted as an appendix. The enactment of Local Law
17 79 was a crucial step towards protecting the rights
18 of transgender and gender non-conforming individuals
19 to use single occupant restrooms whether located in
20 restaurants, stores, office buildings, or elsewhere
21 in peace and safety. However, based on our own
22 observations and reports by others, both general
23 awareness of the new requirement on the part of
24 owners of affected premises and compliance with those
25 requirements have been minimal at best. Although

COMMITTEE ON HOUSING AND BUILDINGS

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2 Local Law 79 required by its terms that no later than
3 2017 all single occupant toilet rooms were to be made
4 available for use by persons of any sex and were
5 required to be designated... [cross-talk]

6 CHAIRPERSON CORNEGY: Continue and can I
7 just ask, we only have two panels today, can we add
8 one minute and make it three minutes.

9 COMMITTEE CLERK: Yes.

10 CHAIRPERSON CORNEGY: Thank you.

11 DOLPH GOLDENBURG: So, let me just jump
12 right to a couple of other things then. In our
13 opinion the vast majority of New York City business
14 owners and commercial landlords whose establishments
15 still have male and female single, single occupant
16 restrooms do not mean any harm and are not being
17 malicious and failing to comply with Local Law 79,
18 most we believe are unaware of the new law and the
19 practical effects that sex specific single occupant
20 bathrooms can have for transgender and gender non-
21 conforming individuals. We also noted when we went to
22 3-1-1 online there is no dropdown to actually report
23 a restroom that is not in compliance with this law.
24 We do believe that this is a critical and absolutely
25

COMMITTEE ON HOUSING AND BUILDINGS

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2 critical amendment to this law and we believe that is
3 more step towards justice. Thank you

4 CHAIRPERSON CORNEGY: Thank you, so I
5 don't know if anyone is still here from the
6 Department of Buildings because they testified that
7 they hadn't received any complaints. So, they, they,
8 they noted that they hadn't received any complaints
9 on bathrooms and hadn't been triggered by that and
10 now we're finding that 3-1-1 doesn't allow for that,
11 that complaint to be made in that way.

12 [off mic dialogue]

13 CHAIRPERSON CORNEGY: So, I just want to
14 make sure that that complaint... [cross-talk]

15 DOLPH GOLDENBURG: You can file a
16 complaint...

17 CHAIRPERSON CORNEGY: Well we certainly
18 need to adjust that, that as well though, okay. We
19 can talk about that later.

20 COUNCIL MEMBER DROMM: Chair Cornegy, at
21 one time also you could not do it on 3-1-1, it was
22 only because of our intervention that now you can
23 and, and I'm not sure about the online versus the
24 phone call business but we need to find that out as
25 well.

COMMITTEE ON HOUSING AND BUILDINGS

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CHAIRPERSON CORNEGY: So, we will be following up with, with DO... I'm sure that Council Member Dromm will be following up and this, this committee will follow up as well. Thank you for that information.

7

DOLPH GOLDENBURG: Thank you.

8

LYNDA NGUYEN: Okay, great. Thank you. Good morning Chair Cornegy and thank you to the whole Housing and Buildings Committee for hearing me test... test... for hearing my testimony today and thank you to Council Member Dromm for sponsoring Intro 465 which if passed would require the buildings... the Department of Buildings to conduct education and outreach programming which support the trans and gender non-conforming people to access... [cross-talk]

17

CHAIRPERSON CORNEGY: Wait, I'm sorry I just need you to identify yourself for the record.

