

## Edwards, Tanisha

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**From:** Quinn, Christine  
**Sent:** Tuesday, December 17, 2013 1:43 PM  
**To:** Meara, Chuck; Martinez, Ramon; Niblack, Preston; Rodus, Jeffrey  
**Cc:** Edwards, Tanisha; Toth, Nathaniel; Scheduling, Speaker  
**Subject:** FW: Letter: Vote YES on Sandy Tracker Bill this Thursday  
**Attachments:** Int1040\_Backgrounder.pdf

FYA

**From:** Nathalie Alegre, ALIGN [mailto:nathalie@ALIGNny.org]  
**Sent:** Tuesday, December 17, 2013 11:00 AM  
**To:** Quinn, Christine  
**Subject:** Letter: Vote YES on Sandy Tracker Bill this Thursday

### Letter in Support of Intro 1040-A or the “Sandy Tracker Bill”

*\*Bill Backgrounder Attached\**

December 17th, 2013

Dear Speaker Quinn,

As organizations representing thousands of the most vulnerable New Yorkers in the areas affected by Hurricane Sandy, we are writing to urge you to vote favorably on Intro 1040-A or the “Sandy Tracker Bill” at the next Stated meeting of the City Council on December 19th, 2013, so that the bill swiftly becomes law.

Comprehensive, centralized, and easily accessible public reporting of the use of federal funds in post-Sandy recovery and rebuilding is a critical first step toward achieving a just and equitable recovery for all. Reporting is needed to ensure that the public, as well as elected representatives, have the most up-to-date information on the expenditure of public dollars and are able to assess whether funds are being spent efficiently and whether communities most impacted are getting adequate aid. Public rebuilding money should be used to create good jobs for New Yorkers and workers should be protected from wage theft and health and safety violations that have been widespread in Sandy recovery work to date. In addition, an open and accountable reporting system will prevent fraudulent activities, like those that occurred after Hurricane Katrina in Louisiana.

The signatories applaud the City Administration for its creation and recent launch of the Sandy Funding Tracker. However, while the City’s Sandy tracker is an important first step towards much-needed transparency, much more needs to be done. **We urge the City Council to move forward with passage of Intro 1040-A to ensure continuity of tracking efforts as New York switches mayoral administrations, and to ensure specific, critical provisions outlined in the Sandy Tracker Bill are kept in the bill and put in place in the City’s tracker.** Specifically:

- **Ensure data is reported at the individual grantee level, not only as a category or program aggregate.** Individual data will dramatically increase the ability of the public and elected officials to hold contractors and government agencies accountable to quality construction and fraud prevention. More importantly, this measure is common-sense and has precedents: the New York City Economic

Development Corporation and Recovery.gov at the federal level already provide data at the grantee level.

- **Include specific job creation and salary data at the grantee level.** The bulk of projects funded with Sandy money are already gathering relevant data, such as certified payroll info for Prevailing Wage reporting, which facilitates collecting data on new hires, zip codes of workers, and salaries.
- **Ensure adoption of other critical reporting indicators.** These include Section 3 targeted hiring compliance, prevailing wage compliance, health & safety violations history, and borough (and preferably, zip code) of residence of employees.

Furthermore, we state our strong support for further improvements to this important piece of legislation and ask that you take them into consideration for inclusion on an amended bill:

- To allow New Yorkers to track whether employment opportunities are being created in low-income areas of the city, employment information must be collected at the zip code level, not borough –level.
- Clarify that data would be available in a non-proprietary, downloadable database that provides the public and elected officials with the ability to better analyze information.
- Include among the reporting provisions whether a recipient has ever violated local, state, and federal laws regarding the payment of wages and whether a recipients has ever been disbarred from any public works contract under city, state, or federal laws.
- Ensure reporting enforcement mechanisms are clearly put in place.
- Ensure reporting is retroactive to day zero of rebuilding activities.

