

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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HELD AT: Remote Hearing

B E F O R E: Robert E. Cornegy, Jr.
Chairperson

COUNCIL MEMBERS: Robert E. Cornegy, Jr.
Fernando Cabrera
Margaret S. Chin
Mark Gjonaj
Barry S. Grodenchik
Farah N. Louis
Bill Perkins
Carlina Rivera
Helen K. Rosenthal
Ritchie J. Torres

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

Melanie La Rocca
Commissioner
New York City Department of Buildings

Laura Rothrock

Theo Chino

Galane Zabiti, translating for Theo Chino

Ryan Minel

Ay Yong Kim

Maria Free

Lyric Thompson

Paula Siegel

Abraham Gross

1
2 SERGEANT AT ARMS HOPE: Sergeant Biando,
3 you may begin with your opening statement, sir.

4 SERGEANT AT ARMS BIANDO: Good afternoon
5 and welcome to today's remote New York City Council
6 hearing on the Committee on Housing and Buildings.
7 At this time would all panelists please turn on their
8 video. Once again, all panelists please turn on your
9 video for verification purposes. If you wish to
10 submit testimony you may do so at
11 testimony@council.nyc.gov. Again, that is
12 testimony@council.nyc.gov. And we also ask your
13 cooperation in silencing your cell phones for the
14 duration of the hearing. Thank you for your
15 cooperation. Chair, we are ready to begin.

16 CHAIRPERSON CORNEGY: Ah, thank you so
17 much. Let me gavel in [gavel]. Good afternoon. I'm
18 Council Member Robert Cornegy, chair of the Committee
19 on Housing and Buildings. Thank you all for joining
20 this hearing, titled "Oversight COVID-19 and
21 Reopening Commercial Spaces." In March as the number
22 of COVID-19 cases in the city began to surge Governor
23 Cuomo issued an executive order requiring the closure
24 of all nonessential businesses. Since then countless
25 commercial spaces across the city have remained

1 vacant, with some slowly becoming reoccupied as
2 restrictions ease with each phase of reopening.
3 While the closure of these spaces was an effective
4 measure to mitigate the person-to-person spread of
5 COVID-19 the number of infections in the city has
6 started to rise again. Further, as reported by the
7 *New York Times* just yesterday, recent clusters of
8 infections may be traced to work places. Today the
9 committee will hear from the Department of Buildings
10 about the city's efforts to effectively enforce
11 guidelines from federal, state, and city health
12 authorities on how to reduce the risk of COVID-19
13 transmission in commercial spaces. The committee
14 will also be hearing Intro number 2033, which I
15 sponsored. This bill would allow the Department of
16 Buildings to issue interim certificates of occupancy
17 for certain buildings undergoing permitted
18 construction work. I'd like to thank my colleagues
19 from the Committee on Housing and Buildings present
20 today. In no particular order, we have Council
21 Member Gjonaj, Torres, Louis, Chin, Grodenchik, rose,
22 Perkins, and Cabrera. No particular order
23 [inaudible]. We'll now hearing an opening statement
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25

1 from my friend, Public Advocate Jumaane Williams.

2 Got to unmute Jumaane.

3
4 PUBLIC ADVOCATE WILLIAMS: Thank you so
5 much. Can everybody hear me?

6 CHAIRPERSON CORNEGY: Yes, sir.

7 PUBLIC ADVOCATE WILLIAMS: Thank you very
8 much. Peace and blessings to everyone. My name is
9 Jumaane Williams. As mentioned, I'm the public
10 advocate for the City of New York. I want to Chair
11 Cornegy and all the members of the Committee on
12 Housing and Buildings for holding this hearing on
13 COVID-19 and the reopening of commercial spaces. Ah,
14 the coronavirus has impacted the way in which many
15 areas of our economy operate, including commercial
16 buildings. The city provided a reopening guidance on
17 commercial building management, which mandates that
18 buildings show that workers stay home [inaudible]
19 wear a face covering, practice healthier hand
20 hygiene, and implement physical distancing. While
21 these guidelines are important, they lack key health
22 and safety standards. The guidance does not include
23 any protocol on health screenings, nor does it
24 include any mandates on testing and tracing, which
25 are essential in ensuring that the workers and

1 patrons of these buildings remain safe and healthy.

2 The state's guidance on commercial building

3 management, on the other hand, does mandate health

4 screening asylum seekers and also requires commercial

5 nonresidential buildings to have a plan for contact

6 tracing in the event of a positive case. While the

7 state's inclusion of these requirements is

8 commendable, we do not know how it is being enforced.

9 Therefore, we cannot say for certain how effective it

10 is. This inconsistency between the city and the

11 state demonstrates a divergence of messaging, which

12 has been a problem as long as this pandemic has been

13 going on in and of itself. Although our city is on

14 the path to recovery and commercial establishments

15 are reopening, we cannot forget that COVID-19 will

16 continue to impact our businesses, especially as we

17 risk entering a second [inaudible]. Therefore, we

18 must make certain that businesses have adequate

19 guidance to help them prevent the spread of the

20 coronavirus. Ah, my bill, Intro number 2125, would

21 do just that. This bill would require the

22 commissioner of Emergency Management in consultation

23 with the commissioner of Small Business Services, the

24 commissioner of Health and Mental Hygiene, and other

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1 agency heads with relevant expertise to develop
2 informational guides for the purpose of facilitating
3 and supporting the safe reopening of New York City
4 businesses to prevent the spread of and infection
5 caused by COVID-19. This informational guidance is
6 intended to be used as a planning resources for
7 operators and owners of New York City businesses.
8 Data that is to be incorporated into the guidance
9 includes information regarding federal, state, and
10 local laws and regulations related to reopening
11 businesses after the COVID-19 pandemic. Recommended
12 best practices to help the risk of exposure to COVID-
13 19, such as flexible work sites and hours and other
14 considerations deemed necessary by the commissioner
15 of Emergency Management to the reopening of
16 businesses. The guidance, which will be published on
17 the Office of Emergency Management's website in
18 English and the most commonly spoken languages of
19 affected communities is to be reviewed regularly and
20 updated as needed. This piece of legislation would
21 create a guidance that goes further than that of the
22 city because it would create a set of standards
23 tailored specifically for businesses in our city, and
24 it will be consistent with the current developments
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1 on how best to contain the virus. I would also like
2 to highlight Chair Cornegy's bill, Intro number 2033,
3 which would allow the Department of Buildings to
4 issue interim certificates of occupancy to authorize
5 occupancy of specific floors of a building prior to
6 completion of permanent construction work on the
7 building. Many commercial spaces have conducted
8 repairs and safety renovations during COVID-19, such
9 as replacing ventilation systems or putting in
10 plexiglas and have to navigate those restorations
11 while reopening their commercial spaces at the same
12 time. By providing interim certificates of occupancy
13 this pieces of legislation will give businesses the
14 ability to reopen certain floors, an ability eve if
15 the work needed to obtain a CMO for the building has
16 not yet completed. This bill allows business to
17 restart operations in a safe manner as possible, even
18 if they're undergoing [inaudible] renovations. So I
19 thank the chair for his leadership on this issue, ah,
20 this bill in particular. After restrictions were
21 lifted many of our city's commercial spaces put forth
22 efforts to reopen safely, even with the limited
23 guidance provided to them from the administration and
24 the state. However, it is our responsibility as
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2 public officials to make certain that our business
3 owners have the information and resources needed to
4 ensure healthy operations through this pandemic. I
5 look forward to hearing what the Department of
6 Buildings has, ah, what have they done to taking the
7 steps that are needed towards the same objectives, at
8 minimum we should be providing plans, ah, not just
9 providing something the day before a holiday or, ah,
10 it seems like we're doing some of the stuff, ah, ad
11 hoc. I just want to shout out Dr. Gamda, who was
12 just appointed to President Biden Elect's council on
13 coronavirus. She has given us much guidance in this
14 [inaudible] public advocate's office, ah, as we, ah,
15 make policy recommendations. I wish, ah, locally
16 there's had as much wisdom, ah, to use what she has
17 been presenting as well. Ah, thank you, Chair. Ah,
18 thank you to the members as well.