19

LYNDA NGUYEN: Sure, my name is Lynda Nguyen and I work for the New York City Anti-violence Project and we serve New York's lesbian, gay, transgender, queer and HIV affected communities through direct services and advocacy. So, my role I support our outreach programs, our coalition work and our policy initiatives and I'm here to talk to the

25

COMMITTEE ON HOUSING AND BUILDINGS

1 --
2 committee on how New York City can better serve its
3 TGNC community through Intro 465. In December 2015,
4 the office of the Mayor received guidance on... through
5 the New York City Commission on Human Rights on how
6 this bill Intro 465 can help move us closer to
7 fulfilling the needs and protecting TGNC New Yorkers.
8 Single occupancy bathrooms are necessary enforcements
9 of a basic human right. TGNC people are assaulted,
10 face harassment and encounter hostility for just
11 using the restroom. In one instance one of my
12 colleagues was followed into the women's restroom,
13 the pursuant proceeded to deny my colleague access to
14 the women's restroom, mis gendered them and proceeded
15 to harass them while continuously banging on the
16 bathroom stall door until they left. Hostile acts
17 like these happen every day, even though New York
18 City ensures that TGNC people receive the right to
19 use bathrooms all over New York City. Sometimes
20 building staff are bigoted but most often they are
21 unsure of the rights that our TGNC community members
22 have in our city. Education and outreach programming
23 is one small step that will help reinforce the
24 provision for single occupant bathrooms and protect
25 New York City's TGNC community. Intro 465 offers the

COMMITTEE ON HOUSING AND BUILDINGS

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community the opportunity to live a safer New York

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City and a place where no one has to questions

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whether it's worth to use the restroom or whether

5

it's safe enough to go the restroom alone. New York

6

City LGBTQ community deserves the opportunity to

7

practice basic human rights and the provision to... of

8

education and outreach programming as a necessary ask

9

that needs to happen now. I respectfully ask the City

10

Council to support Intro 465 to ensure New York City

11

can become a safer place where our LGBTQ communities

12

and HIV affected communities can thrive. Thank you.

13

CHAIRPERSON CORNEGY: Thank you, the

14

incident that you cited with your colleague was, was

15

that harassment perpetrated by an employee or a... just

16

a regular... or another patron?

17

LYNDA NGUYEN: It was just another patron

18

and we see this type of policing all the time for

19

just using the bathroom.

20

CHAIRPERSON CORNEGY: Okay. Thank you for

21

your testimony.

22

LYNDA NGUYEN: Thank you.

23

CATHREN COHEN: Good morning, my name is

24

Cathren Cohen and I'm a Law Fellow with Lambda Legal.

25

I would like to thank the Committee on Housing and

COMMITTEE ON HOUSING AND BUILDINGS

--
Buildings for the opportunity to testify today in support of Intro 465. Founded in 1973, Lambda Legal is the oldest and largest national legal organization whose mission is to achieve the full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those living with HIV through impact litigation, education and public policy work. I am here today to urge you to enact Intro 465. This amendment would establish and implement an education and outreach program to increase awareness of Local Law 79. Increased awareness is known to increase compliance. Transgender and gender non-conforming people across the country report high levels of harassment. Physical violence, verbal and sexual assault and workplace harassment are just some of the daily realities faced by members of our community whose gender expressions are met too often with hostility instead of understanding. In 2015, the National Center for Transgender Equality conducted the largest survey of trans people in the United States. The survey documented the consequences of our society's deeply rooted prejudices. It outlined the pervasive mistreatment and violence against trans and gender non-conforming people as well as the systemic

COMMITTEE ON HOUSING AND BUILDINGS

1 --
2 loss of opportunities that these people experience on
3 a daily basis. Of the 27,715 residents, 1,779 were
4 New York residents... sorry, respondents and residents.
5 Specifically, with regard to restrooms, 11 percent of
6 the New York respondents reported being verbally
7 harassed when accessing a restroom in 2014. 58
8 percent of the New York respondents reported that
9 they had avoided using a restroom out of fear in the
10 previous year and 28 percent reported that they
11 limited the amount that they drank or ate to avoid
12 having to use the restroom. These statistics are
13 alarming. They confirm a reality in which our
14 society's commitment to the gender binary has real
15 life consequences. Of the national respondents, 40
16 percent reported attempting suicide in their
17 lifetimes, almost nine times that the rest of the U..
18 the rest of the U.S. population. Providing access,
19 accessible all gender restrooms is crucial for the
20 safety of our community. Although, although the New
21 York City Council acknowledged this need and the ease
22 with which single occupancy restrooms could be marked
23 for use by all genders, there remains a lack of
24 compliance. A reason for this is the absence of an
25 education and outreach provision in the original law.

