

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ECONOMIC DEVELOPMENT

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November 13, 2008
Start: 11:15am
Recess: 11:21am

HELD AT: Council Chambers
City Hall

B E F O R E:
DIANA REYNA
Acting Chairperson

COUNCIL MEMBERS:
Michael McMahon
Annabel Palma
Albert Vann
David I. Weprin
David Yassky

COUNCIL MEMBER REYNA: Good

morning. My name is Council Member Reyna and I will be acting as the Chair today for the Economic Development Committee hearing. We are joined by Council Member David Weprin, Council Member Annabel Palma, Council Member Albert Vann, Council Member David Yassky, Council Member Michael McMahon soon to be Congressman.

Today's hearing will focus on Introduction Number 860 a local law to amend the administrative code of the City of New York in relation to the industrial and commercial abatement program. And Intro Number 822A, as in apple, a local law to amend the administrative code of the City of New York in relation to tax abatement and tax exemption for industrial and commercial work on properties in the City of New York. This authorized the City of New York's participation in the ICAP program, was approved by the Council on September 24, 2008. On October 10, 2008 Mayor Michael R. Bloomberg signed Intro number 822A into law, local law 47 of 2008.

Intro number 860 amends the recently enacted local law authorizing the

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2 industrial and commercial abatement program by
3 adding a new section 11.277. To provide for
4 suspension of benefits if a court or the
5 Environmental Control Board finds that there has
6 been: one, a violation of the New York City
7 construction codes, the 1968 building code or
8 other law or rule enforced by the Department of
9 Buildings classified as immediately hazardous.
10 Two is a violation of a rule of the Department of
11 Environmental Protection relating to asbestos
12 handling.

13 And three is a violation of the New
14 York City Fire code or Title III of the rules of
15 the City of New York relating to the failure to
16 provide a fire protection system or an emergency
17 power system or maintain it in good working order.
18 To prepare or where required submit for a Fire
19 Department approval a fire safety and evacuation
20 plan or emergency action plan or provide fire
21 safety or evacuation plan or emergency action plan
22 staff or relating to the obstruction of a means of
23 egress at any property we see the benefits
24 pursuant to this part.

25 In order to avoid suspension of

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2 benefits, recipients must certify that the
3 underlying code violation has been legally cured
4 or corrected within 180 days after notice of such
5 code violation is sent to the recipients by the
6 Department of Finance and must provide
7 documentation to that effect from the appropriate
8 agency. If the recipient fails to make the
9 required submission within the 180 day period, the
10 suspension of benefits shall continue until the
11 recipient makes such submission to the Department
12 of Finance. After the recipient makes such
13 submission, benefits shall resume. But benefits
14 lost during the period of suspension shall not be
15 restored.

16 If the original finding of
17 violation is appealed in a court or appropriate
18 governmental agency finally determines that the
19 finding of violation was invalid, any benefits
20 lost pursuant to this section to which the
21 recipient was entitled shall be restored
22 retroactively. The local law would take effect
23 immediately after enactment and shall be
24 retroactive to and deemed to have been in full
25 force and effect as of July 1, 2008.

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2 Do any of my colleagues have any
3 questions or comments? If not, then I shall call
4 for a vote on Intro 860.

5 CLERK: William Martin Committee
6 Clerk, Introduction 860. Council Member Reyna.

7 COUNCIL MEMBER REYNA: I vote aye
8 and I urge my colleagues to vote in favor.

9 CLERK: McMahon.

10 [No response]

11 CLERK: Vann.

12 COUNCIL MEMBER VANN: Aye.

13 CLERK: Weprin.

14 COUNCIL MEMBER WEPRIN: Aye.

15 CLERK: Yassky.

16 COUNCIL MEMBER YASSKY: Aye.

17 CLERK: Palma.

18 COUNCIL MEMBER PALMA: Aye.

19 CLERK: By a vote of six in the
20 affirmative, zero in the negative and no
21 abstentions, the item is adopted. Members please
22 sign committee report. Thank you.

23 COUNCIL MEMBER REYNA: I'm going to
24 ask the clerk to please keep this vote open. And
25 I'd like to thank the staff to this committee for

1
2 having done preparation for this committee. Thank
3 you.

4 MALE VOICE: Finance Committee in
5 this room. Please Finance members stay and if you
6 see a Finance member tell them to come up.

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C E R T I F I C A T E

I, Amber Gibson, 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 Amber Gibson

Date February 10, 2009