

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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December 19, 2013

Start: 12:59 p.m.

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HELD AT: Committee Room
City Hall

B E F O R E: ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Leroy Comrie, Jr.
Elizabeth S. Crowley
Lewis A. Filder
James F. Gennaro
Robert Jackson
Letitia James
Rosie Mendez
Joel Rivera
Jumanne D. Williams
Eric A. Ulrich

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COMMITTEE ON HOUSING AND BUILDINGS

CHAIRPERSON DILAN: Good morning, everyone and welcome. I'd like to call this hearing to order. My name is Erik Martin Dilan and I'm the Chairperson of the City Council's Housing and Buildings Committee. And today I'm joined by my colleagues from Brooklyn, Council Member Lou Filder, Council Member Joel Rivera of the Bronx, Council Member Elizabeth Crowley of Queens, Council Member Letitia James of Brooklyn, Council Member Eric Ulrich of Queens. To my right my Counsel Ed Atkin, Council Member Jackson of Manhattan, Council Member Comrie of Queens, Council Member Gale Brewer of Manhattan, Council Member Rosie Mendez of Manhattan.

Today the Committee will be conducting hearing for the purposes of a vote on two items, which both will be disposed for the purposes of a vote at the conclusion of this hearing.

The first bill before us is proposed Intro 1056A, known as the building code, but it's intended to update the city's plumbing, building, mechanical, fuel gas codes to be consistent with the international codes. And as many of you may recall and members of this committee in 2007, this

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committee and this council passed Local Law 33, which overhauled the city's 40-year old construction codes and brought them in line with the international codes. To ensure that the city's codes were regularly reviewed, Local Law 33 required periodic updates to the city code based on changes to the international codes. 1056A, which is before us today, represents the first such update.

The second bill before us today is proposed Introduction 11102A, which is sponsored by Council Member Van Bramer. And this bill is to ensure that hazardous materials stored throughout the city are safe from flooding or other disasters. Now, this bill also requires hazardous storage facilities to let the city know which flood zone and hurricane evacuation zone they are in. The bill authorizes the Department of Environmental Protection to create rules regarding the storage of hazardous materials.

Now, I do want to say that in 1056A there is -- for the purposes of environmental review, it has been determined that this is a type two administrative action. It's a little technical

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piece I do have to say for the record. And further, there are some things that -- and I would like to at least have the next council -- the next council consider on crane regulations, which unfortunately, I cannot do today but have been sympathetic to in the past.

With that being said, what I would like to say it's been a pleasure working with each and every one of you as a chairperson of this committee and members of this committee and being that we are convening -- well, I'm convening this committee for the last time, I've got to say it was a pleasure. It's a great committee, there are great people on the committee and I've certainly enjoyed the ride and look forward to seeing who the next chairperson of this committee will be.

With that I would like to ask the Clerk to couple both items and recommend a yes vote and ask the Clerk to call the roll.

THE CLERK: Kevin Pena [phonetic]
Committee Clerk, roll call on the Committee on Housing and Buildings, Intro 1056A and 1102A.

Council Member Dilan.

COUNCIL MEMBER DILAN: I vote aye.

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THE CLERK: Rivera.

COMMITTEE MEMBER RIVERA: I vote aye.

THE CLERK: Council Member Dilan.

COMMITTEE MEMBER DILAN: I vote aye.

THE CLERK: Rivera.

COMMITTEE MEMBER RIVERA: I vote aye.

THE CLERK: Brewer.

COMMITTEE MEMBER BREWER: I vote aye.

But I also want to make sure that we thank Council Member Dilan for all of his service. I am particularly appreciative of the work he's done on some of the housing initiatives in addition to legislation. As many have said, his word is his word and that's something that counts a lot in my book. So something -- we care a lot about housing; we care a lot about the issues, the Building's Department, HBD. And I think that everyone who has been part of these discussions feels good about the work we've done and the leadership of the Chair. I vote aye.

THE CLERK: Comrie.

CHAIRPERSON DILAN: Council Member Comrie to explain his vote.

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COMMITTEE MEMBER COMRIE: Thank you. Thank you for permission, Mr. Chair. I want to vote aye on all. I just want to thank you, Mr. Chair, for being a great colleague and a truly committed council member that not only pushed for his district but had chaired this committee with a lot of focus and detail and did it in a very classy way that made all of us proud. It's been a pleasure working with you and all of the staff for the Housing and Building's Committee as well.

I'm voting aye on this bill. I understand that -- as you remember, Mr. Chair, Council Member Probanzano and yourself and myself worked on the first building code revision back when they decided to open up the process and make the process more amendable and have all of the professionals come together with the Building's Department and create the opportunity for periodic updates. So I'm glad to see that the updates are continuing and that there's an inclusion from the industry to ensure that the code is done with the feedback and input from every aspect of the industry that it effects.