COMMITTEE ON HOUSING AND BUILDINGS

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As a result, many people are simply unaware of the current law. The impact of having access to an all gender restroom for a person who feels more comfortable in a nongendered restroom is profound. According to a 2016 psychological study of transgender and gender non-conforming people, denial of access to restrooms had a significant relationship to suicide, suicidality even after controlling for interpersonal victimization. Providing access to... safe access... providing safe access restrooms shifts this correlation away from suicide and helps the trans, transgender and gender non-conforming people and their workplaces, public spaces and everyday lives for these reasons I urge you to enact Intro 465.

CHAIRPERSON CORNEGY: Miss Cohen reading your testimony reminds me of how awesome law fellows are, the... your citing and footnoting gets me excited about the law so...

CATHREN COHEN: I'll have to also thank my intern who helped me with that as well.

CHAIRPERSON CORNEGY: This, this, this is actually awesome so... I'm sorry.

CATHREN COHEN: Thank you.

COMMITTEE ON HOUSING AND BUILDINGS

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CHAIRPERSON CORNEGY: Yeah.

MATEO GUERRERO-TABARES: Hi, good

afternoon members of the Committee of Housing and

Buildings. Today I'm here to testify about the

importance of requiring the Department of Buildings

to conduct education and outreach regarding single

occupant toilet room requirements. My name is Mateo

Guerrero and I am the Popular Education Coordinator

at Make the Road New York. I'm here today because I

deeply believe that communities should be able to use

a restroom without having to make a political

statement. And today I'm here not to talk about

statistics but to talk about my personal experience.

So, I am a transgender man and ever, ever since I

started identifying as Mateo it was extremely

difficult accessing different public spaces

particularly public restrooms. Before starting my

hormone replacement therapy, I was constantly being

kicked out of the men's bathrooms, being called names

while in the bathroom and even in the single occupant

rooms when the marker was either gender, I was being

asked from people around me to leave the bathroom or

even leave the premises or they will threaten to call

the manager to tell them that I was in the wrong

COMMITTEE ON HOUSING AND BUILDINGS

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2 bathroom. Then after I started using hormone
3 replacement therapy or called passing, which means
4 people would read me as the gender identifiers. The
5 interactions in the bathrooms were no longer violent
6 experiences but were concerns regarding my health and
7 what I mean by that is that men's bathrooms are
8 impossible to use as a trans person. For example, the
9 Tompkins Square, Square Park bathroom, the male's
10 bathroom has no doors and so what does that mean for
11 me as a trans gender person, that I can... yeah, I'll
12 go into the male's bathroom but that means I cannot
13 use that restroom, right, it is a safety concern if I
14 go into that restroom and I... sitting down with no
15 door and a man comes in that is a, a safety concern
16 and there's a health concern if I try to use the
17 woman's bathroom but I will not be able to do so
18 because of my gender presentation. So, to, to do...
19 therefor for the past two years those have been my
20 experiences with bathrooms, not being able to use
21 them because male restrooms don't have doors
22 regardless of being public or private spaces, this
23 also happens at bars, I'm older than 21 by the way.
24 Last weekend however, I did have a, a really
25 dehumanizing bathroom experience, it was actually a

COMMITTEE ON HOUSING AND BUILDINGS

1 --
2 single occupant restroom. I was at a bar downtown
3 with some friends and I tried to use the male's
4 bathroom so... just... I'm going to use a lot of wording
5 here but the bath... the male's bathroom was all thrown
6 up so I could definitely not go in there and I also
7 don't have the abilities to stand up while... to pee
8 while standing up so I decided to go into the
9 bathroom that was marked for women, there was a line,
10 I was making the line to the restroom, it was a hall
11 and then one of the women started saying that I
12 shouldn't be... shouldn't go into the women's bathroom
13 because I present as a man, I told her that I
14 couldn't use the other restroom, that I really needed
15 to pee and that I am a transgender. At that point she
16 started screaming at me about my fake man clothes,
17 making unnecessary comments about my genitals, about
18 my personal life, she said that if, if I had brought
19 a strap on into the bathroom. It was extremely
20 dehumanizing and unnecessary and so I stayed because
21 I really needed to pee and so once the bathroom got
22 empty I went into the bathroom and she had left, she
23 came back, and she started knocking on the door and
24 she started like saying like really awful things very
25 loudly and she started saying like how I couldn't