19 CHAIRPERSON CORNEGY: Thank you, Public
20 Advocate. Um, I believe that we'll now hear from our
21 committee counsel.

22 COMMITTEE COUNSEL: Yep. Thanks, Chair
23 Cabrera. Um, before we start, and I think you have
24 may have mentioned these, too, but I want to
25 acknowledge that we're also joined by Council Members

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2 Torres and Perkins. Um, I'm Austin Branford. I'm
3 counsel to the City Council's Committee on Housing
4 and Buildings. Before we begin, I want to remind
5 everyone that you'll be on mute until you are called
6 on to testify, at which point you will be unmuted.
7 During the hearing if council members would like to
8 ask a question please use the Zoom raise hand
9 function and I will call on you in order. We will be
10 limiting council member questions to three minutes,
11 including responses. We will first be hearing
12 testimony from the administration, which will be
13 followed by testimony from members of the public.
14 Today we will hear from Department of Buildings
15 commissioner Melanie La Rocca. I will now administer
16 the oath. Commissioner La Rocca, please raise your
17 right hand, thank you. Do you affirm to tell the
18 truth, the whole truth, and nothing but the truth in
19 your testimony before this committee and to respond
20 honestly to council member questions? One minute.

21 COMMISSIONER LA ROCCA: Yes.

22 COMMITTEE COUNSEL: Great, thank you.

23 You may begin when ready.

24 COMMISSIONER LA ROCCA: Thank you. Good
25 afternoon, Chair Cornegy and members of the Committee

1 on Housing and Buildings. I'm Melanie La Rocca,
2 commissioner of the New York City Department of
3 Buildings. I'm please to be here to discuss the
4 reopening of commercial spaces and legislation that
5 would create an interim certificate of occupancy. I
6 thank this committee for holding a hearing on this
7 important issue. It's critical that commercial
8 buildings take measures to protect against the spread
9 of COVID-19. This pandemic has had an unimaginable
10 impact on many aspects of our lives and has certainly
11 impacted our work at the department. Our priority
12 during this pandemic is of course to keep the public
13 safe, which is our priority every day, not
14 withstanding pandemics. Ah, while we're now working
15 to ensure that construction sites are abiding by
16 guidelines to protect against the spread of COVID-19,
17 we're also continuing our work to keep active
18 construction sites in the city's over one million
19 buildings safe. This includes holding our
20 construction sites to the highest safety standards to
21 continue to drive down construction-related
22 incidences, injuries, and fatalities, as well as
23 performing proactive inspections to ensure that
24 required safety measures are in place to protect
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1 tenants residing in buildings undergoing
2 construction. I am so very proud of the work, ah,
3 that our staff has been doing throughout this
4 pandemic and truly commend them for their hard work
5 and, ah, dedication they've shown to not only the
6 department and the city as a whole. Ah, this
7 department's primary focus during this pandemic has
8 been to enforce guidelines at construction sites
9 intended to protect against the spread of COVID-19.
10 While most construction work was deemed nonessential
11 by the state government in the early days of the
12 pandemic, some construction was in fact deemed
13 essential and allowed to continue. For example,
14 emergency construction necessary to protect the
15 health and safety of building occupants and the
16 essential construction of certain buildings, like
17 hospitals and schools, was allowed to continue. The
18 department issued guidance to the construction
19 industry to clarify the types of essential
20 construction work that could continue and our
21 inspectors visited all construction sites that they
22 were only working if they were performing essential
23 construction work. We also published a detailed FAQ,
24 which answered most common questions we were
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1 receiving from the construction industry and released
2 maps on our website to provide the public with the
3 tools they could use to determine if permitted
4 construction work was in fact essential or
5 nonessential. In June our construction sites began
6 reopening, subject to guidelines issued by the
7 department as well as the state government. While
8 construction work is now allowed to continue, it
9 looks a little different today. Workers on
10 construction sites must be physically distanced where
11 possible, must wear appropriate face coverings,
12 occupancy limits must be observed for tightly
13 confined spaces, and hand hygiene stations must be
14 readily accessible to works at all times. Signage
15 must also be posted throughout a site reminding
16 workers to adhere to proper hand hygiene, physical
17 distancing rules, and appropriate use of personal
18 protective equipment. Since these guidelines were
19 issued our inspectors have been visiting construction
20 sites proactively to ensure that they are being
21 followed. Similar to the guidelines issued by the
22 state government for various industry, dedicated
23 guidelines have been issues for the management of
24 commercial buildings as they continue to operate or
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2 reopen. These guidelines are available on the
3 state's website. Building owners and managers must
4 adhere to these guidelines and submit an affirmation
5 to the state government indicating that they will
6 operate in accordance with said guidelines.
7 Additionally, a safety plan that addresses all
8 aspects of these guidelines must be developed and
9 posted in the building. While the detailed
10 guidelines are available online, I'd like to
11 highlight a few key requirements that commercial
12 buildings must follow. Occupants must be physically
13 distanced or wear appropriate face coverings if
14 physical distancing is not possible. Practices to
15 maintain physical distancing in small areas, like
16 restrooms, must be implemented. Occupants must be
17 provided with appropriate personal protective
18 equipment before reopening a building, building
19 systems, including mechanical systems, elevators, and
20 HVAC systems must be checked to ensure they're
21 operating properly. The building must be regardless
22 cleaned and disinfected with a focus on frequently
23 touched services, and signage must be posted
24 throughout the building to remind occupants to adhere
25 to proper hygiene, physical distancing rules, and

1 proper, and appropriate use of personal protective
2 equipment. Now turning our attention to Intro 2033,
3 which creates a new type of temporary certificate of
4 occupancy, an interim certificate of occupancy. A
5 certificate of occupancy states a building's legal
6 use and/or type of permitted occupancy. A building
7 may not be legally occupied until the department has
8 issued a C of O or a TCO. A TCO is issued with
9 respect to a building that is safe for occupancy but
10 where there are outstanding issues requiring final
11 approval. TCOs typically expire 90 days after
12 they're issued, which means building rely on TCOs,
13 ah, being renewed periodically, even the building
14 itself may be partially occupied. This legislation
15 would create an interim C of O, which would not
16 expire and which would be issued with respect to
17 certain portions of the building when the department
18 determines that such portions are safe for occupancy.
19 An interim C of O will only be issued after the
20 department performs an inspection to verify
21 compliance with the New York City construction codes
22 and confirms that there are no outstanding issues
23 requiring further approval or violations to be
24 removed with respect to that portion of the building.
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2 Further, an interim C of O will only be issued to a
3 building of noncombustible construction that is
4 protected with an automatic sprinkler system and
5 where adequate means of egress are provided. I urge
6 the committee to pass this legislation as it will
7 result in time savings for the industry, streamlining
8 the issuance of a certificate of occupancy for new
9 buildings, and add certainty to a project for
10 building owners securing needed financing for their
11 developments. This legislation will also add
12 certainty to commercial and residential tenants
13 moving into a space relying on an interim C of O
14 because there are no outstanding issues requiring
15 department approval for that space and that type of
16 TCO issued by the department for that space will not
17 expire. Thank you for the opportunity to testify
18 before you, and I welcome any questions you may have.

