

Housing and Buildings Committee of the New York City Council
Department of Buildings Testimony
Intro 68 (Unlicensed Plumbing Work Penalties)

Good afternoon Chairman Dilan and members of the Housing and Building Committee. I want to thank you for this opportunity to discuss Intro 68, establishing new minimum penalties for unlicensed plumbing and fire suppression work. I am Stephen Kramer, Senior Counsel to the Commissioner of Buildings, and I am here today with Donald Ranshte, Director of Intergovernmental Affairs.

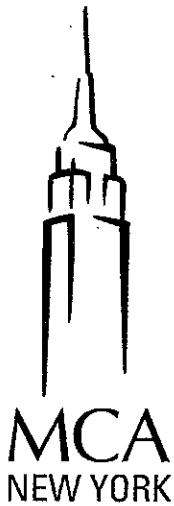
Intro 68 demonstrates the continuation of our partnership with the Council, to arm the Department with the tools necessary to stop work that is performed illegally and can be potentially dangerous. As you are well aware, all plumbing and fire suppression (which consists of sprinklering and standpipe) work must be performed by a contractor licensed by the Department in the appropriate field. Whether as a result of a complaint or as part of a regular inspection, our inspectors, search out work being performed by unlicensed contractors. When an inspector observes plumbing or fire suppression work being performed by an unlicensed contractor the inspector will issue a criminal court summons to that contractor. Through the Criminal Court process, the Department often finds the imposition of a minimal fine of \$250 or even community service is ordered by the judge for an unlicensed work violation.

Under 28.202.1 the penalty for the immediately hazardous (class 1) unlicensed work violation is one thousand dollars. By contrast, if a licensed plumber were violated for work without a permit the civil penalty would be five thousand dollars. The intention of this bill is to make the fine or penalty equal for both of these serious violations.

The relatively small fines or penalties that have often been imposed in criminal court do not offer the necessary deterrence to keep unlicensed contractors from performing unlicensed work. Intro 68 will amend 28-201.2.1 to make the performance of unlicensed plumbing or fire suppression work subject to a minimum fine or penalty of five thousand dollar for the first offense and a minimum of ten thousand dollars for each subsequent offense.

We believe that the imposition of these substantial minimum fines will deter unlicensed contractors from taking a job where a license is required.

I want to again thank the Council and those licensed professionals in the plumbing and fire suppression industry proposing this bill. Thank you for the opportunity to testify and I'll be happy to take any questions you may have.



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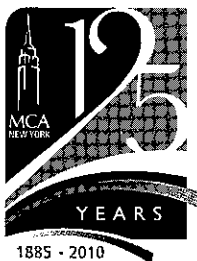
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**TESTIMONY OF TONY SAPORITO BEFORE THE HOUSING AND
BUILDINGS COMMITTEE OF THE NEW YORK CITY COUNCIL ON APRIL
27, 2010 ON INTRO. 68**

My name is Tony Saporito, Assistant Vice President of the Mechanical Contractors Association of New York, inc. and Assistant Administrator of the Steamfitting Industry Promotion Fund of New York and Long Island. Many of our members and contractors are Licensed Fire Suppression Piping Contractors who perform the work of designing and installing fire protection systems in New York City and Long Island. I am here to testify in support of Intro. 68.

Our industry believes that fire suppression and plumbing systems only be installed by qualified and licensed contractors. The Building Code makes it unlawful for unlicensed people to install these systems. Yet, we know there are people violating these laws creating unsafe conditions.

Currently, violators of this law are imposed with small fines, usually \$500. These small penalties hardly deter unscrupulous firms from continuing their illegal work and Intro. 68 goes a long way towards correcting this by imposing significantly higher minimum fines and a graduated increase for repeat offenders.

The Mechanical Contractors Association and Steamfitting Industry Promotion Fund urge the City Council to vote in favor of Intro. 68.

FOR THE RECORD

FOR THE RECORD

New York Fire Sprinkler Contractor's Association, Inc.
PO Box 219
Water Mill, NY 11976
Phone: (800) 699-9107
Fax: (212) 656-1200
www.nyfsca.org



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April 26, 2010

Members of the New York City Council Housing & Buildings Committee:

The New York Fire Sprinkler Contractor's Association, Inc. strongly supports Introduction 68 which increases the penalties and fines for unlicensed fire suppression and plumbing work.

For the last 10 years I have regularly attended the monthly New York City Department of Buildings License Board meeting. At these meetings we are updated regarding actions the City takes and the violations and fines that have been issued with regard to unlicensed work.

The fines usually levied are not substantial enough that they neither discourage contractors from continuing to perform unlicensed work nor prohibit homeowners from hiring unlicensed individuals to perform this work.

We have already seen multiple tragedies occur when gas piping work has been illegally performed. Yet it is not uncommon for an unlicensed individual to receive only a \$500 fine for performing illegal gas piping work.

Hiring an unlicensed individual to install a life safety system such as a fire sprinkler system can also have disastrous future consequences. An unlicensed, non-permitted job receives no Building Department or Fire Department oversight. Then, when tragedy does occur, emergency personnel are unprepared about the building layout or if there will be an adequate water supply.

Finally, unlicensed work robs the City of income it should be receiving with regard to filing and permitting fees.

Licensed fire suppression contractors and master plumbers are experienced, educated and insured. They are the only persons who should be performing this important work.

I ask that the Council support this important measure that will discourage illegal fire suppression and plumbing work in New York City.

Thank you.