COMMITTEE ON HOUSING AND BUILDINGS

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2 --
3 have it both ways. I was really nervous because she
4 was really aggressive, I have a video of her and, and
5 this happened at a single occupant bathroom again
6 this is not like multiple restrooms, this was a
7 single occupant bathroom and so it is really
8 important that we educate business owners and
9 different places about the policy of single occupant
10 restrooms to be gender neutral. Going to the bathroom
11 shouldn't be a political statement, we should be free
12 to pee at least. And New York City needs to be more
13 proactive into ensuring the safety of trans people
14 not only as a single occupant rooms but also
15 increasing the educational materials to end physical
16 and verbal transphobic aggression that happens in any
17 bathrooms. And I don't have any in the testimony, but
18 I want to clarify that if this is happening to me as
19 a person who like passes, right, but like the, the
20 impact that it has on folks who are gender non-
21 conforming or who are like not quote, unquote
22 "passing" because of gender binaries or whatever the
23 impact is much more higher, right, so thank you for
24 letting me testify.

24 CHAIRPERSON CORNEGY: Thank you all for
25 your testimony, thank you Mateo and I'm sorry for

COMMITTEE ON HOUSING AND BUILDINGS

1 --
2 your experience this weekend and for what seems to be
3 a pervasive negative behavior and what you have to
4 experience so thank you all for your testimony. Oh,
5 yes, I'm sorry.

6 COUNCIL MEMBER RIVERA: Alright, I just
7 want to say thank you all for all of your work and
8 for even recognizing privilege after you shared such
9 a serious intense story and I want to thank you for
10 that and to let you know that I represent Tompkins
11 Square Park and we're working on the bathroom issue
12 because that's unacceptable.

13 MATEO GUERRERO-TABARES: Thank you.

14 CHAIRPERSON CORNEGY: We've also been
15 joined by Council Member Margaret Chin and Council
16 Member Dromm has a statement.

17 COUNCIL MEMBER DROMM: Just to share my
18 experience too, you know I, I have been to single
19 stall bathrooms.. single occupant bathrooms in
20 restaurants that are labeled male and female and if
21 somebody's in the male I'll just go into the female
22 because I know the law, I wrote it, right and, and I...
23 and when I came out of one, I won't say the name of
24 the restaurant in Jackson Heights, you know a woman
25 approached me and said to me you're not supposed to

COMMITTEE ON HOUSING AND BUILDINGS

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2 be in there, that's just for the women, you know so
3 that attitude is pervasive and it's basically because
4 of the signage, for me it was for the signage
5 because, you know had this been labeled all gender it
6 wouldn't have... she wouldn't have had an argument but
7 I do want to thank you all for coming in and for your
8 testimony, thank you.

9 CHAIRPERSON CORNEGY: Also want to... I
10 want to note we've been joined by Council Member Mark
11 Gjonaj as well. Thank you so much for your testimony.
12 We're going to call the next panel. Chief Samsair,
13 Lowell Herschberger, Tavares... Julio Tavares, and Juan
14 Diaz. Oh, I'm sorry, Chandra Haran.

15 [off-mic dialogue]

16 CHAIRPERSON CORNEGY: So, we call those
17 individuals with their translators as well. So,
18 anyone can begin but please begin by identifying
19 yourself first for the record.

20 LOWELL HERSCHBERGER: Hi, I'd like to
21 thank the committee for hearing our testimony today.
22 My name is Lowell Herschberger, I'm, I'm with Cypress
23 Hills Local Development Corporation. We're a
24 community-based organization in East New York that
25 supports a local business association called Cypress

COMMITTEE ON HOUSING AND BUILDINGS

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2 Hills Business Partners of whom four of my colleagues
3 are here today.