19 COMMITTEE COUNSEL: Thank you,
20 Commissioner. I will now turn it over to questions
21 from Chair Cornegy. But, as a reminder, council
22 members other Chair Cornegy have any questions for
23 the administration please use the Zoom raise hand
24 function and I will call on you in order. Chair
25 Cornegy, if you're ready go ahead and begin.

2 CHAIRPERSON CORNEGY: OK, I'm unmuted.

3 Ah, thank you, Commissioner. It's always a pleasure
4 to work with you. Um, it's been a refreshing change
5 since you've been, ah, the chair, ah, to work with.
6 I think we, I feel like we've gotten a lot done and
7 look forward to in this last year getting a lot more
8 done.

9 COMMISSIONER LA ROCCA: Thank you, Chair.

10 The feeling is mutual.

11 CHAIRPERSON CORNEGY: Thank you. Ah, how
12 many commercial buildings have reopened in New York
13 City and, ah, what kind of commercial buildings have
14 reopened in New York City and, ah, what kind of
15 commercial buildings have reopened? Do you have
16 that?

17 COMMISSIONER LA ROCCA: So I don't have
18 the specifics of how many and what type, but I will
19 say, um, as it relates to the department's, ah, work
20 with respect to COVID compliance, where we've been
21 focusing our efforts has been around active
22 construction sites, and I will say certainly, ah, ah,
23 it is true that many of our, ah, permitted
24 construction sites are in, ah, occupied buildings,
25 meaning, ah, ah, work in a non-new building setting

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2 where you're not doing ground-up, ah, work, and for
3 the most part what I've heard from my inspectors is
4 that they're encountering staff within the building
5 that has been able to facilitate their entrance. So
6 we do know that during, ah, New York PAUSE, ah, the
7 governor did have nonessential businesses closed, so
8 we a do know a portion of that time, ah, we did not
9 see tenants in those spaces.

10 CHAIRPERSON CORNEGY: So I would really
11 like to see those numbers. I think it's essential in
12 us going forward in any like kind of structured way.
13 Ah, what do you think we could do to get those
14 numbers, and, and, I assuming you meant that it's
15 just not compiled, not that you don't have it today?

16 COMMISSIONER LA ROCCA: As I understand
17 it, you're right, ah, Chair. It is not a number that
18 is compiled. I'm certainly happy to make this
19 department available to facilitate. We have
20 throughout the entire pandemic, I think it's fair to
21 say, nobody expected we'd be where we are today, ah,
22 you know, eight months later having a conversation
23 around, ah, this worldwide pandemic or, or at least
24 certainly I didn't think we'd be having the kind of
25 conversation we have. But we've seen time and time

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2 again while the department's main mission is active
3 construction, ah, sites our, as well as keeping the,
4 ah, public safe, um, ah, with respect to the over 1
5 million buildings, I've seen my staff every day step
6 up and, and provide help, ah, to the city as we go
7 through this together, really embracing the all hands
8 on deck feeling of we've got great, competent people
9 and let's put them to use, um, to try to stem the,
10 ah, the spread of COVID-19. So certainly this
11 department stands at the ready to participate in any
12 additional way to help.

13 CHAIRPERSON CORNEGY: So I know that the
14 administration has made a solid commitment to
15 recovery and resiliency as it relates to everything
16 from building to supporting small businesses. I
17 think one of the ways we could do that is if we could
18 compile, ah, that data around which buildings, you
19 know, which commercial spaces are open and occupied,
20 ah, which aren't. Um, with, with those numbers I
21 think we can probably move more effectively and
22 efficiency in the direction of recovery and
23 resiliency. So, and, and, I'm willing to, um, from
24 my office's perspective and from this committee's
25 perspective, ah, however we can be helpful in that.

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2 Um, I think, like, you know, speaking about recovery
3 and resiliency without having those numbers at the
4 ready, um, leaves us at a little bit of a
5 disadvantage. So I'd love to be able to move forward
6 in that way.

7 COMMISSIONER LA ROCCA: Sure.

8 CHAIRPERSON CORNEGY: Um, so yesterday
9 the *New York Times* reported that clusters of COVID-19
10 infections in the city can be traced to work places,
11 including construction sites and offices. What is
12 the city doing to mitigate the spread of COVID-19 in
13 these spaces?

14 COMMISSIONER LA ROCCA: Yeah, so with
15 respect to the, to the *Times* article I'm certainly
16 happy to bring in our colleagues at the Department of
17 Health, ah, for specifics around this. Obviously, I
18 will just state for the record the work the
19 department has done, ah, over the course of the last
20 eight months with respect to, um, ah, COVID awareness
21 on job sites, as well as the work we've done to
22 ensure that the appropriate, ah, protocols are in
23 place on sites, and so we've seen the department go
24 out, um, and share information with work sites
25 around, ah, the state's reopening plan, the state's

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2 guidance to allow for construction to reopen, and the
3 city's guidance on top of that as well, um, and
4 ensuring that when our inspectors walk sites we are
5 looking for those COVID requirements. So, ah, ah,
6 for the specifics on, on that I have to defer to my
7 colleagues at Health. But certainly this department
8 has really embraced, um, and, and expanded, ah, well
9 for us when it comes to active job sites.

10 CHAIRPERSON CORNEGY: So, ah, thank you.

11 As the number of cases in the city continues to climb
12 is the city planning to release updated guidance or
13 pursue more aggressive enforcement of existing
14 guidance? So I, I, you know, I follow along and I
15 watch, ah, both, ah, the mayor's and the governor's
16 briefings regularly. Um, but sometimes it becomes
17 incredibly confusing, even to me as a legislator with
18 the guidances. Small businesses and these commercial
19 spaces, um, are really struggling to understand as
20 things change rapidly, like move on to, you know,
21 openings to closings. Ah, is there a more
22 comprehensive guidance that we can look forward to
23 out of the administration?

24 COMMISSIONER LA ROCCA: Yeah. I'm gonna
25 bring it back to active sites and I think what we did

1 here was a very good example of what you're talking
2 about, Chair, where, you know, our, again, our, our
3 focus, our mission is, um, on active sites obviously
4 our inspectors have joined the likes of Sanitation,
5 HPD, TLC, and others who are, um, really lending a
6 hand to this, ah, all hand on deck approach to
7 helping, ah, inform the public of what the rules are
8 and make sure we all stay safe. But, I think to your
9 point, what we've done here very successfully, I
10 believe is, one, start at the education level. When
11 construction, um, ah, when the governor banned all
12 nonessential construction we went into a mode of
13 ensuring that that was being complied with. But
14 once, um, the ban had been lifted in June we really
15 took that full month of June to make sure sites
16 understood what we are coming to inspection, that
17 they understood what the COVID wounds were that the
18 state, um, ah, laid out in their guidance, and that
19 we took the entire month to really go above and
20 beyond our traditional practice, which is saying the
21 rules are what they are and you have to familiarize
22 yourself, but saying we're gonna do outreach, we're
23 gonna make sure you have actual material that tells
24 you very clearly what the expectations from this
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2 department are, and we're going to not only give it
3 to the person on site, but we're gonna make sure the
4 licensed professional who designed that job, as well
5 as the permit holder who went out and got that
6 permit, as well as the owner of the site, were all in
7 communication with us and so we sent out weekly
8 communications to all, um, license holders, permit
9 holders, um, on just generally what we were seeing as
10 a result of our inspections, um, as well as targeted,
11 ah, weekly correspondence with sites where we
12 conducted an inspection and found an issue with one
13 of the COVID-19 safety requirements we were
14 specifically going out to inspect. So I think that
15 resulted in very good compliance come July, when we
16 started issuing monetary violations for, um, ah,
17 infractions of the COVID-19 requirements and our
18 monetary violations were pretty steep. We're talking
19 about a \$5000 violation and the ability to have a
20 stop-work order issued, ah, if certain, um,
21 requirements were not in place. So we think that
22 really worked well, um, and should be a very good
23 example for, ah, how the city, um, has been working
24 to educate and then ensure that there's appropriate
25 enforcement.