Again, we urge you to vote favorably on Intro 1040-A taking considerations above in mind. We also ask that you join the Alliance for a Just Rebuilding and signatory organizations listed below in a public statement of support for the bill on December 19th, at 12:00pm at the steps of City Hall. For more information, please contact Nathalie Alegre at [nathalie@alignny.org](mailto:nathalie@alignny.org) or [212-701-9472](tel:212-701-9472).

Sincerely,

32BJ SEIU  
596 Acres  
ALIGN  
Alliance for a Just Rebuilding  
Brooklyn Long Term Recovery Group  
CAAAY: Organizing Asian Communities  
Coalition for the Homeless  
Community Development Project at Urban Justice Center  
Community Voices Heard  
El Centro del Immigrante  
Faith in New York  
Families United for Racial and Economic Equality (FUREE)  
Good Old Lower East Side (GOLES)  
Hunger Action Network of New York State  
Legal Aid Society  
LiUNA Laborers Local 78  
Make the Road NY  
National Day Laborer Organizing Network  
New Economy Project  
New Immigrant Community Empowerment (NICE)  
New York Committee for Occupational Safety & Health  
Occupy Sandy

Pratt Center for Community Development  
Project Hospitality  
Red Hook Initiative  
SolidarityNYC  
Workers Justice Project

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Hurricane Sandy devastated the lives of thousands of New Yorkers. In response to this unprecedented disaster, the federal government committed billions of dollars to New York City for rebuilding and resiliency. It is essential that New York City steward these critical recovery and rebuilding investments efficiently and transparently.

## **THE PROBLEM**

It is unclear to New Yorkers how and where Sandy recovery dollars are being spent. There are too many reports of wage theft and unsafe working conditions in recovery work. Currently, there is no centralized and accessible database tracking Sandy spending or the impacts on recovery and rebuilding jobs in particular.

**Wage theft is rampant in Sandy recovery work.** Public money used to rebuild NYC should be used to create good jobs for New Yorkers and workers should be protected from wage theft.

- A recent Baruch College study showed that 82% of day laborers conducting Sandy rebuilding work suffered unpaid wages.<sup>1</sup>
- Construction workers who rebuilt three hospitals after Hurricane Sandy (Bellevue, Coney Island and Coler-Goldwater Memorial) reported over \$500,000 in unpaid wages which resulted in an investigation by the Office of the NYS Attorney General.<sup>2</sup>
- A Sandy clean-up and demolition contractor doing work in four retail stores in NYC and Long Island agreed to pay \$65,000 in back wages to more than 100 workers who had been hired from as far as Louisiana and Chicago.<sup>3</sup> There are many more cases in which workers continue to be deprived of their wages.

**Public reporting on Hurricane-Sandy spending is poor.** Reporting is needed to ensure that the public, as well as elected representatives, have the most up-to-date information on the expenditure of public dollars, the impacts of that spending, and whether investments are building economic resiliency in long-struggling communities.

- To date, there is no report that highlights the number of jobs created, where workers are coming from, and the quality of jobs for Sandy recovery and rebuilding projects. NYC is required to file a quarterly report to HUD on the expenditure of funds. Over one year after the disaster, there is still no report and there is no indication that a report is coming soon.
- Reports from other CDBG recipients are often inaccessible, overwhelming, and don't provide data that is useful to the public. In addition, reporting on job data is infrequent and unclear.<sup>4</sup>

**Health and safety violations in the construction industry in the wake of Hurricane Sandy are widespread.** Public money used to rebuild NYC should not be given to unscrupulous contractors. The public should be aware of contractors with high numbers of worker health and safety violations.

- One study showed that 91% of day laborers conducting Sandy rebuilding work were exposed to hazardous materials, while 64% experienced accidents related to the job. At the same time, over one-in-four workers were not given adequate safety and health equipment on the job.<sup>5</sup>

**The potential for fraud and waste is high, as experiences with post-Katrina spending have shown.** Tax payer money used for rebuilding efforts should have the highest standards to prevent fraud and waste. Sandy survivors should be protected by an open and accountable reporting system that prevents fraudulent activities.