4 [off-mic dialogue]

5 LOWELL HERSCHBERGER: The Fulton Street
6 Commercial Corridor in Cypress Hills, East New York
7 and the hardworking small businesses on the shopping
8 strip have been devastated over the past year by the
9 New York City Department of Buildings harsh
10 enforcement actions. Without any warning or prior
11 outreach and education the DOB has levied outrageous
12 fines on our merchants for their signs and awnings.
13 For decades these signs and awnings have been on
14 Fulton Street without any complaints from residents
15 or tickets from the city. This group of immigrant
16 merchants works 24/7 and they are already battling
17 displacement pressures, this is pushing them to the
18 breaking point. Most of the merchants have already
19 removed their signs and are now spending thousands of
20 dollars to pay the fines while spending thousands
21 more to hire architects and expeditors to comply with
22 DOB's overly complicated rules and regulations
23 regarding signs and awnings. We support Council
24 Member Espinal for introducing this legislation and
25 for fighting for fairness for these struggling small

COMMITTEE ON HOUSING AND BUILDINGS

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2 business owners. We encourage other Council Members
3 and the administration to enact this bill which will
4 provide much needed relief for small businesses in
5 Cypress Hills, East New York and throughout New York
6 City.

7 CHAIRPERSON CORNEGY: Thank you. The
8 merchant organization that you represent... well first
9 of all tell Michelle Neugebauer I said hello...

10 LOWELL HERSCHBERGER: I'll do that.

11 CHAIRPERSON CORNEGY: But collectively
12 how many years would you say those merchants have had
13 shops along Fulton Street, so these are not new
14 merchants, these are... [cross-talk]

15 LOWELL HERSCHBERGER: Correct... [cross-
16 talk]

17 CHAIRPERSON CORNEGY: ...these are... [cross-
18 talk]

19 LOWELL HERSCHBERGER: ...we, we did a study
20 recently, a community... a community district needs
21 assessment and I don't have the numbers in my head
22 but I remember we had a range from 40 years to the
23 present in terms of how long businesses have been in
24 operation on our strip, I think that was one thing
25 that was surprising in the assessment is that these

COMMITTEE ON HOUSING AND BUILDINGS

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are not all new businesses, we're talking about ten,

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15, 20 year old businesses. One of my colleagues here

4

was... has been open for, what 40 years?

5

CHANDRA HARAN-HOLLY: 40 years...

6

LOWELL HERSCHBERGER: 40 years... [cross-

7

talk]

8

CHAIRPERSON CORNEGY: And, and prior to

9

the fine that was assessed to him there was no

10

warning, there was no... any type... so, that particular

11

awning that you were fined for how long have you had

12

that awning?

13

CHANDRA HARAN-HOLLY: Maybe 20 years...

14

about 20 years.

15

CHAIRPERSON CORNEGY: So, so actually I

16

don't want to break up the, the testimony portion of

17

this... [cross-talk]

18

LOWELL HERSCHBERGER: Sure... [cross-talk]

19

CHAIRPERSON CORNEGY: ...because I can

20

launch into this in a hit, I feel... I feel Rafael

21

Espinal ready to go, chomping at the bit but I'll,

22

I'll let the testimony complete and then we'll, we'll

23

have some questions for you.

24

LOWELL HERSCHBERGER: Absolutely.

