

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RECOVERY AND RESILIENCY

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MAY 4TH, 2016

Start: 1:39 PM

Recess: 2:12 PM

HELD AT: 250 BROADWAY - COMMITTEE RM, 16TH FL

B E F O R E: MARK TREYGER
CHAIRPERSON

COUNCIL MEMBERS:

MARGARET S. CHIN
STEVEN MATTEO
CARLOS MENCHACA
ROSIE MENDEZ
DONOVAN R. RICHARDS
ERIC A. ULRICH

A P P E A R A N C E S (CONTINUED)

ALAN MAISEL
COUNCIL MEMBER

CHAIR TREYGER: Good morning and welcome to this hearing of the Committee on Recovery and Resiliency, I am the Chair of the Committee, Council Member Mark Treyger and today we will be holding a second hearing and vote on proposed introduction 448-A, sponsored by Council Member Alan Maisel in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or manmade disaster and proposed introduction 1037-A, sponsored by myself in relations to violations received after a disaster. Both of these bills stand for the simply principal that people should not be penalized when a building or sanitation violations is caused by something outside of their control like a disaster or a recovering program. Penalizing these people would serve no public purpose and it might make a true recovery from a disaster that much more difficult by adding to their financial burdens and undermining the public support for recovering programs. Proposed introduction 1037-A would first provide building owners with an extended period of time to repair damages and clean their properties without penalty. Next, it would exempt building owners from civil and

2 criminal penalties for building code violations when
3 the damage to their home was caused by a disaster and
4 the building is enrolled in a City disaster recovery
5 program and it would protect residences from certain
6 sanitation violations when they have been displaced
7 and the property is undergoing or scheduled for work
8 in a City disaster recovery program. Finally, any
9 penalties that may have been imposed since Super
10 Storm Sandy in the above situations maybe waived or
11 refunded. As we've heard through testimony in prior
12 hearings, these are not theoretical concerns.
13 Violations like these have been given out. In fact
14 at the first hearing on these bill, this Committee
15 brought a violations to the attention to the
16 Department of Buildings that seemed to contravene
17 their own unwritten protocol against violating homes
18 enrolled in the Build it Back Program. They later
19 contacted us to tell us that the violation, the
20 violations should not have been issued and the
21 homeowner would be refunded his money. Had this law
22 existed then, he might never have received that
23 violation in the first place. Since then we have
24 also received a great deal of testimony from
25 homeowners whose homes are being re-built or elevated

2 and yet the Department of Sanitation tapes violations
3 to the Build it Back fence, addressed to those
4 homeowners and not to the contractors working there.
5 Hopefully by turning these bills into law, that to
6 will stop and those penalties will be refunded. But
7 these bills are not the end. This Committee will
8 continue to monitor the recovery process and to do
9 everything in its power to make it as fair and speedy
10 as possibly. I would like to thank my colleagues on
11 this Committee for their support. I'd also like to
12 thank my Committee Counsel, outstanding Counsel Brad
13 Reid, Policy Analyst, Bill Murray, Finance Analyst
14 Jonathan Seltzer as well as my own staff; Legislative
15 Director, Anna Scafe and Chief of Staff, Ethan
16 (inaudible), Finally I would like to thank the
17 members of the public who shared their stories with
18 us, they all helped make this possible and I just
19 want to say we will as I mentioned in the opening
20 statement, we will continue to aggressively monitor
21 these recovery programs. I... I found it to have been
22 outrageous that Sandy survivors are still be
23 subjected to such outrageous actions and need better
24 coordination amongst the City agencies and I want to
25 thank all of my colleagues in this Committee for

2 their, for their support and I believe we've been
3 joined by the Minority Leader, Council Member Steven
4 Matteo, Council Member Rosie Mendez, and Council
5 Member Margaret Chin. I guess I will not ask the
6 Clerk to call the roll.

7 COMMITTEE CLERK: William Martin,
8 Committee Clerk, roll call vote Committee on Recovery
9 and Resiliency; Chair Treyger.

10 CHAIR TREYGER: I vote aye on all.

11 COMMITTEE CLERK: Mendez.

12 COUNCIL MEMBER MENDEZ: I vote aye on
13 all.

14 COMMITTEE CLERK: Chin.

15 COUNCIL MEMBER CHIN: I vote aye on all.

16 COMMITTEE CLERK: Matteo.

17 COUNCIL MEMBER MATTEO: I want to thank
18 Chair Treyger for his leadership, I think we're are
19 striking the necessary the balance here making sure
20 that our constitutes aren't hurt more than they
21 already are on situations like Sandy and that we're
22 ensuring that homes and our buildings are being
23 rebuilt in a, in a safe manner and according to all
24 the regs but again we're protecting our constitutes
25 here and Chair Treyger I just want to thank you once

2 again cause your leadership on this is been top
3 notch, I vote aye on all.

