

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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November 29, 2017
Start: 1:59 p.m.
Recess: 2:16 p.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:
Rosie Mendez
Ydanis R. Rodriguez
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.
Mark Levine
Helen K. Rosenthal
Ritchie J. Torres
Barry S. Grodenchik
Rafael Salamanca, Jr.
Eric A. Ulrich
Brad S. Lander

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

[sound check]

[pause]

CHAIRPERSON WILLIAMS: Good afternoon everyone. I am Council Member Jumaane Williams, Chair of the Committee on Housing and Buildings. Today I'm joined by Council Member Torres, Council Member Cornegy, Council Member Rodriguez, Council Member Lander, Council Member Ulrich, and Council Member Grodenchik [background comment] and Levine -- where's Levine? [background comment] Oh, hi Levine.

We are here to hold a vote on six bills; three of the bills -- Proposed Intro No. 443-A, Proposed Intro No. 1403-A, and Proposed Intro No. 1431-A -- relate to cranes and crane safety.

Proposed Intro No. 443-A, sponsored by Council Member Kallos, would impose an age limitation on cranes that operate in New York City.

Proposed Intro No. 1403-A, sponsored by myself, would require the installation of anemometers on certain cranes.

Proposed Intro No. 1431-A, sponsored by Council Member Grodenchik, would require the registration of lift directors and set forth the qualifications and duties of a lift director.

2 We will also be voting on Proposed Intro
3 No. 1210-A, sponsored by Council Member Torres, which
4 would require HPD to create a speculation watch list
5 of rent-regulated buildings where tenants may be at
6 risk of being displaced.

7 We will also be voting on Proposed Intro
8 No. 152-C, sponsored by Council Member Lander, which
9 would create a certificate of no harassment pilot
10 program for buildings in rezoned neighborhoods and
11 certain other buildings.

12 The final bill we'll be voting on is
13 Proposed Intro No. 1721-A, sponsored by myself, which
14 would expand the definition of harassment to include
15 acts or omissions related to certain violations of
16 the construction code.

17 I'm proud of these bills; the ones on
18 cranes are part of our dedication to make sure that
19 construction sites are safe for workers and for the
20 public, and the other bills have to do with
21 harassment, another priority of not only this
22 committee, but the Council as a whole and I think
23 we've taken it much further than a lot of people
24 expected. Unfortunately, we're gonna have to keep
25 coming back, because as we move, scrupulous landlords

2 get more creative -- just a warning; we're not gonna
3 give up and we're gonna always do our best to stay
4 one step ahead. [background comments]

5 So I'm gonna allow my colleagues who
6 would like to do opening statements to do one, and I
7 think Council Member Lander will.

8 COUNCIL MEMBER LANDER: Thank you, Chair
9 Williams. I've been working on the certificate of no
10 harassment I think for about 15 years; I'll take just
11 a minute to explain why I'm excited about it and I
12 wanna thank you for chairing the hearing today.

13 As you articulated, unfortunately for
14 some unscrupulous landlords in New York City, and
15 especially in neighborhoods where rents are rising,
16 harassing tenants becomes just part of the business
17 plan, because once a tenant is driven out, the
18 landlord can make significant renovations or demolish
19 and rebuild, enabling them to dramatically raise
20 rents, so even while we've taken significant steps to
21 prevent harassment through this Committee and in this
22 Council -- through legislation, proactive
23 enforcement; providing legal counsel -- harassment of
24 rent-regulated tenants remains a real significant
25 problem. The certificate of no harassment

1
2 legislation, 152-C, will provide a really significant
3 next step to protect tenants from the cycle of
4 harassment.

5 Under the new law, covered building
6 owners who are seeking permits for demolition or
7 significant alteration of their building will have to
8 prove that they have not engaged in harassment before
9 they get their permits, and if after evidence is
10 provided in a hearing a landlord is found to have
11 harassed tenants; then they won't be able to pull
12 those permits for five years unless they submit to a
13 very significant cure requirement of 20-25 percent of
14 the building permanently affordable at or below an
15 average of 50% AMI, in addition to what's ever
16 required of MIH or 421-a; they cannot satisfy those
17 obligations with these units, and with no additional
18 public subsidy, so a severe cure or a five-year delay
19 if you're trying to demolish or significantly alter a
20 building that is essentially the fruit of having
21 harassed your tenants.

22 There's been a program like this in place
23 in Hell's Kitchen since 1974 and for single-room-
24 occupancy buildings, the effort to expand it
25 citywide, which tenants have been advocating for for

1 a very long time, comes out of an agreement made when
2 we adopted the Mandatory Inclusionary Housing
3 program; the de Blasio Administration, HPD and the
4 Council agreed to convene a task force which had a
5 wide range of stakeholders -- building owners, tenant
6 advocates, attorneys; a range of folks; we met for a
7 year and I wanna say an appreciation to Council
8 Member Williams and Council Member Rosenthal for
9 serving on the task force, along with all those
10 representatives, and we now have this proposal on the
11 table for a 36-month pilot program to expand that
12 certificate of harassment requirement to certain
13 buildings citywide -- I'll just be really brief about
14 this -- but citywide it would cover any building
15 where there's been a court finding for a New York
16 State Housing Community renewal finding of
17 harassment, any building where a full vacate order
18 has been issued or any building in the Alternative
19 Enforcement Program, and then in eleven targeted
20 community districts -- eight mostly low-income
21 neighborhoods where harassment has really been found
22 to be a problem, plus the three neighborhoods, the
23 three Community Boards that have been rezoned thus
24 far in the Administration; in those eleven Council
25

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2 Members, a broader range of buildings will be
3 covered. HPD has developed a Building Distress Index
4 that will flag factors that make a building somewhat
5 likely to be a place of harassment -- recent
6 ownership changes or poor building conditions -- and
7 in addition, neighborhoods will be added to the
8 program as they are part of a City-sponsored
9 neighborhood rezoning.