25

COMMITTEE ON HOUSING AND BUILDINGS

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2 CHANDRA HARAN-HOLLY: Good morning
3 everybody and thank you Councilman Espinal for
4 introducing this thing and you know we have been
5 going... I'm sorry, my name is Mr. Chandra Haran-Holly
6 and I'm a pharmacist and I have a pharmacy in Cypress
7 Hills. I have been in business for about 40 years and
8 that has been my bread and butter and I have been
9 working there for all the community members and
10 things like that and as councilman Cornegy said like
11 not having that... having that sign for almost like
12 about 20, 25 years maybe more, I'm not sure but I
13 never had any violations, there was no... they, they
14 never gave me any warning they just gave me a ticket
15 and the ticket was worth... I had to... 5,000 dollars and
16 I had to clarify it and to fix the whole... it, it
17 might cost me close like about 12, 13,000 dollars
18 extra to put the awning on top of the awning what we
19 have and these kind of violations... it gives... like in
20 a pharmacy business like a small business like us its
21 very hard for us to deal with it and we are trying
22 to... especially now a days like in a... the small
23 businesses we are having hard time to manage our self
24 to have our business going through and it is becoming
25 very hard for us. Actually we are... as the Espinal

COMMITTEE ON HOUSING AND BUILDINGS

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2 Councilman has pronounced bill coming up we want some
3 time and they want... we want them to give us a warning
4 and if the warning is there and we had a... we know we
5 can correct it but if the warning is not there then
6 they gave a fine automatically and they gave a time
7 of like, you know within 30 days or 40 days we have
8 to pay the fine it becomes very, very hard for the
9 small businesses to even come up with that kind of
10 money, it's very hard and... if this thing gets passed
11 and thank you very much for listening to my
12 testimony.

13 CHAIRPERSON CORNEGY: Thank you for your
14 testimony.

15 CHIEF SAMSAIR: Good morning. My name is
16 Chief Samsair, I'm the owner of a Caribbean
17 restaurant by the name of Roti on the Run on Fulton
18 Street. Last year... over a year ago... [cross-talk]

19 CHAIRPERSON CORNEGY: Excuse me, you
20 didn't happen to bring any roti with you today...

21 CHIEF SAMSAIR: No, I did not, I was
22 going to... make sure... [cross-talk]

23 CHAIRPERSON CORNEGY: Just asking,
24 alright.

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COMMITTEE ON HOUSING AND BUILDINGS

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CHIEF SAMSAIR: But next time you come to see Michelle you can stop by.

CHAIRPERSON CORNEGY: Okay, no problem.

CHIEF SAMSAIR: Alright.

[off-mic dialogue]

CHIEF SAMSAIR: Correct, correct, yes, yeah. A little over a year... a little over a year ago I was one of the 80 businesses that received the violation for the awning, no warning or such. My business is located on the corner of Fulton and Norwood. Due to the violation we suffered tremendous loss in business because there's no signage up there, people think the business is closed. The violation... the penalty was 5,000 dollars plus there was a civil penalty that's not including the cost to replace the sign and the permits etcetera. With warning all of this could have been avoided and you know keep us from losing tremendous amount of revenue over the past year. What I would like to see the Councilman Espinal bill passed because it will give the future businesses or the new businesses education on how to go about installing the sing the correct way or the businesses in different communities that has not been issued a violation yet they might have an opportunity

COMMITTEE ON HOUSING AND BUILDINGS

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2 to get warning, hey we're going issue sign... your sign
3 is not compliance so you have X amount of time to
4 correct it and this would save a lot of money for us
5 small businesses and basically that's all I have to
6 say for now. Thank you.

7 CHAIRPERSON CORNEGY: Thank you for your
8 testimony.

9 CHIEF SAMSAIR: You're welcome.

10 JULIO TRAVARES: [Spanish dialogue]

11 TRANSLATOR FOR JULIO TRAVARES: Good
12 morning, my name is Julio Tavares and I, I am the
13 Proprietor of Tavares Restaurant at 234 Cleveland. I
14 have been the owner for the past 11 years. I
15 understand that it is important as a business for us
16 to follow city law however I disagree with the way
17 that DOB has done it, I think they have gone above
18 and beyond with their fines and the way they've
19 treated us in an aggressive manner. I received a fine
20 for 5,000 dollars and that is without including the
21 cost of remodeling or acquiring the new awning. This
22 of course is, is excessive for us, it is... and for
23 that reason I would like to ask the city to work with
24 us to avoid... with... avoid us having to close our doors
25 eventually.

