CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE

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January 29, 2014 Start: 12:44 p.m. Recess: 1:14 p.m.

HELD AT: 250 Broadway - Committee Room

16th Floor

B E F O R E:

Julissa Ferreras

Chairperson

COUNCIL MEMBERS:

Ydanis Rodriguez
James G. Van Bramer
Vanessa L. Gibson
Robert Cornegy
Laurie L. Cumbo
Corey D. Johnson

Mark Levine
I Daneek Miller
Helen K. Rosenthal
Vincent M. Ignizio

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

Tanisha Edwards Counsel to Committee of Finance

Preston Niblack Finance Division Director

2	CHAIRPERSON FERRERAS: Thank you.
3	Good afternoon. Welcome to the first Finance
4	Committee Hearing of 2014. I'd like to first
5	let all the Finance members know that you will
6	be getting a briefing in the next two to three
7	weeks on what our committee's going to be
8	dealing with and working on for this year. My
9	name is Julissa Ferreras and I am the new Chair
10	of this Committee, and I welcome everyone.
11	[applause] Thank you. Before we start I want
12	to express my excitement about chairing the
13	Finance Committee and I also want to express my
14	appreciation to Speaker Mark-Viverito or
15	entrusting me with this privilege. I'm also
16	very excited about working with the talented
17	Finance staff, as Finance Committee member
18	Preston, Jeff, Tanisha and all the Finance
19	Staff are amazing to work with, and I look
20	forward to working with all of them more
21	closely in my new capacity as Finance Chair.
22	Since I have become Finance Chair, they all
23	have made great efforts to make sure my
24	transition is smooth and I am very grateful.

It is my personal pledge to make them and this

2	committee, my fellow members and this city
3	proud. For those who knew me as Chair of the
4	Women's Issue Committee, you know that I am
5	passionate about this wonderful city and I put
6	my heart in everything I do. Rest assured my
7	leadership over this committee will not be any
8	different. I plan to be an inclusive Chair,
9	encourage discourse between my committee
10	members and encourage the sharing of ideas on
11	topics or issues they would like to see
12	considered or addressed in this Committee. I am
13	certainly open to new ideas. So with that said,
14	let's start Finance. Before we start with our
15	agenda, I want to quickly announce a few
16	housekeeping items. First, this Friday,
17	January 31 st at 10:00 a.m. on the 14 th floor
18	committee room in this building, the city, New
19	York City Tax Commission will hold a session
20	for City Council's staff and interested members
21	on how to advise constituents concerning
22	appeals for property tax assessments and
23	property tax exemption. This session will
24	provide council member staff with application
25	forms answers to questions and contact

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4	Information to assist constituents with
3	questions on appealing property tax assessments
4	and denials of exemptions. To RSVP to this
5	briefing, please contact Nicole Anderson
6	[phonetic] in the Finance Division. For
7	property tax specific questions, contact the
8	council's property tax expert Emra Ediv
9	[phonetic]. I said that right. I'm all about
10	last names. Mine is Ferreras, so, alright,
11	cool. Next I want to announce the next meeting
12	on Tuesday, February 4 th , the Finance Committee
13	will meet at 10:000 a.m. in the Committee Room
14	at City Hall to vote on the transparency
15	resolution which details post adoption changes
16	to organizations receiving funding in the
17	expense budget. Disclosure forms and charts
18	listing the funding changes will be emailed to
19	all Council Members on Monday, and there is a
20	discretionary training, I hope that you all
21	have these on your schedule, tomorrow January
22	30 th at 2:00 p.m. in the 16 th floor Committee
23	Room. Council staff will present a training on
24	the expense and capital discretionary fund
25	process. You can RSVP to the Finance Division.

2	extension 9173. So make sure your staff
3	members know to be at that meeting also.
4	Lastly, on Thursday, February 6you guys are
5	going to be really busy. Lastly, on Thursday,
6	February 6 th at 10:00 a.m. in the 16 th floor
7	Committee Room which is attached to this room,
8	the department of Finance, the Department of
9	Housing and Preservation and Development, and
10	the Department of Environmental Protection will
11	provide overview to the tax lien sale process
12	and provide Council Members and their staff you
13	can share with your constituents to prevent
14	their inclusion in this year's lien sale. To
15	RSVP to this briefing contact Cheryl King
16	Lawson [phonetic] in the Communtiy Out reach
17	division. For lien sales, specific questions
18	contact Finance Council Tenisha Edwards. Those
19	are all the housekeeping items. Now we can
20	begin our legislative agenda. Today, we only
21	have one item on our agenda. We have intro 172-
22	A sponsored by my colleague, Council Member
23	Vacca, [off mic] hello, Council Member, which
24	relates to the fees for finedwhich relates to
25	the fees for fire department permits

