

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

-----X

March 2, 2011
Start: 11:25 am
Recess: 11:43 am

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Council Member Gale A. Brewer
Council Member Leroy G. Comrie Jr.
Council Member Elizabeth Crowley
Council Member Lewis A. Fidler
Council Member Robert Jackson
Council Member Letitia James
Council Member Brad S. Lander
Council Member Melissa Mark-
Viverito
Council Member Rosie Mendez
Council Member James S. Oddo
Council Member Joel Rivera
Council Member Eric A. Ulrich
Council Member Jumaane D. Williams

A P P E A R A N C E S [CONTINUED]

Erik Martin Dilan
Opening Statement on Intro 291-A
Chairperson
Committee on Housing and Buildings

Kevin Penn
Committee Clerk
New York City Council

Written testimony from
Legal Aid Services of New York
In opposition to Intro 291-A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[Gavel banging]

SERGEANT AT ARMS: Quiet please.

CHAIRPERSON DILAN: Okay good

morning everybody, still. I am Erik Martin Dilan. I'm the Chair of the City Council's Housing and Buildings Committee. And today the Committee will conduct a hearing for the purposes of a vote on Intro 291-A which is a Local Law that will amend the Administrative Code of the City of New York in relation to increasing penalties for violating the Housing and Maintenance Code by failing to provide adequate heat and hot water.

This bill relates to the strengthening of the code enforcement related to heat and hot water violations. The bill provides that a homeowner may be subject to a higher civil penalty of \$500 through \$1,000 for subsequent violations of the central heating requirements. The minimum indoor temperature requirements during the heat season also apply. Hot water requirements or in buildings without a central heat system, the standards for the use of a gas-fueled, electric, space or water heaters. This new fine applies to buildings that occur within

1
2 two consecutive calendar years or with respect to
3 violations that violate the minimum indoor
4 temperature requirements that occurred during two
5 consecutive periods of October 1 through May 31st
6 which constitutes New York City's heat season.

7 Following our initial hearing on
8 this bill the bill was amended in the following
9 respects. In addition to some technical changes,
10 Bill Section 2 would now create a new defense for
11 certain subsequent violations of the heat and hot
12 water requirements and this new defense will allow
13 a homeowner to show where violations occurred in
14 second calendar years or heat seasons,
15 documentation of prompt and diligent efforts to
16 correct these conditions that give rise to the
17 initial violation and the conditions were
18 corrected by said homeowner. Where the landlord
19 is successful in making such demonstration the
20 court may impose the lower penalty of \$250 to \$500
21 rather than the penalty within the higher range of
22 \$500 to \$1,000 for subsequent violations which
23 such bill will now enable. However this new
24 defense may not be used where the initial and
25 subsequent violations occur during the same heat

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

season.

Also the legislation enactment date was moved from October 31st of 2011 so that it's effective for the next heat season rather than taking effect immediately. I urge my colleagues to vote in favor of this proposal and would ask the clerk to call the roll.

MR. KEVIN PENN: Kevin Penn [phonetic], Committee Clerk, roll call on the Committee on Housing and Buildings. Council Member Dilan.

CHAIRPERSON DILAN: I also want to add that this bill was sponsored by the Public Advocate, Bill de Blasio and I would like to thank you for bringing this legislation before this Committee. With that I vote aye.

MR. PENN: Rivera.

COUNCIL MEMBER RIVERA: I vote aye.

MR. PENN: Brewer.

COUNCIL MEMBER BREWER: I vote aye and I think the positive aspects of this legislation is outlined by the Chair are that over a 2-year period we'll have a better sense of who the real challenges are in terms of providing heat

1
2 and hot water and be able to help those who are
3 just having financial problems or just a problem
4 with the boiler. So I vote aye.

5 MR. PENN: Comrie.

6 COUNCIL MEMBER COMRIE: I vote aye.
7 I was going to say something about taking credit
8 for the bill like it was originally mine since
9 there's been a lot of credit-mongering going on
10 around here. I vote aye on all.

11 CHAIRPERSON DILAN: It's certainly
12 your prerogative to do so.

13 MR. PENN: Fidler.

14 COUNCIL MEMBER FIDLER: Yeah I was
15 contemplating the same thing. It's funny. But
16 I'll just vote aye as well.

17 MR. PENN: Jackson.

18 COUNCIL MEMBER JACKSON: Aye.

19 MR. PENN: Mark-Viverito.

20 COUNCIL MEMBER MARK-VIVERITO: I
21 vote aye.

22 MR. PENN: Mendez.

23 COUNCIL MEMBER MENDEZ: I would
24 like to associate myself with anyone who's taking
25 credit for anything and I vote aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PENN: Crowley.

COUNCIL MEMBER CROWLEY: I vote
aye.

MR. PENN: Williams.

COUNCIL MEMBER WILLIAMS: As a
former tenant organizer I'm very happy to support
this bill. And I hope we can get some more bills
like this with some teeth in it. I vote aye.

MR. PENN: Oddo.

COUNCIL MEMBER ODDO: I'd like to--
oh, excuse me, I'd like to congratulate Council
Member Barron for everything he's done to
contribute to this piece of legislation. I vote
yes.

MR. PENN: By a vote of 11 in the
affirmative, 0 in the negative--

CHAIRPERSON DILAN: [Interposing]
Council Member Oddo--

MR. PENN: --and no abstentions all
members have been adopted--

CHAIRPERSON DILAN: Sorry, sorry,
Council Member Oddo, how do you vote?

COUNCIL MEMBER ODDO: Oh. If
Charles likes it I vote yes. I vote aye.

1
2 MR. PENN: By a vote of 11 in the
3 affirmative, 0 in the negative and no abstentions,
4 all items have been adopted. Members please sign
5 the Committee report.

6 CHAIRPERSON DILAN: Okay the roll
7 will remain open for as long as the rules permit
8 to allow for some members who are in transit to
9 vote on the item and at that time this item will
10 be closed.

11 [Pause]

12 MR. PENN: Ulrich.

13 COUNCIL MEMBER ULRICH: I vote aye.

14 MR. PENN: The vote stands at 12 in
15 the affirmative, 0 in the negative and no
16 abstentions.

17 [Pause]

18 MS. SHAW: Okay Council Member.

19 CHAIRPERSON DILAN: We've also
20 received testimony from Legal Services of New York
21 in opposition to today's bill.

22 [Pause]

23 CHAIRPERSON DILAN: Yeah you can go
24 off the record but we're waiting for one more
25 member to come.

1

[Pause]

2

MR. PENN: Lander.

3

COUNCIL MEMBER LANDER: Aye.

4

Thank you.

5

MR. PENN: The vote stands at 13 in
the affirmative, 0 in the negative and no
abstentions.

6

7

8

[Pause]

9

MR. PENN: James.

10

COUNCIL MEMBER JAMES: Aye.

11

MR. PENN: The vote stands at 14 in
the affirmative, 0 in the negative and no
abstentions.

12

13

14

[Pause]

15

CHAIRPERSON DILAN: This meeting is
now adjourned.

16

17

[Gavel banging]

18

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature Laura L. Springate

Date March 5, 2011