COMMITTEE ON HOUSING AND BUILDINGS

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CHAIRPERSON CORNEGY: Thank you for your

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testimony. Now uncharacteristically... [cross-talk]

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COMMITTEE CLERK: I think there's one

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more.

6

CHAIRPERSON CORNEGY: Is there one more.

7

JUAN DIAZ: Yes.

8

CHAIRPERSON CORNEGY: Oh, I'm sorry.

9

JUAN DIAZ: [Spanish dialogue]

10

CHAIRPERSON CORNEGY: Is, is, is somebody

11

going to translate that for us? I, I caught a lot of

12

it but... for the record that is.

13

TRANSLATOR FOR JUAN DIAZ: Good morning,

14

my name is Juan Diaz, I am the proprietor of ADI

15

Multi Service on Fulton Street, I've been there for

16

15 years. I'm part of the Cypress Hills Merchants

17

Association as well and I also have another business

18

at 2980 Fulton. What I wanted to basically state to

19

the committee is that we want to resolve what the

20

whole issue is all about. We... but the issue... what we

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believe though is highly complicated, you see there's

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no protocol to follow on how to resolve the matter.

23

For example, one week I had an inspector come in and

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talk to me about the subject and then the... on the

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same week another one came by as if, you know they,

COMMITTEE ON HOUSING AND BUILDINGS

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2 they weren't in conversation with each... with each
3 other, they seemed to, to kind of be saying different
4 but similar things at the same time. Also, when you
5 called DOB you get what I call the run around, they
6 give you conflicting information about how to resolve
7 it. So, even if you want to... even if you want to pay,
8 even if you want to comply you're getting different
9 information all the time and it... and again it's not
10 like we don't want to comply, what we want... what
11 we're asking for is for a training program so that
12 we're all aware of what the requirements are and in
13 that way we will all be happier. Thank you.

14 CHAIRPERSON CORNEGY: So, before we go to
15 questions from my colleagues I'm going to make a
16 statement. Listen, as the former Chair of the
17 Committee on Small Business we now have the current
18 Chair here who I'm sure is going to address this but
19 what sits before me Council Member is the rich
20 diversity in businesses that our city's are made of
21 and I'm not willing to sit by and watch that
22 destroyed so to hear the different languages and the
23 different businesses in one community is, is the
24 richness that people come from all over the world to
25 seek in New York City and the idea that we could have

COMMITTEE ON HOUSING AND BUILDINGS

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2 a hand in it as a city and as city agencies and be
3 responsible for the dismantling of that I can't... I
4 can't sit idly by and watch that happen. So, for this
5 to have... are all of these businesses in proximity to
6 each other?

7 LOWELL HERSCHBERGER: Oh, yeah within,
8 within a mile, yeah... [cross-talk]

9 CHAIRPERSON CORNEGY: So, somebody kind
10 of just did a blanket... [cross-talk]

11 LOWELL HERSCHBERGER: Yep... [cross-talk]

12 CHAIRPERSON CORNEGY: ...sweep almost. So,
13 so, so that's incredibly concerning...

14 LOWELL HERSCHBERGER: Yeah, the, the, the
15 80 fines that the Council Member referenced is, is
16 now more like over 100, 110 and it is all within... I
17 don't know the exact distance, I'm going to say about
18 a mile and a half on one strip.

19 CHAIRPERSON CORNEGY: So, we've asked for
20 DOB to turn over to us those zip codes and I'm hoping
21 that this disturbing trend that I'm feeling is
22 anecdotal and not statistic because that would be
23 very, very, very concerning to me, yes.

24 CHIEF SAMSAIR: Yeah, we are located in
25 Cypress Hills and our area was just rezoned so I'm

COMMITTEE ON HOUSING AND BUILDINGS

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not... I'm hoping it's not a conspiracy with the violations that's issued in the rezoned area in Brooklyn.