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2 CHAIRPERSON CORNEGY: Right, so that, my,
3 my next question, um, before I move to my colleague,
4 was around, ah, enforcement, and I think you may have
5 addressed some of it in, in your last comments. But
6 in addition to any city and state guidance, I'm
7 sorry, in the city guidance the Department of Health
8 for the state has released an interim guidance for
9 building management [inaudible] COVID-19 public
10 health. Is that guidance binding, and if so how are
11 the requirements being enforced? So this speaks more
12 to just the, the building and commercial spaces as
13 opposed to the, the really tough and stringent rules
14 and enforcement that you've put around construction
15 sites.

16 COMMISSIONER LA ROCCA: Right, and again,
17 you know, owners, at the end of the day owners are
18 required to make sure that they're aware of the
19 guidance. So, um, as with other state-issued
20 guidance there's affirmations that must be completed
21 by ownership, um, to attest to the fact that they a)
22 understand the state's guidance and b) are in fact
23 operating in accordance, um, with said guidance. And
24 obviously the city DOH has issued, ah, a guidance
25 around this world as well. So, um, we think the

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2 appropriate, ah, rules are out there, um, and, you
3 know, again bringing them back to our experience we
4 know, um, ah, that folks are familiar with the rules,
5 ah, ah, and, you know, are certainly eager to get
6 back out there.

7 CHAIRPERSON CORNEGY: I'm sorry, really
8 last thing. What it, um, what triggers, ah, an
9 inspection? Is it a, is it a 311 call? Is it, is it
10 just, ah, um, you know, a priority that you're going
11 out to make these inspections? What triggers the,
12 the follow-up and/or inspection on these guidances...

13 COMMISSIONER LA ROCCA: Sure.

14 CHAIRPERSON CORNEGY: Whether or not
15 they're being adhered to.

16 COMMISSIONER LA ROCCA: They certainly
17 can happen through 311. We've gotten plenty of
18 complaints that way, and that is the appropriate
19 tool, um, to direct city agencies, ah, to an issue,
20 whether it be with respect to commercial spaces and,
21 ah, the lack of adherence potentially, um, to the
22 state's guidance, or any other, um, COVID-specific
23 provision. So certainly 311 is definitely the right
24 tool.

2 CHAIRPERSON CORNEGY: Thank you. So, um,
3 I'll guess we can, ah, move, ah, committee counsel to
4 get ready to begin to look at the stack if you call
5 some of my colleagues.

6 COMMITTEE COUNSEL: Sure. First I want
7 to mention that we've also been joined by Council
8 Member Rivera. Ah, I'll now be, I'll now call on
9 council members to ask questions in the order they've
10 used the Zoom raise hand function. Council members,
11 please keep your questions to three minutes,
12 including responses. If there's a second round of
13 questioning question will be limited to two minutes,
14 including responses. A Sergeant at Arms will keep a
15 timer and let you know when your time is up. So we
16 had a question from Council Member Cabrera
17 [inaudible].

18 COUNCIL MEMBER CABRERA: Yes.

19 SERGEANT AT ARMS: Time starts now.

20 COUNCIL MEMBER CABRERA: Thank you so
21 much, Mr. Chair. I'm gonna make it really quick,
22 'cause I just want to take a moment to thank the
23 commissioner, ah, for your level of accessibility
24 during COVID-19. Ah, the couple of times that I did
25 call you about some issues and work sites, ah, you

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2 were so accessible and you moved so quickly. Ah, and
3 so I want to thank you. You are truly, I'm gonna
4 echo the words of the chair, a breath of fresh air,
5 ah, upon the department and thank you for your
6 leadership.

7 COMMISSIONER LA ROCCA: Thank you.

8 COUNCIL MEMBER CABRERA: With that, I
9 give it back to the chair.

10 COMMISSIONER LA ROCCA: Thank you,
11 Council Member. The pleasure is mine.

12 COMMITTEE COUNSEL: Ah, seeing no
13 additional hands raised from council members we can
14 circle back to the chair for any additional questions
15 if you have them.

16 CHAIRPERSON CORNEGY: Yes. Um, so how
17 long would it take for a commercial space to reopen
18 while following these requirements? Is there any
19 associated costs and how are these requirements, ah,
20 being enforced?

21 COMMISSIONER LA ROCCA: So, as I
22 understand it, the state's guidance, um, ah, from our
23 read, from my read of it, probably don't have very
24 much of an impact. There are very specific, um, ah,
25 parameters that they talk about in the guidance with

1
2 respect to PPE, ensuring that there is appropriate
3 face coverings, which, again, outside of commercial,
4 ah, office space owners, or owners, excuse me, of
5 commercial office spaces. We see this, um, similar
6 provision across, um, even back into active
7 construction sites, where all workers are required to
8 wear face coverings and such, ah, such face coverings
9 are a requirement of the employee to give that out to
10 the personnel if they don't have it. So you have
11 face covering provisions, you have provisions around
12 the systems just to ensure that they're operating,
13 particularly if you've had a building close, ah, for
14 a very long time. I'm not sure, um, that we have
15 many buildings that fall in that category, but again
16 that's just sort of, you know, what we hear from
17 inspectors in the field. Um, and then there are
18 other provisions in the state's guidance that speak
19 to ensuring you have appropriate social distancing,
20 um, and requirements around tightly confined spaces,
21 which, again, bringing it back to an active site,
22 those are themes that exist there and there's really
23 not a very significant cost associated with those
24 very specific things.

1
2 CHAIRPERSON CORNEGY: Um, most commercial
3 spaces have been closed for many months, and an
4 example is our legislative offices at 250 Broadway.
5 Ah, has the city studies how a lack of regular use
6 may affect building components, such as mechanical,
7 elevator, water, and HVAC systems? I know that as a
8 homeowner, um, if I don't use it, you know, a lot of
9 times, ah, ah, sediment and...

10 COMMISSIONER LA ROCCA: Sure.

11 CHAIRPERSON CORNEGY: ...all kinds of
12 different things can affect the systems that are
13 germane to running just a private home. You know, a
14 large-scale office building, you know, I would
15 imagine that there are, there are, that there are
16 some systems that should be operated regularly, and,
17 and this time there's been a changeover from heat to
18 air, um, that, that, that hasn't taken place. Um,
19 I'm just imaging that, um, as we go back, you know,
20 or get ready to go back in these buildings are there
21 any help, first of all has the study been done and do
22 you anticipate health risks from not running
23 everything from HVAC systems to, to water, to
24 mechanical systems?
25

1
2 COMMISSIONER LA ROCCA: Yep, I'm not
3 aware if, if somebody has undertaken a study, but
4 certainly, you know, the state's guidance do speak
5 to, to the point exactly, Chair, where you want, if,
6 if a building has been shut and systems have been
7 closed, right? 250 Broadway, your legislative
8 office, is a very good example, where tenants have
9 not occupied the space, um, but certainly there has
10 been some base-building staff who have been there,
11 and, and I can say from my inspectors in the field
12 where we've gone out to, ah, visit sites that have an
13 active permit, many active permits exist in occupied
14 buildings, some of which are, um, purely commercial
15 space. We know that tenants weren't there. We have
16 been doing that as part of our efforts to participate
17 in the city's, um, COVID response around occupancy,
18 ensuring that, that entities were following the
19 state's, um, ban on nonessential businesses and then
20 later as we were doing, um, inspections to ensure
21 that permanent sites were not, ah, were not being
22 activated during the ban on nonessential, and then
23 when we transitioned over into all construction being
24 allowed, making sure that the requirements were in
25 place. So we know in those three phases, at minimum,

1
2 that while tenants didn't occupy spaces very many,
3 um, commercial office buildings did have base, um,
4 staff on board to ensure that the mechanical systems,
5 ah, water, things of that nature continued to run,
6 um, even if the tenants weren't there. Obviously at
7 a different level, I should say, let just that be
8 very clear, all systems were not fully, ah,
9 operational. But you, you get the point. I think
10 we, we've encountered, certainly from my folks, ah, a
11 number of spaces where, where base folks were there,
12 base building staff were there.