10 We think it'll have a very strong impact
11 in providing a real deterrent or reason not to engage
12 in harassment as part of the business plan in general
13 and a very significant consequence if a landlord is
14 found to have done that and then wants to demolish or
15 significantly alter their buildings.

16 Lots of folks worked on this over the
17 last year, so I wanna say a big thank yous to Meagan
18 Chen, Ed Atkin, Jeff Baker, and Jen Wilcox for lots
19 and lots of redrafting and work on the legislation;
20 huge thanks to my Policy Director Annie Levers, who
21 helped co-coordinate that task force and has worked
22 tirelessly on the legislation.

23 I won't name here, since I guess I'll do
24 it on the floor, all of the HPD and administration
25 staff, but this really was a model of partnership;

1 while we are passing this legislation today, the task
2 force made it possible for the City to participate in
3 and develop a program that I'm confident Department
4 of Buildings and HPD are going to be able to
5 implement, and I'll add that in those targeted
6 neighborhoods, the Administration is committed to
7 contracts to fund community groups who will conduct
8 outreach to the buildings that have to go through the
9 process. The working group -- I will not name all
10 the organizations who participated, but we're really
11 appreciative to the public agencies -- DOB, OMB, HCR,
12 and the New York State Attorney General's Office, and
13 then a big list of all the building owner and tenant
14 advocacy and legal service organizations. It
15 certainly would not have been possible without the
16 strong work of the Coalition Against Tenant
17 Harassment, so special thank yous to ANHD, Make the
18 Road, and UJC for their strong work.

19
20 Thank you for a couple of minutes to
21 explain why I think this bill is exciting and why I
22 hope my colleagues will vote yes. Thank you.

23 CHAIRPERSON WILLIAMS: No problem. Thank
24 you; it is actually a pretty historic bill and
25 something we've been working on for a while. And

1 just again highlights the Council's dedication to
2 doing what we can with the limitations we have from
3 the State and unfortunately, limitations of a
4 Governor not doing enough on this issue.

5
6 Any other of my colleagues wanna give an
7 opening statement? Alright. We've been joined by
8 Council Member Salamanca.

9 I'd like to thank my staff for the work
10 they did to assemble this hearing, including Mike
11 Twomey, my Legislative Director; Meagan Chen, Counsel
12 to the Committee; Jose Conde, Policy Analyst to the
13 Committee; and Sarah Gastelum, the Committee's
14 Financial Analyst. With that, I would like to ask
15 the clerk to please call the roll.

16 COMMITTEE CLERK: William Martin,
17 Committee Clerk, roll call vote Committee on Housing
18 and Buildings; all items are coupled. Chair
19 Williams.

20 CHAIRPERSON WILLIAMS: Recommending an
21 aye vote and I'm voting aye on all. Thank you.

22 COMMITTEE CLERK: Cornegy.

23 COUNCIL MEMBER CORNEGY: I vote aye.

24 COMMITTEE CLERK: Levine.

25 COUNCIL MEMBER LEVINE: Aye.

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2 COMMITTEE CLERK: Torres.

3 COUNCIL MEMBER TORRES: I vote aye.

4 COMMITTEE CLERK: Grodenchik.

5 COUNCIL MEMBER GRODENCHIK: Aye.

6 COMMITTEE CLERK: Salamanca.

7 COUNCIL MEMBER SALAMANCA: I vote aye.

8 COMMITTEE CLERK: Ulrich.

9 COUNCIL MEMBER ULRICH: Mr. Chair, I vote
10 aye on all, with the exception of Proposed Intro
11 1721-A. Thank you.

12 COMMITTEE CLERK: By a vote of 7 in the
13 affirmative, 0 in the negative and no abstentions,
14 all items are adopted, with the exception of
15 Introduction 1721-A, being adopted by the Committee 6
16 in the affirmative, 1 in the negative and no
17 abstentions.

18 [pause]

19 CHAIRPERSON WILLIAMS: Thank you and
20 we're gonna hold the roll open for ten minutes for
21 other Council Members to come in and vote. Thank
22 you.

23 [pause]

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2 COMMITTEE CLERK: Continuation roll call,
3 Committee on Housing and Buildings. Council Member
4 Rodriguez.

5 COUNCIL MEMBER RODRIGUEZ: Aye.

6 [pause]

7 COMMITTEE CLERK: Continuation roll call,
8 the Committee on Housing and Buildings. Council
9 Member Espinal.

10 COUNCIL MEMBER ESPINAL: I vote aye.

11 COMMITTEE CLERK: Final vote; all items
12 on today's agenda, Committee on Housing and
13 Buildings, have been adopted by a vote of 9 in the
14 affirmative, 0 in the negative and no abstentions,
15 with Introduction 1721-A being adopted by 8 in the
16 affirmative, 1 in the negative and no abstentions.
17 Thank you.

18 [pause]

19 CHAIRPERSON WILLIAMS: Thank you, and
20 with that, the hearing is now closed.

21 [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 December 18, 2017