

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

-----X

January 8, 2013
Start: 11:20 a.m.
Recess: 11:47 a.m.

HELD AT: 250 Broadway
Committee Room, 14th Floor

B E F O R E:

ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

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

1
2 CHAIRPERSON DILAN: Good morning
3 everyone and Happy New Year. My name is Erik
4 Martin Dilan and the chairperson of the City
5 Council's Housing and Buildings Committee. Today,
6 the committee will conduct a vote on Intro 967-A,
7 which is in relation to the issuance of--967, not
8 an A, in relation to the issuance of orders of
9 repairs to buildings.

10 Intro 967, which is sponsored by
11 Council Member Brewer, who is here, would address
12 concerns that underlying causes of housing
13 violations go often unidentified or unresolved
14 which can lead to repeat violations of the same
15 kind. The bill would allow the Department of
16 Housing Preservation and Development to issue an
17 order to the property owners to correct the
18 underlying condition which has caused or is still
19 causing the violation of the Housing Maintenance
20 Code, the Multiple Dwelling Law, or other
21 applicable laws.

22 It's up to the department to
23 establish through rule the criteria used to decide
24 which buildings will qualify for this order, but
25 during its testimony, HPD has indicated that it

1
2 will target buildings with a significant number of
3 water leak or mold conditions based on the
4 issuance of these multiple violations. And this
5 committee will follow HPD during the rulemaking
6 process to make sure that that is exactly what
7 happens during that process.

8 Under the bill, owners will have
9 four months to correct underlying conditions
10 ordered by HPD when that's issued to submit
11 documentation demonstrating compliance with its
12 order. HPD may grant owners an additional two-
13 month extension to complete the work. If an owner
14 fails to comply with an order that's issued, the
15 department may complete the work on its own and
16 seek civil penalties for lack of compliance. The
17 civil penalty range for failure to comply with
18 these orders would be 1,000 per dwelling unit
19 affected or the minimum of 5,000--by the order or
20 a minimum of \$5,000. All expenses incurred by HPD
21 under this bill that remain unpaid by the owner
22 will constitute a debt recoverable from the owner
23 and a lien on the building and lot.

24 At this time, I'd like to ask the
25 bill sponsor, Council Member Gale Brewer, to speak

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

a few words on her bill.

COUNCIL MEMBER BREWER: Thank you very much, Chair Dilan. I want to thank Speaker Quinn for working with us on this legislation, I think she first announced it in her 2012 State of the City address and I'm glad that it's finally passing. I want to thank committee staff Baaba Halm, Laura Rogers, Ed Askin [phonetic], and it says the recently departed Ben Goodman, he's still alive, he just happens to be working at the Department of Education.

And so Intro 967, I think it does-- and I want to thank HPD--it gives this agency a new tool to go after problematic owners who do not make needed repairs on their property. The chair talked about mold, I think the public has heard a lot about mold post-Sandy in some of the homes that were embedded with water during the hurricane, but, unfortunately, that's often the situation with a leaky roof or some other way in which water drips down into the property. And no matter how many times 311 is called--in this particular legislation, it would have a minimum and you'd have to have quite a few 311 calls in

1
2 order to trigger this legislation. But the reason
3 this legislation is important is that patchwork
4 repairs only lead to more stress and problems for
5 tenants and they pose a serious risk to the long-
6 term stability of our city's housing stock. I
7 think they also pose a long-term challenge to the
8 311 system and the constant going back and back in
9 terms of inspections. And so the whole point of
10 this legislation, Intro 967, is to address, in the
11 most basic sense, the root cause. I think we've
12 all heard from constituents who've had problems
13 with leaks and mold and other systemic issues that
14 haven't been addressed and I think this
15 legislation will give HPD the tools to be able to
16 address these challenges.

17 So, again, I thank the chair, I
18 thank the Speaker, I thank HPD for your work on
19 this legislation, and I hope you'll all vote yes.
20 Thank you very much, Mr. Chair.

21 [Pause]

22 CHAIRPERSON DILAN: Okay. At this
23 time, I'd like to ask the clerk to call the roll,
24 and I urge my colleagues to vote yes on the item
25 before us today.

1
2 WILLIAM MARTIN: William Martin,
3 Committee Clerk, roll call vote Committee on
4 Housing and Buildings, Introduction 967. Council
5 Member Dilan.

6 CHAIRPERSON DILAN: I vote aye.

7 WILLIAM MARTIN: Rivera.

8 COUNCIL MEMBER RIVERA: I vote aye.

9 WILLIAM MARTIN: Brewer.

10 COUNCIL MEMBER BREWER: I vote aye,
11 thank you.

12 WILLIAM MARTIN: Comrie.

13 COUNCIL MEMBER COMRIE: I vote aye.

14 WILLIAM MARTIN: Jackson.

15 COUNCIL MEMBER JACKSON: Aye.

16 WILLIAM MARTIN: Mark-Viverito.

17 COUNCIL MEMBER MARK-VIVERITO: I
18 vote aye.

19 WILLIAM MARTIN: Mendez.

20 COUNCIL MEMBER MENDEZ: I vote aye.

21 WILLIAM MARTIN: Crowley.

22 COUNCIL MEMBER CROWLEY: I vote
23 aye.

24 WILLIAM MARTIN: Lander.

25 COUNCIL MEMBER LANDER: Aye.

1

WILLIAM MARTIN: Oddo.

2

COUNCIL MEMBER ODDO: Yes.

3

WILLIAM MARTIN: By a vote of 10 in
the affirmative, zero in the negative, and no
abstentions, item is adopted. Members, please
sign the Committee Report. Thank you.

4

5

6

7

CHAIRPERSON DILAN: Okay. And at
this time, I'd like to leave the roll open for as
long as the rules allow. And I want to
acknowledge that Council Member Fidler was indeed
here on time, the chair was late, and at the
appropriate time, I'd like to extend Council
Member Fidler the opportunity to vote on the
measure before us today. Thank you.

8

9

10

11

12

13

14

15

[Pause]

16

WILLIAM MARTIN: Council Member

17

James.

18

COUNCIL MEMBER JAMES: Aye.

19

WILLIAM MARTIN: Vote now stands at

20

11.

21

[Long pause]

22

WILLIAM MARTIN: Council Member

23

Williams.

24

COUNCIL MEMBER WILLIAMS: I vote

25

1

2 aye [off mic].

3

4 WILLIAM MARTIN: Current vote now
stands at 12 in the affirmative.

5

[Long pause]

6

7 WILLIAM MARTIN: Council Member
Ulrich.

8

COUNCIL MEMBER ULRICH: I vote aye.

9

10 WILLIAM MARTIN: Vote now currently
stands at 13.

11

[Pause]

12

13 WILLIAM MARTIN: Council Member
Gennaro.

14

COUNCIL MEMBER GENNARO: Yes.

15

16 WILLIAM MARTIN: Vote now currently
stands at 13 in the affirm.

17

[Pause]

18

19 WILLIAM MARTIN: Okay. Final vote
in the Committee on Housing and Buildings is now
20 13 in the affirmative, zero in the negative, and
21 no abstentions.

22

[Pause]

23

24 COUNCIL MEMBER MENDEZ: What do I
do?

25

MALE VOICE: The hearing is now

1

2

adjourned.

3

COUNCIL MEMBER MENDEZ: Hearing is

4

now adjourned.

5

[Gavel]

C E R T I F I C A T E

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

Signature *Tammy Wittman*

Date January 21, 2013