13 CHAIRPERSON CORNEGY: So just my, my last
14 question, ah, Commissioner, is so we're basically
15 not, not issuing any particular guidance from the
16 city, we're just following the state's guidances on,
17 on those systems and those kinds of things.

18 COMMISSIONER LA ROCCA: Yeah, the state's
19 guidance and city Department of Health put it out
20 there. I think those are pretty comprehensive with
21 respect to, ah, to ensuring that the, um, base
22 systems are ah, ah, in good standing order.

23 CHAIRPERSON CORNEGY: Ah, thank you. I,
24 I have no further questions, ah, Committee Counsel.

2 COMMITTEE COUNSEL: Sure. And seeing no
3 further questions from other council members we will
4 now turn to testimony from members of the public.

5 Thank you, Commissioner.

6 COMMISSIONER LA ROCCA: Thank you.

7 CHAIRPERSON CORNEGY: Thank you,
8 Commissioner.

9 COMMITTEE COUNSEL: I'd like to remind
10 everyone that unlike our in-person council hearings
11 we'll be calling on individuals one by one to
12 testify. Once your name is called a number, a member
13 of our staff will unmute you and the Sergeant at Arms
14 will set the timer to announce you may begin. Your
15 testimony will be limited to two minutes. I would
16 like to now welcome Laura Rothrock, followed Theo
17 Chino with Galane Zabiti, and then Ray Minel.

18 SERGEANT AT ARMS: Time starts now.

19 COMMITTEE COUNSEL: Laura, you're still
20 muted.

21 LAURA ROTHROCK: Sorry about that.

22 COMMITTEE COUNSEL: There you go.

23 LAURA ROTHROCK: Good afternoon, Council
24 Member Cornegy and members of the New York City
25 Council Committee on Housing and Buildings. My name

1 is Laura Rothrock and I'm providing testimony on
2 behalf the New York Coalition of Code Consultants,
3 also known as NYCCC. NYCCC is a nonprofit trade
4 organization whose members specialize in securing
5 construction and development approvals from municipal
6 agencies as well as building code and zoning
7 consulting. I'm testifying today in support of Intro
8 2033, which allows DOB to create an interim
9 certificate of occupancy. The combined companies of
10 NYCCC make up the largest users of the department of
11 building services. We work closely with DOB on
12 behalf our clients to ensure compliance and safety.
13 As an organization we have regular discussions with
14 DOB and City Council to share feedback and discuss
15 ways in which DOB and industry can work together more
16 efficiently, without compromising safety. We thank
17 Council Member Cornegy for his leadership on Intro
18 2033. This bill, if passed, will allow Department of
19 Buildings more flexibility to authorize occupancy of
20 specific floors of a building prior to complete of
21 permanent construction work in the building. This
22 new policy is logical in practice when one more
23 floors might be completely finished and there's no
24 reason for an inspector to reinspect portions of the
25

1 building that were already signed off. We applaud
2 DOB for their continuous efforts to improve the
3 filing and inspection processes and streamline
4 compliance with limited resources. DOB's work on the
5 interim certificate of occupancy is just one example
6 of the agency's commitment to improving their
7 services for all users. We look forward to
8 continuing our discussions with DOB and City Council,
9 and we hope that, we hope that you will continue
10 using NYCCC as a resource for industry feedback. We
11 hope you will vote in favor of this bill, and thank
12 you for your consideration.

14 CHAIRPERSON CORNEGY: Ah, thank you,
15 Laura. Ah, going forward, um, I want to, um, I want
16 to, I don't, I won't, I want the people testifying to
17 not feel compelled just your, your remarks in their
18 entirety. If you want to submit them for the record
19 and then just make an impassioned statement, under
20 two minutes, ah, that's a great way for you to get
21 your message across, but also for us to get the
22 prepared statement. And, Laura, that wasn't for you
23 'cause you did yours under two mission.

24 LAURA ROTHROCK: Thank you, and that's
25 [inaudible]. [laughs]

2 COMMITTEE COUNSEL: Thank you. Ah, next
3 we'll hearing from Theo Chino with translator Galane
4 Zabiti. We'll actually be extending the testimony to
5 five minutes to accommodate the translation.

6 THEO CHINO: Merci beaucoup.

7 COMMITTEE COUNSEL: One moment.

8 Following Theo we'll be hearing from Ryan Minel and
9 then Ay Yong Kim. But go ahead, Theo.

10 SERGEANT AT ARMS: Time starts now.

11 THEO CHINO: [speaking French].

12 TRANSLATOR GALANE ZABITI: So
13 [inaudible], ah, the, this 21 century you have this
14 kind of, ah, pandemic, ah, the COVID-19, ah, just
15 ruin everything.

16 THEO CHINO: [speaking French]

17 TRANSLATOR GALANE ZABITI: The world
18 changed, ah, since the pandemic, even my hairdresser,
19 ah, the [inaudible].

20 THEO CHINO: [speaking French]

21 TRANSLATOR GALANE ZABITI: You have to
22 think about what's going on and how you can rebuild
23 with a look at the past and how you can rebuild the
24 new future with everything going on now.

25 THEO CHINO: [speaking French]

1
2 TRANSLATOR GALANE ZABITI: I speak in
3 French because it is my mother trying, and I used to
4 speak in English during the meeting, but I feel like,
5 ah, nobody was understanding what I was saying.
6 Since July 22 I talk about and I have, there is no,
7 nothing was done with that, so that is why I'm
8 speaking in French today.

9 THEO CHINO: [speaking French]

10 TRANSLATOR GALANE ZABITI: So in December
11 2019, um, I, I met two people and the fact like you
12 want to meet me is because on Twitter I was very rude
13 with you, that's why you want to meet me today.

14 THEO CHINO: [speaking French]

15 TRANSLATOR GALANE ZABITI: So in 2019 I
16 met a Mr. Amador but since then Mr. Amador
17 disappeared. He didn't have, he didn't reach me. I
18 never have any contact with him. So that's why I'm
19 talking with you today because I didn't have any
20 response since then and I want to do a follow-up with
21 you.

22 THEO CHINO: [speaking French]

23 TRANSLATOR GALANE ZABITI: So I think
24 like when I speak English are you, you don't
25 understand what I'm saying. That's why I'm speaking

1 French so I'm hoping with, the French language is my
2 mother tongue, you will understand me better than my
3 English.

4 THEO CHINO: [speaking French]

5 TRANSLATOR GALANE ZABITI: So there is an
6 issue with the, the homeless people and nothing was
7 done to help him, but in, in the second part when
8 they have an issue with the commercial building the
9 mayor and everybody was about to deal with this
10 issue. So my question is, ah, does the homeless
11 issue is more, is less important than the commercial
12 building?