Melissa Barbour
Executive Director
execdirector@nyfsca.org

TESTIMONY OF KENNETH KLEIN P.E. BEFORE THE HOUSING
AND BUILDINGS COMMITTEE OF THE NEW YORK CITY
COUNCIL ON APRIL 27, 2010 ON INTRO. 68

Good Morning. My name is Kenneth Klein, I am a registered professional engineer with 50 years experience. I am also a member of the City's Plumbing and Fire Suppression License Board. As an engineer and a member of the License Board, I support Intro. 68, which would establish a minimum fine of \$5000 (for first-time offenders) for individuals who perform plumbing/fire suppression work without a license.

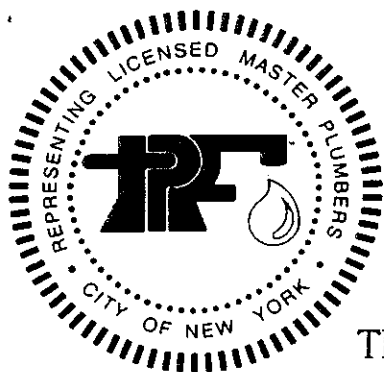
The work that licensed plumbers are required to perform, under the Administrative Section of the Building Code, can be very dangerous if installed improperly. Only a licensed plumber is permitted to install/maintain potentially explosive medical gas and fuel gas piping. If gas piping is installed by an unqualified/unlicensed individual, homes, churches, and hospitals can be decimated due to gas leaks. The goal of licensing therefore is to minimize the potential

of shoddy and incorrect work. In the case of a gas connection to an oven, for example, the installation by an unlicensed individual vs. a licensed plumber can mean the difference between life and death.

As I previously stated, I am a member of the City's Licensing Board. At the license board we receive reports from the enforcement units (IAD and BSIU) that take criminal action against both licensed and illegal individuals posing as plumbers in the City. These reports show that penalties for licensed plumbers, on average, are much greater than for unlicensed plumbers. I think it is ridiculous that unlicensed plumbers face fewer monetary fines than licensed plumbers. The value of a NYC plumbing license is devalued when the cost of doing business is easier for an unlicensed individual than for a licensed plumber.

I am in full support of Intro bill 68. Any bill that establishes a significant minimum penalty for unlicensed plumbing/fire suppression work will deter unlicensed plumbing/fire suppression contractors, as

well as strengthen the value of a NYC plumbing license, and most importantly ensure the safety of all New Yorkers.



THE PLUMBING FOUNDATION CITY OF NEW YORK, INC.

44 WEST 28TH STREET, 12TH FLOOR, NEW YORK, NY 10001

PHONE: (212) 481-9740 FAX: (212) 481-7185

www.plumbingfoundation.org

TESTIMONY OF ROBERT GREENBERG BEFORE THE
HOUSING AND BUILDINGS COMMITTEE OF THE NEW
YORK CITY COUNCIL ON APRIL 27, 2010 ON INTRO. 68

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My name is Robert Greenberg. For the past 2 years I have

served as Chairman of the Plumbing Foundation of the City of

New York, Inc. which is a clearinghouse and educational forum

for the plumbing industry. The Plumbing Foundation is a

nonprofit association of licensed contracting firms, engineering

associations, manufacturers, and suppliers whose mission is to

ensure the public health through the enactment and enforcement

of safe plumbing codes. I am here today to testify in support of

Intro 68.

The Foundation believes it is vitally important that fuel gas, sanitary, water distribution, medical gas, and fire suppression systems be installed only by qualified and licensed plumbing and fire suppression contractors. Sections 28-408.1 and 28-410.1, of the Building Code, make it unlawful for people other than

PLUMBING PROTECTS THE HEALTH OF THE NATION

The Plumbing Foundation City of New York, Inc., represents Licensed Plumbing Contractors and Plumbing Contractor Organizations throughout New York City

licensed firms to perform such work. We know that many people are flagrantly violating these safety laws. When violators are investigated and prosecuted by the Department of Buildings, the penalties imposed are small, usually only \$500. Penalties in such small amounts are not sufficient to deter these unlicensed and untrained persons from commencing and/or continuing their illegal work. Accordingly, this bill amends the Administrative Code penalty provisions to provide sufficiently high minimum fines to adequately deter people from violating these important licensing laws.

It is important to note that this bill only establishes a strong minimum penalty for the unlicensed contractor without any ramifications for the property/homeowners who hire unlicensed contractors. However, owners should be aware that unlicensed contractors jeopardize safety and the work they perform can void homeowner insurance policies.

The Foundation urges the City Council to vote in favor of intro. 68.

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I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)
Name: Donald Krawshke
Address: Director of Intergovernmental Affairs
I represent: Dept of Building
Address: 200 Broadway

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(PLEASE PRINT)
Name: Stephen Kramer
Address: Senior Counsel
I represent: Dept of Building
Address: 200 Broadway

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☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)
Name: Kenneth Klein
Address: 99 Rogers Drive, New Rochelle, NY 10804
I represent: Engineering Community
Address: _____

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☒ in favor ☐ in opposition

Date: 4/27

(PLEASE PRINT)

Name: Robert Greenberg

Address: _____

I represent: Plumbing Foundation

Address: 44 West 28th St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
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☒ in favor ☐ in opposition

Date: 4/27/10

(PLEASE PRINT)

Name: Michael APVZZO

Address: 1435 1st Street, West Babylon, NY

I represent: Plumbers Local #1

Address: 159-28 Cross Bay Blvd, Bayside, NY

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