

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES  
Of the  
COMMITTEE ON SMALL BUSINESS

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September 23, 2019  
Start: 3:50 p.m.  
Recess: 4:09 p.m.

HELD AT: 250 Broadway - Committee Room  
16th Floor

B E F O R E: Mark Gjonaj  
CHAIRPERSON

COUNCIL MEMBERS:  
Daniel Dromm  
Stephen T. Levin  
Bill Perkins  
Helen Rosenthal  
Vanessa Gibson

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

2 SERGEANT-AT-ARMS: This is microphone  
3 check. Today's date is September 23, 2019.  
4 Committee on Small Business. 16th floor Committee  
5 room being recorded by John Biondo [sp?].

6 CHAIRPERSON GJONAJ: Good afternoon.  
7 I'm Council member Mark Gjonaj, Chair of the  
8 Committee on Small Business and I would like to  
9 welcome you to our vote on a bill designed to improve  
10 protections for small business owners and commercial  
11 tenants. Small businesses are the lifeblood of the  
12 city. Business is with less than 10 employees are  
13 responsible for 80 percent of the city workforce.  
14 Our cities local economy is dependent on the success  
15 of these small businesses. Despite these micro-  
16 businesses being under a major aspect of the-- or of  
17 a unique or vibrant culture that they form in our  
18 neighborhoods and communities, some small businesses  
19 are finding it more and more difficult to stay in  
20 business. From the rise of e-commerce to big box  
21 store competition, consumer behavior changes, or  
22 government regulation and mandates, our small  
23 businesses are facing more hurdles. Dealing with  
24 unfair landlords can be an obstacle that micro  
25 businesses face, however, I would like to make it

2 clear that not all landlords are abusive or harassing  
3 the tenants, but there are a few bad actors that ruin  
4 the industry and must be made an example of. Intro  
5 1410 B would redefine commercial tenant harassment  
6 as an act or missions that serve to intentionally  
7 harass commercial tenants such as threats,  
8 intentionally cutting off essential services that are  
9 vital to the operation such as water, heat, electric,  
10 or removing personal property belonging to the tenant  
11 and preventing access to the leased premises. This  
12 legislation will raise civil penalties for landlords  
13 that commit such harassment. The piece of  
14 legislation we are voting on today will further the  
15 city Council's goal to defend and protect our micro  
16 businesses from being harassed. Finally, I would  
17 like to recognize the committee members that have  
18 joined us. We have Council member Levine, Council  
19 member Rosenthal, Council member Gibson, and it is my  
20 honor to now introduce Council member Gibson who  
21 introduce 1410, to say a few words.

22 COUNCIL MEMBER GIBSON: Thank you so much,  
23 Chair Gjonaj, and good afternoon to all of my  
24 colleagues, to Council member Levin and Council  
25 member Rosenthal. I think you, members of the small

2 businesses committee. I am Vanessa Gibson. I serve  
3 as a member of this Council on behalf of District 16  
4 in the Bronx and I am very proud that today the small  
5 business committee will be voting out Intro 1410 B,  
6 which would really redefine commercial tenant  
7 harassment as an act or omission by a landlord that  
8 would reasonably cause a commercial tenant to vacate  
9 or surrender or waive their rights under a rental  
10 agreement. As our Chair described, this bill would,  
11 essentially, broaden the acts and omissions that  
12 constitute what commercial tenant harassment is. It  
13 would raise the civil penalties for landlords that  
14 are actually found to commit commercial tenant  
15 harassment, in which there tenant is the subject of  
16 that harassment, as well as when a landlord have been  
17 found to have engaged in commercial tenant  
18 harassment, the bill would clarify that courts can  
19 order the Department of buildings to not approve or  
20 issue certain documents for certain types of  
21 construction. In the covered categories of work are,  
22 essentially, defined as demolition of all or part of  
23 the property, change of use or occupancy, or any  
24 change to the layout configuration or the location of  
25 any portion of the property. We recognize that there