13 THEO CHINO: [speaking French]

14 TRANSLATOR GALANE ZABITI: So with my
15 committee [inaudible] I want, I want to, I want you
16 to help us but nothing was done and I was very, ah,
17 concerned about it, um, because you have more, more
18 help for the other, ah, person who want to be able
19 to...

20 SERGEANT AT ARMS: Time expired.

21 COMMITTEE COUNSEL: Thank you, Theo. Any
22 other testimony you have you can submit for the
23 record...

24 THEO CHINO: Because, ah...

2 COMMITTEE COUNSEL: ...[inaudible] 72 hour
3 [inaudible].

4 THEO CHINO: [speaking French]

5 TRANSLATOR GALANE ZABITI: You have one
6 less, ah, one second to say.

7 THEO CHINO: [speaking French] HPD, BOD,
8 and DHS. When will you repose it?

9 TRANSLATOR GALANE ZABITI: So it's, so my
10 concern is, is like there is no point to open the
11 commercial building if you don't do an investigation
12 with HPD and other, ah, other company. What is your
13 issue with that, if you have any solution?

14 CHAIRPERSON CORNEGY: So, ah, please let
15 him know that unfortunately Eddie Amador is no longer
16 with our office, and I'm going to try to see if I can
17 put the, ah, new person who can, who can help him
18 directly, um, Ian, Ian Fullerton. Ah, I was trying
19 to see if I could put this in the chat. Ah, if not
20 would you just take it for me? It's
21 efullerton@council.nyc.gov.

22 THEO CHINO: Ah, he has my information.
23 I have talked to him in the past. He know who I am.

24 CHAIRPERSON CORNEGY: OK.

25 THEO CHINO: But have him call me.

2 CHAIRPERSON CORNEGY: Yes, sir.

3 THEO CHINO: Thank you.

4 COMMITTEE COUNSEL: Thank you. Next we
5 will hear from Ryan Minel, followed by Ay Yong Kim
6 and Maria Free.

7 SERGEANT AT ARMS: Time starts now.

8 RYAN MINEL: Well, thank you, Chair
9 Cornegy and members of the committee. Ah, my name is
10 Ryan Minel and I'm director of city legislative
11 affairs for the Real Estate Board of New York. Ah,
12 we today are submitting our guidance in regards to
13 the reopening of commercial buildings, ah, for the
14 record and, as always, I wanted to say how much we
15 appreciate the ability to work with, ah, the City
16 Council as well as the Department of Housing and
17 Buildings, ah, to better ensure that the safety of
18 staff, tenants, and commercial office workers is
19 protected at all times. Ah, REBNY remains very
20 vigilant, ready to serve and develop and implementing
21 additional guidance and health precautions as a civic
22 partner in the health and recovery of our great city.
23 Ah, relative to Intro 2033 in particular, REBNY fully
24 supports this legislation and thanks the Department
25 of Buildings for our many conversations and continued

1
2 partnership on the issue. The bill would not only
3 help reduce delays in which buildings receive the
4 permanent C of O and get tenants into their space
5 faster. It will also alleviate some administrative
6 burden on DOB, allowing the department to refocus to
7 safety and save time and [inaudible] on the countless
8 other matters for which it is responsible. Thank
9 you, and, ah, we will be submitting our guidance, ah,
10 to the record. Thank you.

11 CHAIRPERSON CORNEGY: Thank you.

12 COMMITTEE COUNSEL: Thanks, Ryan. Next
13 we'll hear from Ay Yong Kim, followed by Maria Free
14 and Abraham Gross.

15 SERGEANT AT ARMS: Time starts now.

16 AY YONG KIM: Thank you, Chair Cornegy
17 and the Committee of Housing and Buildings for
18 convening this hearing. My name is Ay Yong Kim and I
19 am the associate director of small business programs
20 at the Asian American Federation. From July to
21 August this year we conducted to assess the impact of
22 the pandemic and Asian small business owners across
23 the state and city, and through which we collected
24 over 400 responses. Today I'm here to raise the
25 awareness of the difficulty the small business owners

1 face throughout the city. In the process of
2 enforcing COVID-19-related inspections, which was,
3 um, also done by, um, the Department of Buildings.
4 Small business owners, especially those with limited
5 English proficiency, are still struggling today to
6 find relevant information on COVID-related relates.
7 During the inspection process they are unable to
8 communicate with inspectors, who often practice
9 inconsistent inspection standards with hostility.
10 They are even more lost in navigating the curing
11 process, which pushes the most vulnerable business
12 owners to simply just giving up on this, making this
13 process an educational one and just paying off the
14 fines as they are charged. The majority of survey
15 respondents answered that their businesses were
16 operating in a limited capacity at the time of the
17 survey and over 31% of them said their business was
18 temporarily closed. Almost all business owners
19 reported a decrease in revenue, 55% of them suffering
20 from over a 75% loss in revenue. Inspections on
21 businesses have little to no language assistance
22 today and this is a big problem for Asian small
23 business owners. We see slow translation, lack of
24 engagement, and little, um, little impact to try to
25

1
2 engage with the hard-to-reach communities. During
3 the inspection process the hostile inspections that
4 we see on the ground are creating confusion and, ah,
5 a feeling, a sensation from the small business owners
6 that feel like they're not really protected by the
7 state or city, but they're actually being targeted
8 for any source of revenue.

9 SERGEANT AT ARMS: Time expired.

10 AY YONG KIM: Ah, may I have one more
11 minute?

12 CHAIRPERSON CORNEGY: Yes, please finish.

13 AY YONG KIM: Thank you. And, more
14 importantly, at the end of such inspections we do not
15 see any information that is available to LAP small
16 business owners to guide them how to cure the
17 violations or how to engage with city agencies and
18 they're just told to go talk to a licensed contractor
19 and they don't know exactly who is trustworthy and
20 the contractors themselves are often at a conflict of
21 interest. At the Federation we encourage the City
22 Council to actively disseminate information regarding
23 violation curing process, to also make sure that
24 inspectors are being monitored for the inspection
25 process so that the small business owners have a,

1
2 have a chance to give feedback about how they're
3 experiencing the guidelines and regulations on the
4 ground. We would be happy to answer any questions
5 and I look forward to working with you in the future.

6 CHAIRPERSON CORNEGY: Thank you.

7 COMMITTEE COUNSEL: Thank you. Next up
8 we'll hear from Maria Free, followed by Abraham
9 Gross, Lyric Thompson, and Paula Siegel. Maria?

10 SERGEANT AT ARMS: Time starts now.

11 MARIA FREE: Thank you. Hi, good
12 afternoon. Um, my name is Maria Free and I'm an
13 urban planning and policy analyst at the New York
14 Building Congress, ah, and we are proud to support
15 this new introduction. The Building Congress is a
16 nearly 100-year-old organization that has worked to
17 advocate for investing in infrastructure, job
18 creation, and preservation and growth in the New York
19 State area. So with our interest in addressing the
20 critical issues of the building industry we believe
21 that this bill will help reduce costs, save time, and
22 answer to [inaudible] owners and tenants alike. By
23 not having to be renewed every 90 days, the new
24 interim certificate of occupancy will help reduce
25 owners' paperwork and avoid violations for failing to

1
2 renew the temporary certificate. So in these
3 unprecedented times we believe that common sense,
4 innovations, and the reduction of burdensome
5 regulations, um, like this legislation proposes are
6 exactly what our industry needs and will help get New
7 York City building back. A new interim certificate
8 of occupancy will reduce paperwork and streamline the
9 development process without diminishing safety. So
10 we urge the council to support this measure, and
11 thank you for your time.

