

COMMITTEE ON JUSTICE SYSTEM

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUSTICE SYSTEM

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November 13, 2019
Start: 12:14 p.m.
Recess: 12:32 p.m.

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

B E F O R E: Rory I. Lancman,
Chairperson

COUNCIL MEMBERS:

Andrew Cohen
Laurie A. Cumbo
Farah N. Louis
Alan N. Maisel
Deborah L. Rose
Ritchie J. Torres

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2 CHAIRPERSON LANCMAN: [GAVEL] Good afternoon, I
3 am Council Member Rory Lancman; Chair of the
4 Committee on the Justice System and we are joined by
5 Council Members Louis, Torres and Cohen. And we are
6 here today to vote on Council Member Levin's
7 reporting bill; Intro. 1156-A, addressing the multi-
8 agency response to community hotspots or M.A.R.C.H.

9 M.A.R.C.H. operations are conducted at nightlife
10 establishments by agencies such as the FDNY,
11 Department of Health and Mental Hygiene, State Liquor
12 Authority, Department of Environmental Protection and
13 the Department of Buildings.

14 The Proposed bill will provide greater
15 transparency around these operations and aims to
16 reduce the unintended consequences for businesses
17 involved.

18 These operations have raised concerns because
19 they are conducted unannounced. They occur at peak
20 weekend hours when patrons are there and we have
21 heard testimony that as a result of all of this, they
22 can have a negative impact on venues ability to
23 remain in business. Even when no violations are
24 found, which happens with some regularity.

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2 While these operations which are often referred
3 to as raids because of their unannounced and dramatic
4 execution maybe reasonably intended from enforcement
5 of building, fire or health codes. This bill
6 proposes an alternative providing advance notice to
7 potentially targeted business and in gendering
8 compliance that way without placing such a heavy
9 burden on small businesses already struggling to
10 survive.

11 The fixes proposed in this bill are all the more
12 urgent because the data shows that M.A.R.C.H.
13 operations occur more regularly in minority
14 communities or venues frequented by minority patrons,
15 even when business owners have gone out of their way
16 to cooperate.

17 Council Member Levin's bill also seeks to help us
18 evaluate the efficacy of these operations by
19 requiring more detailed information about he triggers
20 for M.A.R.C.H. actions, how they are conducted, and
21 how often they result in citations or fines.

22 With that, I'd like to give Council Member Levin
23 the opportunity to make some remarks regarding his
24 bill and then we can proceed to a vote, Council
25 Member Levin.

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2 COUNCIL MEMBER LEVIN: Thank you very much Chair
3 Lancman. I am very proud to see this bill coming
4 before the Committee today for a vote.

5 The interagency task force is comprised of
6 representatives from the NYPD, Fire Department,
7 Health Department, State Liquor Authority, Department
8 of Environmental Protection and Department of
9 Buildings. Lead by the NYPD, M.A.R.C.H. conducts
10 raids of nightlife venues reportedly in response to
11 community complaints.

12 Assessments of incidents that have occurred
13 within or around a venue and/or whether that venue
14 has a history of "cooperating with authorities".
15 This vague operations order is right for misconduct.
16 Business owners are not given information on how or
17 why operations are conducted and have shared shocking
18 stories about late night raids that have harassed
19 venues and have shutdown establishments. Many bars
20 and restaurants that have been marched upon have had
21 to pay thousands of dollars in fines for minor
22 violations and others have had to close their doors
23 due to the high costs and loss of customers.

24 At a hearing several months ago, the question was
25 raised of whether the task force should even exist at

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2 all. I am still not convinced that it is necessary
3 and I am glad that this bill will better support
4 businesses against these raids and shine a lot on a
5 long shrouded process.

6 Following significant feedback and concerning
7 firsthand reports from local venues and advocates, we
8 updated the bill to require proactive outreach to
9 businesses and enact stronger oversight of how, when
10 and why these raids occur.

11 Protecting local businesses and preserving New
12 York's nightlife culture is core to our city's
13 wellbeing. We cannot continue to let harmful
14 nighttime raids happen without clarity on whether
15 M.A.R.C.H. should have even showed up in the first
16 place.

17 I want to thank my colleague Council Member
18 Rafael Espinal, who has been a leader in standing up
19 for the rights of nightlife venues and has been
20 incredibly supportive of this legislation. I'd also
21 like to thank the Committee Chair and staff including
22 Maxwell Kampfner-Williams and my Legislature Director
23 Elizabeth Adams.

24 We think that this bill will shine a bright light
25 on this long shrouded activity on the part of the

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2 city and state authorities and that should never be.
3 Transparency is the hallmark of good government and
4 for too long this has been a woefully untransparent
5 action.

6 So, with that, I'll turn it back over to the
7 Chair and thank you very much for your support.

8 CHAIRPERSON LANCMAN: Thank you. Are there any
9 other Council Members wish to make a statement or a
10 comment?

11 I would note that we've been joined by the
12 Majority Leader Council Member Laurie Cumbo. And
13 with that, I would ask that a roll call be taken.

14 COUNCIL CLERK: William Martin; Committee Clerk
15 roll call vote, Committee on Justice System,
16 Introduction 1156-A. Chair Lancman?

17 CHAIRPERSON LANCMAN: Aye.

18 COUNCIL CLERK: Cohen?

19 COUNCIL MEMBER COHEN: Permission to explain my
20 vote, even though the Chair gave me an opportunity to
21 speak before, which I passed on.

22 CHAIRPERSON LANCMAN: Sure.

23 COUNCIL MEMBER COHEN: I just want to briefly say
24 that you know, I am a co-sponsor of this legislation
25 but I think that the M.A.R.C.H. program overall is a

1 value. You know, I have had some difficult venues
2 who really have caused a you know, a real hardship on
3 their neighbors, but I think the goals of this
4 legislation trying to put a little sunshine on this
5 program are ones that I am able to support. So, for
6 that reason, I'm going to vote aye.

8 COUNCIL CLERK: Cumbo?

9 COUNCIL MEMBER CUMBO: I vote aye.

10 COUNCIL CLERK: Torres?

11 COUNCIL MEMBER TORRES: I vote aye.

12 COUNCIL CLERK: Louis?

13 COUNCIL MEMBER LOUIS: Aye.

14 COUNCIL CLERK: By a vote of five in the
15 affirmative, zero in the negative and no abstentions,
16 the item has been adopted by the Committee.

17 CHAIRPERSON LANCMAN: Thank you, that will
18 conclude our hearing, except that I would like to
19 leave the vote open for the maximum time allowable,
20 which if I'm not mistaken is 15 minutes. Thank you.

21 [GAVEL] Have a good afternoon everyone.

22 COUNCIL CLERK: Final vote Committee on Justice
23 System Introduction 1156-A is adopted by the
24 Committee five in the affirmative, zero in the
25 negative and no abstentions, Council Member Levin.

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CHAIRPERSON LANCMAN: Hearing is adjourned.

[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 April 1, 2018