2 should be exceptions and those are work that is  
3 conducted for the purpose to make any part of the  
4 property assessable to people with disabilities, as  
5 well as work conducted to remedy a hazardous  
6 condition or impending hazardous condition, as well  
7 as work that the tenant agreed with the landlord and  
8 an agreement between the landlord as well as the  
9 tenant. I think many of us recognize here in the  
10 Council and many New Yorkers that, given the reality  
11 of a lot of development and construction that  
12 continues to take place across the city, as well as a  
13 number of neighborhood rezoning that we have passed  
14 here in the Council, as well as those that are to  
15 come, we have to do more to protect small businesses.  
16 The mom-and-pop shops that have provided critical  
17 services across our city, the legacy businesses that  
18 I have been in business for so many years, we have to  
19 provide additional safeguards and protections for  
20 them. And, I think, for me on a personal level, I  
21 learned a lot about the commercial tenant industry  
22 when I worked with Council member Cabrera and we  
23 worked on the Jerome rezoning and it took three years  
24 to achieve and, when we passed it by the Council here  
25 in 2017, we put a lot of protections and for

2 residential tenants. The universal access to counsel  
3 law that we have today that provides free legal  
4 assistance for tenants facing eviction, as well as we  
5 started a pilot known as a certificate of no  
6 harassment that was led by Council member Lander.  
7 And the pilot neighborhoods focused on the areas  
8 where you had the greatest concentration of  
9 displacement, the highest numbers of rent regulated  
10 housing, as well as neighborhood rezonings. So, in  
11 my district, both Bronx Community Boards four and  
12 five have been and are a part of the existing pilot  
13 on the certificate of no harassment for residential  
14 tenants, but we also realized that we didn't have a  
15 lot of protections for commercial tenants and, if  
16 anyone travels in the Bronx and you travel along  
17 Jerome Avenue today, you will see a lot of small  
18 businesses, predominantly immigrant lead,  
19 predominantly car ownership and automobile industry  
20 businesses and a lot of them are subject to  
21 harassment. They came to our office. They talked  
22 about many situations where they had no lease. They  
23 were paying rent off the books. They were paying in  
24 cash. They were getting no receipts. We had one car  
25 wash whose landlord raise the rent and the attendant

2 could not of for the rent and what did the landlord  
3 do? He's started to cut the water off and the  
4 electricity. And while Chair Gjonaj acknowledges and  
5 I agree that not every landlord is bad, certainly the  
6 few bad apples and the few bad neighbors that do not  
7 play by the rules, we do have to send a larger  
8 message. And certainly we understand unintended  
9 consequences and we know that, although we try and  
10 make our best effort, not every legislation, not  
11 every bill is perfect, but I do think it takes us in  
12 a step of progress, which is what we should be doing  
13 as a Council and as an administration. So, this bill  
14 we have worked on quiet extensively and I am thankful  
15 for our Chair, for the Speaker, and for all of my  
16 colleagues and, as I closed, I really do want to  
17 recognize the grassroots organizations on the ground.  
18 These are the groups that do this work every day.  
19 They focus on commercial tenants. They focus on  
20 harassment. They focus on legal services and really  
21 put a lot of effort and labor of love into making  
22 this bill what it is today and that is ANHD, the  
23 Association for Neighborhood and Housing Development,  
24 Brooklyn Legal Services, Shahia [sp?] CDC, the  
25 Commercial Development Project of Urban Justice



1 COMMITTEE ON SMALL BUSINESS

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2 Center, Cooper Square Committee, Fourth Arts Block,  
3 the Municipal Art Society, Northwest Bronx Community  
4 in Clergy Coalition, the NYC Artist Coalition, the  
5 Street Vendor Project, Women's Housing and Economic  
6 Development Corporation also known as WHED Co in the  
7 Bronx, and, finally, we want to recognize volunteers  
8 of legal services and thank them for all of their  
9 work in supporting this bill in providing more  
10 protections and safeguards for our commercial tenants  
11 of New York city. Thank you, colleagues. I look  
12 forward to your support and your vote today, as well  
13 as later on in Stated this week. Thank you, Chair  
14 Gjonaj. I appreciate your indulgence. Thank you.

15 CHAIRPERSON GJONAJ: We'll have a roll  
16 call.

17 CLERK: William Martin, Committee Clerk.  
18 Roll call vote Committee on Small Business.  
19 Introduction 1410 B. Chair Gjonaj?

20 CHAIRPERSON GJONAJ: I vote aye.

21 CLERK: Levin?

22 COUNCIL MEMBER LEVIN: Aye.

23 CLERK: Rosenthal?

24 COUNCIL MEMBER ROSENTHAL: Aye.

25

2 CLERK: By a vote of three in the  
3 affirmative, zero in the negative, and no abstention,  
4 item has been adopted by the committee.

5 CHAIRPERSON GJONAJ: Hearing is  
6 adjourned.

7 [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 September 24, 2019