12 CHAIRPERSON CORNEGY: Thank you.

13 COMMITTEE COUNSEL: Thank you. We'll
14 next hear from Abraham Gross, followed by Lyric
15 Thompson and Paula Siegel. Abraham.

16 SERGEANT AT ARMS: Time starts now.

17 COMMITTEE COUNSEL: Abraham Gross? All
18 right, we will move on to Lyric Thompson, followed by
19 Paula Siegel.

20 SERGEANT AT ARMS: Time starts now.

21 LYRIC THOMPSON: Hi, good afternoon
22 everybody. My name is Lyric Thompson and I'm all
23 about safety, especially with regard to buildings,
24 and so, I support the bills that you have, ah, put
25 forward. However, that's not the reason that I've

1
2 come here today. Council Member Cornegy, um, our C
3 of O was fraudulently signed off. Now, DOB has done
4 their job and I, I appreciate the commissioner, I
5 appreciate the work of Tim, Commissioner, ah, Tim
6 Hogan. They have done their job by righting the
7 necessary violations. However, Housing Preservation
8 and Development refuses to clean up the mess they
9 made while they were ignoring the laws pursuant to
10 421-A. I find it very disturbing that I have a 421-A
11 package that is wrought with forged documents and a
12 housing agency that seems content with being OK with
13 said forged documents. Now, sir, you told me
14 approximately, what, a year and a half ago, I think,
15 to get with your chief of staff and that we would set
16 up a meeting with HPD. Now, they are ignoring her.
17 They, from what I have gathered, will not get back
18 with her, which I find to be very disturbing. Now, I
19 have provided irrefutable evidence of fraud and
20 malfeasance by HPD. Why is this not being taken
21 seriously? How is it in the best interest of our
22 city and our citizens to not take this seriously,
23 and why don't we choose to do the other, which is to
24 take it seriously? I, I would appreciate an answer.
25 I, I don't just come to these hearings because, you

1 know, it's fun. I mean, not that you guys aren't,
2 you know, fun, but I, I need answers to these
3 questions. So are you willing to provide said
4 answers? What can we do? I mean, I, I challenge
5 anybody within the sound of my voice, Google Willie
6 Zambrano, he's a, a very reputable, ah, architect in
7 the city. He's also a professor. And ask him...

9 SERGEANT AT ARMS: Time expired.

10 LYRIC THOMPSON: ...[inaudible] buildings.

11 CHAIRPERSON CORNEGY: I will call HPD
12 myself. I will not allow, I will not allow them to
13 call my chief of staff back. I will reach out myself
14 personally.

15 LYRIC THOMPSON: So you...

16 CHAIRPERSON CORNEGY: And, and call you
17 back personally.

18 LYRIC THOMPSON: So we could set up maybe
19 a meeting to get all this taken care of? Because
20 we're getting ping ponged back and forth between HPD
21 and DTR, and I've literally got rotting portions of
22 my building that I'd like to get fixed.

23 CHAIRPERSON CORNEGY: I, I know. I had
24 the, the unfortunate, to see firsthand...

25 LYRIC THOMPSON: Yes.

2 CHAIRPERSON CORNEGY: ...your building.

3 So I, I will, I will make the call myself to HPD and
4 call you personally by the end of this week.

5 LYRIC THOMPSON: Thank you, sir. I look
6 forward to hearing.

7 CHAIRPERSON CORNEGY: Thank you, Lyric.

8 COMMITTEE COUNSEL: Thank you. Before we
9 move on to our final panelist, we had a hand raise by
10 Council Member Chin. Do you have a question before
11 we move on, Council Member Chin?

12 CHAIRPERSON CORNEGY: You're muted,
13 Margaret.

14 COMMITTEE COUNSEL: [inaudible].

15 COUNCIL MEMBER CHIN: Yes, I'd like to
16 ask a question of, ah, Ms. Ay Yong Kim from the
17 Federation about the survey that they did. Ah, did
18 you have a breakdown, because when you talk about
19 small businesses, ah, are you talking about, um, you
20 know, small business owner, retail business, ah,
21 commercial building, because they're governed by
22 different agency. So I wanted to have a better
23 sense, because if it's like regular small businesses
24 it could be, ah, the inspector could be coming from,
25 ah, Department of Consumer Affairs, ah, or it could

1
2 be Department of Small Business Services. So I think
3 it will be good if you can provide, you know, the
4 breakdown, so that we can see which agency are the
5 one that are responsible and then we could work with
6 them to make sure that it's, you know, the issues
7 that you raised about language access, about how to
8 help the small, you know, businesses, um, you know,
9 rectify their violation. I mean, those are important
10 issues. Ah, so I think that if you can provide that
11 to us I think that will be great.

12 AY YONG KIM: Absolutely. Thank you so
13 much for the question, Council Member. Ah, we do
14 have a breakdown of the businesses. Most of them are
15 retail or personal services, um, and restaurants,
16 national because they're the most, um, impacted as
17 for our Asian small businesses across the city. Um,
18 we will be, um, publishing a report on this as well,
19 and the survey results shortly, but to go back to
20 your point about which agencies are dealing with the
21 small businesses, for example, um, the illegal
22 conversions task force, um, which I think used to be
23 about compartments before, um, are also being part of
24 the small businesses regulations program right now,
25 as far I'm aware, and DOB is also part of this task

1
2 force, and the problem that I want to highlight in
3 this hearing is that there really is not one city
4 agency that each industry is being dealt, ah, needs
5 to deal with at this time. Everybody's scrambling
6 and the city agencies are sending different, ah,
7 inspectors to deal with um, um, businesses that were
8 of like different nature compared to non-COVID times.
9 But the problem actually is that the information that
10 the small business owners receive on their end are
11 coming from all the different businesses, ah, all the
12 different city agencies. So a small business owner
13 who runs like a restaurant, for example, with, look
14 at DOT, um, regulation, um, in material based, about
15 the open restaurant program and think that they
16 followed through all the regulations, but then later
17 on they're visited by FDNY along with DOB inspectors,
18 saying that they did something that's like an
19 attachment to the building and that is not allowed.
20 There is not a comprehensive information that is
21 being sent out to small business owners. I think,
22 Council Member Chin, I think you're hitting a really
23 great point in the sense that like this kind of
24 information used to be dealt with, um, in the sense
25 that like the receiving end needs to get, needs to,

1
2 um, get a comprehensive information about like
3 everything that they need to do. But right now
4 they're just dealing with like each and every
5 different information that comes out without language
6 access in time and without a lot of like assistance
7 to follow up with questions and, ah, questions. Um,
8 there is the, um, there is the small business, um,
9 services, um, hotline, but that is also like very
10 limited in terms of language capacities. So what we
11 ask actually is that DOB inspectors, because they are
12 most commonly, um, going around right now to, um,
13 deal with, the COVID regulations, as far as we
14 understand. There was an incident in Brooklyn, for
15 example, where a DOB inspector came, did a whole
16 sweep on the, on the street and then did not talk to
17 them in their language, but kind of like gave them a
18 link to a DOB, um, agency website saying you just
19 need to do whatever is on the website. That's not
20 assistance. That doesn't give them any information
21 about what they need to do, and, more importantly,
22 there are other information that they should have
23 been given, too. But then what makes things worse is
24 that a few days later the same inspector comes back
25 to that spot, does another sweep around the same

1 street and say I gave you all the information, you
2 did not adhere to anything I told you, so here are
3 the summons, here are the tickets. And there really
4 is no chance for any education to happen or any
5 information dissemination to happen in a meaningful
6 way, so the small business owners always end up
7 feeling like they're targeted.