- An Inspector General report in April 2013, found that \$700 million awarded to help Hurricane Katrina victims

<sup>1</sup> *Day Labor, Worker Center & Disaster Relief Work in the Aftermath of Hurricane Sandy*, Hector Cordero-Guzman et al., Baruch College School of Public Affairs, Oct. 30, 2013, at <http://ndlon.org/en/resources/item/997-report-day-labor-worker-center-disaster-relief-work-in-the-aftermath-of-hurricane-sandy>

<sup>2</sup> *Contractor Agrees to Pay Hurricane Sandy Recovery Workers \$500G in Back Wages*, Kenneth Lovett, Daily News, Sept. 20, 2013, at <http://www.nydailynews.com/new-york/sandy-recovery-contractor-agrees-pay-500g-back-pay-article-1.1462147>

<sup>3</sup> *Contractor to Pay \$65G in Back Wages for Post Sandy Work*, Sarah Crichton, Newsday, Aug. 1, 2013, at <http://www.newsday.com/long-island/nassau/contractor-to-pay-65g-in-back-wages-for-post-sandy-work-1.5814982?p=801070>

<sup>4</sup> See, for example, Texas' Disaster Recovery Quarterly Reports to HUD, <http://www.glo.texas.gov/GLO/disaster-recovery/reports/index.html>

<sup>5</sup> *Ibid.* 1

fortify their homes from future floods is unaccounted for.<sup>6</sup>

- Some organizations report that more than 65% of their clients suffered contractor fraud, and some are still living in gutted or partially built houses, 8 years after Hurricane Katrina.<sup>7</sup>

### **THE SOLUTION: CITY COUNCIL INT. 1040-A**

Int. 1040-A mandates all Sandy-related projects receiving \$100,000 or more to transparently report information on jobs and safety. Information will be easy to access through a public website maintained by New York City and updated monthly.

Contractors and other recipients of Sandy recovery funds will report:

- Number of jobs created and whether they are full-time or part-time, temporary or permanent, and whether they are contracted positions, and a list of subcontractors
- The percentage of employees making up to \$20k/yr, \$20k-\$35k/yr, \$35k-\$50k/yr, and more than \$50k/yr
- Percentage of workers receiving health benefits
- Borough of New York City where each employee resides
- Violations of OSHA, unemployment, worker's compensation, misclassification, employment discrimination, disability, and other labor laws
- Whether contractor is using union apprenticeship or other workforce development programs
- Whether contractor is subject to and in compliance with federal, state, or local prevailing wage laws
- Whether contractor is subject to and in compliance with Section 3 targeted hiring requirements

### **WHY THIS CAN WORK: EXAMPLES OF BEST PRACTICES**

These three websites demonstrate how to effectively and efficiently track public investments in recovery and economic development.

*New Jersey's Sandy Transparency online database.* This one-stop web site has easy to understand pie charts, and allows users to view fund allocations and expenditures, as well as program descriptions by federal and state agencies, and by counties, and municipalities. In certain cases it provides individual project information.<sup>8</sup>

*The Federal government's website, recovery.gov.* This database tracks spending under the American Recovery and Reinvestment Act of 2009. Recovery.gov allows the user to search projects by address, zip code, city, or county, and to view all projects in that area. The information available includes the aid recipient's name, funding received, completion status, and the jobs created by quarter.

*The New York City Economic Development Corporation's Local Law 62 Project Information Spreadsheet.* This database provides information on current recipients of NYCIDA funds. Among the 126 columns of information, the NYCEDC provides the following information on recipients: name of recipient, address of project, type of assistance provided up to current year, in current year, and total amount to be received, estimated job creation and actual job creation by part-time and full-time, temporary and permanent positions, percent of workers earning below \$25,000, \$25,001-\$40,000, \$40,001-\$50,000, and more than \$50,001, percent of workers that are NYC residents and whether the recipient provides health benefits.<sup>9</sup>