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inspections and performance tests. This 2 3 legislation was vetoed by Mayor Bloomberg, and today the Finance Committee will vote to 4 override the veto. Although Committee Counsel 5 Tenisha Edwards provided briefing papers to 6 committee members on Friday, I will provide a little background on this legislation for the 8 benefit of the public and for new Council 9 10 Members. Currently, the Fire Department of New 11 York City imposes fees on property owners for 12 inspection permit and witnessing of required 13 performance tests for equipment. Prior to the 14 enactment, the Local Law 41 of 2009, which I will talk about shortly, all non-profit 15 organizations were exempt from paying these 16 17 fees. In June 2009 as a part of a fiscal--of the fiscal year 2010 budget package, the 18 Council by request of the Mayor adopted Local 19 20 Law 41, which limited the exemption so that it 21 only applied to organizations that operate predominantly as a religious institution, 22 housing for clergy attached to such religious 23 institutions and educational institutions 24 accredited by New York State that provide 25

kindergarten through 12 th grade education. This
legislation resulted in many not-for-profit
organizations being treated in the same manner
as for profit institution. According to the
Bloomberg Administration, Local Law 41 was
proposed to enable the FDNY to meet its budget
targets by preventing or minimizing reduction
of a central Fire Department operations. The
administration estimated Local Law 41 would
result in an annual fiscal impact of three
million dollars. After the passage of Local
Law 41, several non-profit institutions raised
concerned about the law, particularly the lack
of equity in the application of the law. For
instance, educational institutions accredited
by New York State are exempt from the fees,
while non-accredited schools or schools
accredited by entities other than New York
State are not. In addition, many institutions
were subject to multiple inspections resulting
in thousands of dollars in fees per site. So as
a result of these considerations, on December
19^{th} , 2013, the Committee passed legislation
sponsored by Council Member Jimmy Vacca to

2	reserve the provision of Local Law 41 to once
3	again allow all non-profit organizations to be
4	exempt from the FDNY inspection fees. On
5	December 27 th , 2013, the Mayor vetoed the
6	legislation, citing budgetary concerns. In that
7	message Mayor Bloomberg attributed the
8	additional three million dollars generated by
9	the legislation to preventing the closures of
10	fire companies and preventing an increase in
11	ambulance fees. However, as we all know,
12	despite Local Law 41, every year for the past
13	few years Mayor Bloomberg has proposed the
14	closure of fire companies, and last year
15	ambulance fees were in fact increased in some
16	cases as much as 40 percent. So, today the
17	finance committee will vote to override Mayor
18	Bloomberg's veto to allow once again all not
19	for profit organizations to be exempt from FDNY
20	inspection fees. To override the veto, the
21	committee must vote to re-pass Intro 172-A,
22	notwithstanding the objections of the Mayor and
23	file the Mayor's veto message M052014. Upon a
24	successful vote by the Committee, the bill
25	would be submitted to the Full Council at the

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next stated meeting for a vote. No one from the Administration is here to answer questions. So if any member has questions, they will be answered by Finance staff. If no one has questions, Billy will call the roll, but before we call the roll or take questions, we will hear from the bill sponsor, Council Member Jimmy Vacca for a statement.

COUNCIL MEMBER VACCA: Thank you, Chair Ferreras. You know, usually I have a long winded speech to make, but you really said it all. I don't have anything left, and I want you to know my staff worked very hard on this. Why did you do something like that to me? Well--no, I'm not going to do it anyway. I think the Chair explained everything. I introduced this legislation because of the fairness issue. It's just not fair to penalize non-profit groups that all of our neighborhoods have in our districts that work very hard to service people without means. They do charitable work. run food pantries. They do so much work in the community, and this was a way for the administration to put money into the till of

the Fire Department because the Administration
at one point, the prior Administration intended
to close ladder companies and engine companies
throughout the City of New York, and we fought
that, and at one point this is what they did to
fill the PEG, Program to Eliminate the Gap
Program and this was done. It's really not
fair. It's really not right. And we shouldn't
be sitting here debating whether or not engine
companies should stay open or should close.
That's a public safety issue and that's an
issue which is separate. That's an issue which
I think has had to the door shut on it for all
future discussion, and I'm glad, thank God,
that that's the case. So I would urge my
colleagues to vote to override the Mayor on
this issue. I think the Mayor was in error,
and I would hope the Council would unanimously
vote to override on Intro 172.
CHAIRPERSON FERRERAS: Thank you,

CHAIRPERSON FERRERAS. Thank you,

Council Member. And we have some questions,

and first up is--okay. Council Member

Rosenthal?