9 COUNCIL MEMBER CHIN: Yeah, thank you for
10 the. I think for the, you know, the businesses in
11 Brooklyn, maybe you can provide us information, or
12 you can send that overall to the commissioner. I
13 don't think she's on, still on the, ah, the meeting.
14 But definitely that's something that she could look
15 into, ah, in terms of inspectors following the
16 Department of Building, ah, making sure they're doing
17 the right things.

18 AY YONG KIM: Thank you.

19 COUNCIL MEMBER CHIN: Thank you. Thank
20 you, Chair.

21 COMMITTEE COUNSEL: Our, ah, our final
22 panelist today is Paula Siegel.

23 SERGEANT AT ARMS: Time starts now.

24 PAULA SIEGEL: Thank you so much. Hi, my
25 name is Paula Siegel. Thank you so much for making

1
2 time for small businesses and, ah, by the, and in
3 this committee's busy schedule. Um, I'm a senior
4 secretary at TakeRoot Justice, and TakeRoot Justice
5 is a member of United Personal Business New York
6 City, USPNYC. USPNYC is a coalition of community
7 organizations across New York City fighting to
8 protect small business and nonresidential tenants
9 from the threat of displacement, with a focus on
10 owner-operated minority-run businesses that serve
11 low-income and minority communities. We are also one
12 of the providers on the Department of Small Business
13 Services Commercial Lease Assistance Program. So we
14 have a contract, a very small contract, from the,
15 from SBS where we are able to provide direct
16 negotiation services as attorneys for small
17 businesses. The need for those services has been
18 astronomical since last March. Um, it was already,
19 it was already a lot, um, as tenants were struggling
20 with increasing rents and with, ah, the heated-up
21 real estate market of New York City and then of
22 course COVID created a situation where the state and
23 city governments were telling small businesses that
24 they had to close but not providing them with any
25 tools for negotiating their obligations with their

1 landlords. So we've been assisting with that and
2 getting a real front-row seat to how our current
3 system is just shifting the economic burden of the
4 pandemic onto those who are least able to bear it.
5 The banks shift it to landlords. The landlords shift
6 it to tenants. And everybody says they're just
7 following the law. And unfortunately they are. Um,
8 and so I'm grateful to this council for helping
9 restore funding for the Commercial Lease Assistance
10 Program earlier this year when the administration
11 threatened to cut it, but restored funding for...

12
13 SERGEANT AT ARMS: Time expired.

14 PAULA SIEGEL: ...attorneys, is not
15 enough. If I may, um, I would like to ask the
16 council to pass the resolution in support of, of
17 state bills that are called the Save our Storefronts
18 bills, to consider using your own Powers to impact
19 and partially cancel commercial rents for tenants in
20 the city. Um, the MTA put out a perfect program that
21 would be great to be implemented as law instead of
22 just something voluntary that a single landlord does,
23 and to schedule a hearing on the commercial rent
24 stabilization that has been, that was introduced

2 before COVID at the council at 1796 of 2019. Thank
3 you so much.

4 CHAIRPERSON CORNEGY: Paula, can you send
5 those recommendations directly to me?

6 PAULA SIEGEL: Yeah, yes, how?

7 CHAIRPERSON CORNEGY: I would find it
8 hard to believe, Paula, that you don't know how to
9 get to me yet, but, ah, if you could just...

10 PAULA SIEGEL: Well, I text you [laughs].

11 CHAIRPERSON CORNEGY: No, no, send it to
12 my email address, please. The council email address.

13 PAULA SIEGEL: Yeah, OK, right.

14 CHAIRPERSON CORNEGY: Thank you.

15 PAULA SIEGEL: Yep.

16 COMMITTEE COUNSEL: Thank you. We
17 actually have one more panelist, um, Abraham Gross is
18 up next.

19 SERGEANT AT ARMS: Time starts now.

20 ABRAHAM GROSS: Ah, good afternoon, Chair
21 Cornegy, how are you?

22 CHAIRPERSON CORNEGY: Good afternoon,
23 Abraham.

24 ABRAHAM GROSS: Thanks for having me.

25 Ah, I was in contact with you, I think it was about a

1 month ago, in the hearing on deep fraud. Ah, I
2 shared with you that I had thousands of, ah, examples
3 of affordable properties that were just gifted, um,
4 to various privileged parties, and I reached to your
5 office but I have not heard back. I'm wondering,
6 respectfully, if, would I also be able to ask for
7 your personal investment possibly to, to call me
8 about this important issue? Is that too much to ask
9 for?
10

11 CHAIRPERSON CORNEGY: No, sir. So you
12 reached out to our office and you got no response?

13 ABRAHAM GROSS: That's correct.

14 CHAIRPERSON CORNEGY: OK. So if you
15 could, ah, use my email and send me your information
16 I will call you myself.

17 ABRAHAM GROSS: I'd be very grateful for
18 that. Um, and, if I may, ah, the other issue is, um,
19 there was a hearing in City Council January 14, 2019,
20 about the affordable housing application process, and
21 Chair Cornegy, you asked very tough questions, um,
22 and you, you just, you demonstrated, you know, I'm a
23 council member, I'm the chair, I'm gonna protect the
24 public, and that was in January 2019. But what I
25 went through and what millions of others have gone

1 through show that the application process is, is
2 deeply flawed and, um, you know, it's, it's as though
3 they come to the hearing the agencies actually
4 corroborate the allegation that there are problems in
5 the application process. But the question how to
6 actually fix it, because since that hearing was held
7 there were millions more applications that were
8 harmed and, you know...

10 SERGEANT AT ARMS: Time expired.

11 CHAIRPERSON CORNEGY: So, Abraham, while
12 your time has expired here, it hasn't expired with me
13 and I'm going to call you personally if you send me
14 your information.

15 ABRAHAM GROSS: OK, where, where can I
16 send that to?

17 CHAIRPERSON CORNEGY: Ah, it's, it's, I
18 don't know if they'll allow me to do this, but it's
19 rcornegy@council.nyc.gov. So it's just rcornegy with
20 the general council email.

21 ABRAHAM GROSS: Thank you very much.

22 CHAIRPERSON CORNEGY: If you send that to
23 me today I'll respond by tomorrow.

24 ABRAHAM GROSS: Thank you.

25 CHAIRPERSON CORNEGY: Thank you.

1
2 COMMITTEE COUNSEL: This concludes our
3 public testimony. If we've inadvertently forgotten
4 to call on someone to testify, if that person could
5 raise their hand using the Zoom raise hand function
6 we'll try to hear from you now. All right. Seeing
7 none, I will now turn it over to Chair Cornegy to
8 close the hearing.

9 CHAIRPERSON CORNEGY: Ah, just so I can
10 be clear, to follow up on this is Paula you're gonna
11 reach out, Abraham you're gonna reach out, and, um,
12 I'm gonna actually reach out, ah, to Lyric. Somebody
13 is gonna kill me for doing, ah, personal, ah,
14 constituent services on council's committee time, but
15 it is what it is. Thank you so much. Um, we have a
16 lot of hard work to do, um, especially as we intend
17 to recover, you know, have recovery and resiliency.
18 We cannot leave out tenants' rights. We cannot leave
19 out commercial tenants' rights. Um, that's the only
20 way we're going to get back to a place of any sanity
21 in this city is to simultaneously look out for both.
22 They're not mutually exclusive. Um, ah, thank you so
23 much for this hearing. And we'll continue this work.

24 [gavel]

COMMITTEE ON HOUSING AND BUILDINGS

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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 November 27, 2020