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I understand that there are some concerns with some aspects in this code that would allow for outsiders to come in and try to get involved in areas of construction, especially the mechanical code. I just want to assure folks that this is not a rigid document. There's plenty of opportunities for amendment. I wish we had more time to address those particular issues, but in order for the code to move forward, I'm voting aye on all.

THE CLERK: Filder.

COUNCIL MEMBER FILDER: Can I be excused to explain my vote?

CHAIRPERSON DILAN: Council Member Filder to explain his vote.

COUNCIL MEMBER FILDER: Thank you. And I, too, want to thank the Chairman and the entire staff of this Committee. I've served for 12 years now on this committee. I have to say that some of the issues here can make your eyes bleed, except for the folks who are sitting out there are all very interested in all this stuff. It has been an education on a number of issues and sometimes the issues are as complex as 2490 something pages.

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On the issue at hand, I understand that there are several problems that have been brought - some of which have been brought to my attention in the last 24 hours. I've been assured that those matters can be dealt with by the next council. As much as I hate kicking the can down the road, I really don't think we have much of a choice in doing that. So I'm going to vote aye on all and hope that the next council does as thorough and good a job as I believe you Mr. Chairman and your staff have led this committee in doing.

THE CLERK: Jackson.

COUNCIL MEMBER JACKSON: May I be excused to explain my vote, Mr. Chair?

CHAIRMAN DILAN: Council Member Jackson to explain his vote.

COUNCIL MEMBER JACKSON: Thank you. Well, first let me congratulate you on the tenure as the Chair of the Housing and Buildings Committee. I've been a member of this committee for 12 years. Obviously the issues and concerns of housing and buildings in the City of New York is, in many people's mind, the number one issue, affordable housing. In fact, going throughout the

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city and even in the borough of Manhattan,
affordable housing has been the number one issue.

But I say to you, as I spoke to you
briefly before we began this meeting, the building
code has wrapped up many things in there. And I
wish that I could separate the one on the crane
operators. Local 14 spoke to me outside before
starting this meeting. And if this was separated,
I would vote no on that particular matter.

Unfortunately, it's not separated as in the
documents here, as you can see, is humungous,
that's what we're voting on. And, unfortunately,
communication with me specifically did not really
occur until this morning. So that's unfortunate.

So hopefully, the issues and concerns
will be addressed in speaking to the crane
operators and the union leaders and then knowing
the history as in far as in the news, I believe
this Administration wanted to have crane operators
from anywhere in this country to be able to come
into New York City and operate cranes. And as we
know how dangerous they are and because of
situations that have occurred here -- and as you
know, everyone cannot come into New York City and

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just do work, that's number one. Number two, we're talking about union jobs. And we're talking about this will reduce the number of union workers being employed in New York City. I'm a union man. But I say to all of you that I wish that the next council under the leadership of whoever the next speaker is and the next Mayor, Bill de Blasio, that we address this and correct it.

Unfortunately, it's not separated out, so I can't vote no. If I had the opportunity, I would vote no on that section. But in totality I have to vote and so I vote yes with that reservation.

CHAIRPERSON DILAN: Thank you, Council Member Jackson.

THE CLERK: James.

COUNCIL MEMBER JAMES: Thank you, Mr. Chair. I share the sentiments of Council Member Jackson. But I want to congratulate Council Member Dilan because I often recognize that politics is a delicate balancing act. And Council Member Dilan, you have perfected that skill.

CHAIRPERSON DILAN: Thank you.

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COUNCIL MEMBER JAMES: But I recognize that this bill seeks to improve the existing code and also seeks to make alterations with respect to our new buildings. Notwithstanding the fact that the bill in question is -- how many pages long? 2600 pages long. I've spoken to a number of individuals with respect to this bill. I've spoken to a number of my colleagues as well as members of the Rankin file as well as experts who have worked on the bill and I trust their judgment notwithstanding the executive version of the bill, which I have reviewed. And in light of that, I am prepared to vote yes on the bill. I vote aye.

And, again, Council Member Dilan and to the Chairman, thank you for your leadership and thank you for preserving and building affordable housing in New York.

CHAIRMAN DILAN: I have to say even though it's maybe a little bit inappropriate; it was a pleasure for me serving with you as the co-Chair of the Brooklyn Delegation and look forward to your future leadership on a citywide basis now.

COUNCIL MEMBER JAMES: Thank you, sir. I vote aye.

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THE CLERK: Mendez.

COUNCIL MEMBER MENDEZ: I vote aye.

And I want to thank the Chair for his friendship and guidance, even up until his last indiscretion where he endorsed my opponent. But for eight years -- for seven and a half years you've been there and you've been --

CHAIRPERSON DILAN: I did apologize for that.

COUNCIL MEMBER MENDEZ: -- a good Chair. As long as you know your mistake, but they'll come back and haunt you.

CHAIRPERSON DILAN: I did apologize for it. And if they come back to haunt me, I'll deal with it at that time. But it's been a pleasure serving with you as well.

THE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Permission to explain my vote.