**The Alliance for a Just Rebuilding urges passage of Int.1040-A to ensure efficient and transparent spending of post-Sandy rebuilding funds and to promote the creation of good local jobs in Sandy-affected communities. For more info, contact Nathalie Alegre at [nathalie@aligyny.org](mailto:nathalie@aligyny.org) or (212) 701-9472 or visit [www.rebuildajustny.org](http://www.rebuildajustny.org).**

<sup>6</sup> Office of Inspector General, Memorandum 2013-IE-0803, *Follow-Up of the Inspections and Evaluations Division on Its Inspection of the State of Louisiana's Road Home Elevation Incentive Program Homeowner Compliance*, Mar. 29, 2013, at [http://www.hudoig.gov/sites/default/files/Audit\\_Reports/2013-IE-0803.pdf](http://www.hudoig.gov/sites/default/files/Audit_Reports/2013-IE-0803.pdf)

<sup>7</sup> *Hurricane Katrina was 8 Years Ago, and Still Homes Need to be Rebuilt: Zack Rosenburg*, Times-Picayune, Aug. 28, 2013, at [http://www.nola.com/opinions/index.ssf/2013/08/hurricane\\_katrina\\_was\\_8\\_years.html](http://www.nola.com/opinions/index.ssf/2013/08/hurricane_katrina_was_8_years.html)

<sup>8</sup> <http://nj.gov/comptroller/sandytransparency/>

<sup>9</sup> <http://www.nycedc.com/about-nycedc/financial-public-documents>

## Hudson Yards Business Improvement District Steering Committee

December 16, 2013

The Honorable Christine Quinn  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

**Re: Hudson Yards Business Improvement District**

Dear Speaker Quinn:

The Steering Committee for the Hudson Yards Business Improvement District (aka Hudson Yards/Hell's Kitchen Alliance), as part of the operation of the proposed BID, agrees to incorporate the following principles and recommendations made in the August 6, 2013 letter of support from Manhattan Community Board 4 (MCB4) and the City Planning Commission report issued on September 30, 2013, with a view toward working collaboratively with the residential component of the district — with special attention paid to the long term residential community of historic south Hell's Kitchen.

**BID Name:**

- Rename the Hudson Yards BID the Hudson Yards/Hell's Kitchen (HY/HK) Alliance.

**BID Governance:**

- Appoint to the Board of Directors at least four residential tenant representatives with two of those tenants residing in affordable housing units in the district and at least one representative from a not-for-profit organization.
- Reflect the diversity of the neighborhood in the makeup of the Board of Directors.

**Consultation with MCB4, Local Elected Officials and Community:**

- Engage, when necessary, in consultations, meetings and reporting between the HY/HK Alliance and MCB4 to ensure cooperation among the various community groups, business enterprises, and non-profits in the district; and in the first two years of operation the HK/HY Alliance agrees, if requested, to meet with MCB4 to report and present its plans for services and district improvements.
- Work in close cooperation with MCB4, local elected officials, and City government to secure the development of Blocks Five and Six of Hudson Park and advocate for more open space in the Hell's Kitchen/Hudson Yards neighborhoods.
- Incorporate the values of MCB4 in promoting affordable housing, protecting its older housing stock, and preserving a mixed-income, diverse neighborhood.

## Hudson Yards Business Improvement District Steering Committee

### **BID Services – Approach and Priorities to respect the historic character of the neighborhood east of Tenth Avenue:**

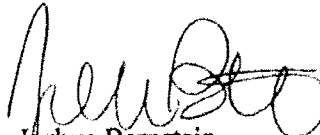
- Not permit banners, billboards, street flags, zipper displays or other forms of promotional marketing north of 33rd Street.
- Provide targeted sanitation and traffic safety services (outside of the Hudson Park and Boulevard) to Ninth Avenue and the abutting residential streets.
- Work with existing stakeholders to preserve diversity and not to promote homogenized, unvaried streetscape plan.
- Maintain tree pits and green spaces as needed and advocate for more open space.

Sincerely,

Hudson Yards BID Steering Committee



Kevin Singleton  
Co-Chair

  
Joshua Bernstein  
Co-Chair