CHAIRPERSON CORNEGY: So, also it was referenced by DOB that those had been generated by 3-1-1 complaints, I will also be following up to see if I can trace those complaints and to see if it was issued... if those calls are by one individual because we can actually trace that to see where those calls... we've done that through SBS before to find out... we've had people who've made complaints, several complaints and we find it's the same person, that's very disturbing. So, what we're going to do is find those zip codes so we, we realize that its... this is close in proximity, but I wonder if this is happening in other parts of the city, so I'm dually bound to, to do that investigation but do an investigation on who generated those calls through 3-1-1 and if it's one particular entity or a group that's, that's doing that, we, we're going to identify that. So, I, I'd like to go to my colleagues for questions, Mark in particular.

COUNCIL MEMBER GJONAJ: Thank you Chairman. This is a very sensitive issue to me and

COMMITTEE ON HOUSING AND BUILDINGS

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2 I'm very sympathetic and I'm feeling your pain when
3 it comes to this unfairness. This is an outdated
4 piece of legislation, it dates back to 1961. When we
5 think of where we were as commercial corridors and
6 small business owners some 60 years ago, it is not
7 practical to apply what was once probably sensible
8 legislation to today's fast paced media, eye catching
9 advertisements that are needed to promote our
10 businesses, so we can barely survive. Now as Small
11 Business Chair, I truly appreciate your time here
12 today and for this testimony, but I want you to know
13 you're not alone, this is citywide, and I did not
14 understand, and I can't understand why the city has
15 not kept the moratorium in place until the rules
16 governing signage are updated to modern times. The
17 challenges that you face day in and day out from
18 consumer behavior changes to the internet, to
19 challenges with the box stores and chain stores and
20 the competition, government at bare minimum should be
21 doing more to help you keep your doors open not being
22 used as a tool for punishing your success, your
23 investment but actually appreciate the job creation,
24 how you're... how you're investment makes our
25 communities a fantastic place to live, raise a family

COMMITTEE ON HOUSING AND BUILDINGS

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and provide shopping opportunities locally. So, I

3

embrace each and every one of you and chair and

4

colleagues this is probably one of the, the most

5

challenging issues today when it comes to small

6

businesses. A 5,000 dollar fine where... plus civic...

7

civil penalties which would... [cross-talk]

8

CHIEF SAMSAIR: Plus having to replace

9

the awning.

10

COUNCIL MEMBER GJONAJ: ...which mandates

11

immediate removal of the awning until a licensed

12

architect can properly file to have that work then

13

bid is... could be weeks to months in a very

14

competitive environment and challenges for these

15

small business owners, I, I would hope that we could

16

embrace this notion of a moratorium be in place until

17

we can address this serious issue and show our small

18

business owners out there and these mom and pop shops

19

that government is a good partner and we appreciate

20

their sacrifices and their initiatives and I

21

encourage all of you to help Espinal and... as a body

22

that we push... we make this a priority. Thank you.

23

CHAIRPERSON CORNEGY: Thank you Council

24

Member, any more questions or comments?

25

COMMITTEE ON HOUSING AND BUILDINGS

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2 COUNCIL MEMBER ESPINAL: I just want to
3 say I feel very encouraged to hear the support of my
4 colleagues especially Chair Cornegy who understands
5 the, the, the struggles that small businesses go
6 through, I want to continue pushing forward, I'm glad
7 to see the community here standing side by side to
8 make this possible let's just make sure we continue
9 working together. Just one note, I know we, we talked
10 about the best Roti in Brooklyn, let's talk about
11 their best rice and beans in Brooklyn at Tavares so
12 you can visit him as well in the neighborhood, thank
13 you.

14 CHAIRPERSON CORNEGY: Thank you so much
15 for your testimony and you can be assured that in
16 partnership with your Council Member Espinal we'll
17 get to the... to, to some resolution.

18 LOWELL HERSCHBERGER: Thank you...

19 CHIEF SAMSAIR: Thank you...

20 CHAIRPERSON CORNEGY: Thank you.

21 LOWELL HERSCHBERGER: Thank you, have a
22 great day.

23 CHAIRPERSON CORNEGY: This, this hearing
24 is officially closed.

25 [gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

July 3, 2018