CHAIRPERSON DILAN: Council Member Crowley to explain her vote.

COUNCIL MEMBER CROWLEY: I too would like to thank Council Member Erik Dilan for his leadership on this Committee. Since I've been in

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the Council, you've served with such dedication and we've been having a very good working relationship, so I do appreciate your dedication. I am going to vote aye on 1102A and I'm going to abstain from a vote on the building code because I have reservations about the entirety of the code. I feel like the department has been rushing the code in without proper oversight. And was mentioned today by the engineers, there is concern about safety and regulations that pertain to licenses and practicing in the city. So I look forward to working with the next council to address these concerns. Thank you.

CHAIRPERSON DILAN: Thank you, Council Member Crowley.

THE CLERK: Williams.

COUNCIL MEMBER WILLIAMS: Permission to explain my vote?

CHAIRPERSON DILAN: Council Member Williams to explain his vote.

COUNCIL MEMBER WILLIAMS: Thank you. I know this bill was very difficult. I'm going to vote aye. I know there was a lot of back and forth on it. Several of us are still going to be here.

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If there's any additional fixes that we can do to make the bill better, I'm definitely hoping to do that. I want to congratulate you all on the bill and trying to make it better as well as -- as the unions and the advocates and hopefully we can continue to move forward and fix it if there's any other fixes that are needed.

I also want to congratulate you. It was a pleasure serving on this committee with you. Having been a housing advocate when you became Chair, there was quite a lot of concern when that actually happened, but I don't think it was -- been nearly the disastrous thing that people thought it was going to be if Erik Dilan became the housing Chair. So I think that bodes well for you. So congratulations on your next endeavors and I vote aye.

THE CLERK: Ulrich.

COUNCIL MEMBER ULRICH: Mr. Chairman, I'd like to be excused to explain my vote.

CHAIRMAN DILAN: Council Member Ulrich to explain his vote.

COUNCIL MEMBER ULRICH: Thank you. Mr. Chairman, I want to also add my appreciation for

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all of your hard work and my deepest admiration for you. I think you've been a fine Chairman of this Committee and it's been an honor to serve on the Council with you.

However, with respect to the bills that we're voting on today, I will be voting use on Intro 1102. And I will be abstaining on proposed Intro 1056A for several reasons. The first of which is I have not read the bill, and I will not vote on a bill that I have not read. And I submit to you that 2600 pages of legislation is a hearty thing to digest and, as a matter of fact, I was handed a very nice zip drive this morning. But I have not had a chance to talk to people in the field and from the industry who know more about this stuff than I do quite frankly.

And I know that the Mayor is strongly advocating that we pass this today, but I don't think that my yes vote would be a responsible vote because, quite frankly, I don't know enough about it, I haven't read it, and there seems to be a lot of concern from people who actually work every day as master riggers or crane operators who say there

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is a few things in here that we probably ought to take a second look at.

THE CLERK: Gennaro.

COUNCIL MEMBER GENNEARO: Yes.

THE CLERK: Intro 1111 -- 1102A has been adopted by a vote of 12 in the affirmative, zero negative, no abstentions. Intro 1056A by a vote of ten in the affirmative, zero negative and two abstentions.

CHAIRPERSON DILAN: Okay. All right. What I will say is at this time I would like to thank all of the 280 stakeholders that worked in putting this package together on behalf of this city on a pro bono basis. I did have the opportunity to mingle with them a couple of days ago at the code celebration that was hosted by the New York City Building Department. I want to thank them publically and on the record for their service to the City.

Also, I want to thank all the hardworking people at the New York City Building's Department to say that it's also been a pleasure to work with you under the leadership of both Commissioners Lancaster and Lamondrie [phonetic].

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You guys truly have done some historic things that people did not think could be accomplished in our lifetime. And I want to credit you guys for that.

Like any process that includes 2600 pages of legislation not everything is going to be perfect, not everyone is going to be happy. And to some I'm sympathetic. And hopefully those items can be worked out. But light of the act of where we are today and the fact that we almost did not get here today is, in my mind, no reason to withhold the vote on this item today. So I am glad that it is adopted and look forward to working with the rest of you in the future, wherever that may be.

So I'd like to thank you all. And with that, we will leave the vote open for as long as the rules allow to allow for some members who are in transit. And at that time, this hearing will be adjourned.

[Pause]

CHAIRPERSON DILAN: I want to recognize Council Member Williams for the purpose of changing his vote.

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COUNCIL MEMBER WILLIAMS: Thank you, Mr. Chair. I just wanted to actually abstain on Bill No. 1056 for some similar reasons that were mentioned. I had some misinformation. I just want to read the bill a little bit more thoroughly. So I'd like to abstain from 1056.

[Pause]

THE CLERK: Final vote on the Committee on Housing and Buildings Intro 1102A, 12 in the affirmative, zero in the negative, no abstentions; Intro 1056A, nine in the affirmative, zero in the negative and three abstentions. This meeting 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. 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.



Date 01/08/2014