2	COUNCIL MEMBER ROSENTHAL: Hi. I've
3	never done this before, so I can just start by
4	saying I'm so pleased that you're the Chair of
5	this Committee and I'm really looking forward
6	to working with you. And it's an honor to be
7	here with all my colleagues on the Committee.
8	So, can I just jump in? I have four questions.
9	I have fouroh, hi. And I'm so pleased to get
10	to work with you guys. This is going to be
11	great. You're a great smart group of people and
12	I'm really looking forward to working with you.
13	I have four questions, and I want to
14	PRESTON NIBLACK: [interposing]
15	Normal limit is two, Council Member. No, I'm
16	kidding.
17	COUNCIL MEMBER ROSENTHAL: I'm
18	takingDaneek, can I have yours?
19	UNKNOWN: [off mic] Ask them really
20	fast.
21	COUNCIL MEMBER ROSENTHAL: Okay,
22	really fast. Sorry. Okay. So my questions, and
23	let me preface this by saying thank you to
24	Council Member Vacca. I'm definitely voting in
	support of this override and I appreciate your

2	bringing it up very much. So these questions to
3	the extent that we talk about them in the
4	hearing or just general background knowledge
5	for me as a Council Member, either way is fine
6	by me. One is that I was just interested to
7	learn that the Fire Department charges
8	individual property owners a fee. You know, we
9	all assume that fire is a service that all tax
10	payers get. So I'm interested to sort of learn
11	more about that and particularly the impact
12	these fees have on our small businesses, to see
13	whether or not that's something we should
14	explore as well when we think about our tax
15	our fine relief program to our small
16	businesses. My second question that's
17	answerable, I guess, is that if you could give
18	me an understanding of why the Mayor had to
19	pass legislation on this in the first place,
20	and why this just wouldn't be something that he
21	would put in the next budget, he or she
22	depending who the Mayor is. And, you know, in
23	terms of the fairness issues, I am concerned
24	about all non-profits in general. So is
25	something that we shouldI would love a

context of now of chills about this. And fastly,
this is something I just sort of mentioned to
my colleagues and to the Chair, that you know,
this one three million dollar issue, and in the
context of 70 billion dollar budget, you know,
I have no problem with this, but you know, next
year I think this committee is going to be
looking seriously at probably, you know if you
look at the out year gaps, we're going to have
to look at, you know, at least a billion
dollars' worth of PEGS, whether they be cuts to
programs or fees, fines, other revenue
generators, and while I'm happy to pull this
one out, and I defer to you on that 100
percent, you know, I do think we're going to be
confronted with some real serious cuts to our
city services and I hope we can think about
this in terms of the larger public policy
picture.

CHAIRPERSON FERRERAS: Just before you answer my colleague's question, I just want to say we have a process through the budget and that's going to be kicking off February 12th.

We will be briefed by the Mayor first, and then

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we will have hearings and it's individually viewed by Committee and you will be a part of that because you will actually have to go to every one of them. So, as a member, so you'll have lots of questions there.

UNKOWN: [off mic] And they'll be on time.

CHAIRPERSON FERRERAS: Yes.

TANISHA EDWARDS: Any of those? So, I'll answer. The fire code that was Okay. amended in 2008 and just recently a few months ago--I'm sorry, my name's Tanisha Edwards, I'm counsel to the Finance Committee and the Finance Division. So, the fire code among other things enumerates all the fees that are charged by the FDNY for inspections, witnessing a performance test and equipment. So because any changes to that fire code have to be made through legislation, and so we have to act on that. And so when the fees needed to be increased or changed, the Mayor couldn't do it unilaterally. He had to come to the City Council, and so that's why we needed legislation in 2000--

2 COUNCIL MEMBER ROSENTHAL:	Thank
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3 you.

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4 TANISHA EDWARDS: Should I continue?

5 PRESTON NIBLACK: Preston Niblack,

Finance Division Director. You've asked some broader questions here about sort of the context. Let me just address the non-profit context specifically. First, the -- at the time passed this legislation, what we understood about it was that the "average fee" was going to be about 300 dollars per account. We didn't do--we didn't understand what an account actually was. I, you know, we sort of took that an account meant an institution and 300 dollars seemed nominal enough. In the event, an account is actually an inspection. So if you, for instance have, you know, a day-care center where you have to have fire e-grass [phonetic] where you may have kitchen facilities that require inspection, where you have a sprinkler requirement, each one of those inspection has a fee. So you had day care facilities for example, or senior centers for example, that

were paying thousands of dollars in fees. When

we started to realize that we were essentially in many cases transferring money from one part of the city budget to another and adding costs to non-profits which are very often, you know, squeezed in the city budget, I mean--

COUNCIL MEMBER ROSENTHAL:

[interposing] Sure.