4 COMMITTEE CLERK: By a vote of 4 in the
5 affirmative, 0 in the negative and no abstentions,
6 items have been adopted.

7 CHAIR TREYGER: Thank you to my
8 colleagues, thank you to Minority Leader, you
9 leadership has been outstanding as well, you been
10 very forceful and advocating for Staten Islanders and
11 all Sandy victims and I appreciate your partnership.
12 I also like to extend my thanks to my colleague who's
13 also a sponsor of this bill, Council Member Alan
14 Maisel and his office for their leadership on their
15 bill. Both of these bills are very timely as a
16 recovery process is finally beginning to take shape.
17 We still have a lot more work to do but with that we
18 will leave the vote open I guess until around 10:45,
19 yes another about 15-20 minutes or so.. so folks can
20 come in and vote as well, thank you.

21 [pause]

22 CHAIR TREYGER: Ok we have been joined by
23 my colleague, Council Member Alan Maisel who is a
24 sponsor of one of the bills that we voted unanimously
25 to approve and I am proud to have worked with him on

2 his important piece of legislation, actually I would
3 say it was visionary Council Member Maisel because
4 you predicted and correctly predicted that there
5 would be issues coming up during the recovery process
6 for Sandy survivors and victims and in fact that has
7 been the case, with that I call on my colleague to
8 have a statement, Council Member Maisel.

9 COUNCIL MEMBER MAISEL: Alright thank you
10 Mr. Chairman. I'm very pleased that Intro. 448-A was
11 voted on today. This legislation was designed to
12 help protect property owners who rely on City
13 recovery programs after an natural disaster. In the
14 aftermath of Super Storm Sandy in my district alone
15 we saw 100s of property owners struggle to find
16 licensed professionals for need recovery work. New
17 York City Rapid Repair and Build it Back Programs
18 were formed and while the intention was good, some of
19 the recovery efforts may have resulted in property
20 owners receiving fines for that same work which was
21 completed by the City's recovery programs designated
22 contractors. In these cases it is critical that the
23 City not penalize property owners for joining a
24 program that elected officials and City agencies
25 directed them to join. This legislation creates a

2 process to protect building owners from civil and
3 criminal penalties when the violation is for repair
4 work done by a City disaster recovery program or its
5 contractor. It also provides for a possible waiver
6 or refund for any such violations previously issued
7 since Super Storm Sandy. I would like to thank
8 Recovery and Resiliency Committee Chairman Mark
9 Treyger (inaudible) a co-sponsors, the members of
10 this Committee and Committee Counsel Brad Reid for
11 your commitment to passing this legislation will not
12 only help property wrongly fined for Super Storm
13 Sandy repairs but protect them from receiving
14 violations for City contracted work completed after
15 future, hopefully never but future natural or manmade
16 disasters, so I'm very, very grateful for the
17 Committee Members and I'm grateful for your work Mr.
18 Chairman, thank you.

19 CHAIR TREYGER: Thank you very much
20 Council Member Maisel and might I add that this
21 Committees work with your leadership as well already
22 helped a homeowner get a violation waived because we
23 brought it to the attention of City agencies, its..
24 its really something else but you know were proud to
25 have worked together on this and the goal is to get

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2 this recovery moving as fast as possible and to
3 reduce the burden, not add burden to Sandy Survivor's
4 so I thank you.

5 COUNCIL MEMBER MAISEL: I should also say
6 I'd like to thank all the people who added to my
7 statement (inaudible) assembled three, thank you so
8 much.

9 CHAIR TREYGER: Thank you, thank you
10 Council Member Maisel you always draw a crowd and the
11 vote is open until 10:45.

12 CHAIR TREYGER: Been joined by Council
13 Member Carlos Menchaca.

14 COMMITTEE CLERK: Continuation roll call,
15 the Committee con Recovery and Resiliency, Council
16 Member Menchaca.

17 COUNCIL MEMBER MENCHACA: I vote aye.

18 COMMITTEE CLERK: Vote now stands at 5 in
19 the affirmative.

20 [pause]

21 COMMITTEE CLERK: Final vote, Committee on
22 Recovery and Resiliency now stands at 5 in the
23 affirmative, 0 in the negative and no abstentions,
24 thank you.

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2 CHAIR TREYGER: This hearing is hereby
3 adjourned.

4 [gavel]

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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 May 22, 2016