PRESTON NIBLACK: the Administration has typically negotiated pretty hard about contracts. We felt that, again, to speak to the sponsors issue about for the fairness, I mean, there was some exemptions, but then even the ones that weren't exempt were not always treated the way we had understood they would be treated in terms of sort of consistency of how much they paid, and so that was sort of the rationale, part of the rationale also for feeling like the application of this was not as fair as we had expected. In the--go ahead, I'm sorry.

COUNCIL MEMBER ROSENTHAL: Well, so are any not exempt today? So what are the institutions left that are paying the fees?

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TANISHA EDWARDS: So when in 2009 when we passed the legislation, it included about 2,100 not for profit institutions who previously did not pay any fees and I gave you a copy earlier this morning.

COUNCIL MEMBER ROSENTHAL: Yes

TANISHA EDWARDS: But I can distribute this document to all Council Members, and what this document does it lists all the organizations who will be, who were subjected to 2009 who didn't have to pay fees before and they did after. So we have about 2,100 institutions, generally 501C3 organizations under the fire code, and it's sort of misnomer that we keep calling it not for profit institutions, but under the fire code, the only organizations that would be exempt from paying these fees are 501C3 organizations and I think a few others under that 41--or I think 501C1 to maybe like 10 or something, but there are a few that wouldn't be captured, but for all the organizations who were included in 2009, they would be restored back--

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COUNCIL	MEMBER	ROSENTHAL:

[interposing] Okay.

TANISHA EDWARDS: to their original position.

COUNCIL MEMBER ROSENTHAL: So it's all of them.

TANISHA EDWARDS: Yeah, so 2,100 organizations who were harmed, the harm would be undone.

11 COUNCIL MEMBER ROSENTHAL: Got it.
12 Thank you.

PRESTON NIBLACK: Then, with respect to your other questions, regards of the impact of fines on small businesses and how the sort of legal, or fees rather, legal authority for fees and why fees are imposed in some cases or others, I mean, it's a bigger question I think is worth perhaps pursuing in the context of a hearing, either here in the Finance Committee or in particular budget hearings with particular agencies.

CHAIRPERSON FERRERAS: Thank you,

Council Member. And now we have Council Member

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COUNCIL MEMBER LEVINE: Thank you, Madam Chair and congrats to Council Member Vacca. I look forward to supporting this bill. Often when we reduce fines there's a benefit in that we don't have to expend the resources to collect them. This case, it looks like that's zero, and I'm wondering the process of collecting 2,100 checks, the billing, the tracking, chasing down the people who don't pay particularly when some of them are mom and pop and probably have very inefficient operations. Wouldn't that save us some money?

PRESTON NIBLACK: In--yes, in theory. The Fire Department asserted to us that they collected the additional revenue with their existing resources, collection resources, and so if that's the case then presumably there's no savings. You know, that's what the-that's what the Fire Department has said to us. I'm sorry. Tanisha?

TANISHA EDWARDS: I will--these aren't necessarily fines in which case you

would have to account for the additional
revenue that would be generated but these are
fees, and so technically, you know, with fees
as they differ from taxes, the cost to perform
a particular service would be offset by or
provided by the amount of the fee. So unlike
fines where we want to encourage or deter some
sort of behavior and if someone, you know,
engages in the behavior that would result in a
fine, that would be additional revenue that we
didn't account for before, but this is a fee
and so there's a cost, right, for a fire
fighter to go out there, perform their
inspection services, and so his services need
to be paid for. So it makes sense that I think
generally, and I think my economist will, you
know, attest to that, but in terms of fees when
we account for it in legislation it's always a
zero impact. We don't look at that as revenue
generators.

COUNCIL MEMBER LEVINE: It's a tiny amount of money and I'm not going to pursue it, but it doesn't seem credible to me that you could claim there was no work to collect 2,100

Thank you,

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payments from small organizations all over the city, which might mean that we're actually not harming the city's finances as much as we're expecting.

CHAIRPERSON FERRERAS:

Council Member. Council Member Laurie Cumbo? COUNCIL MEMBER CUMBO: Thank you so much, Madam Chair. This is really an honor to be here with you today as well as all of my members on the Finance Committee. I want to--I want to start really by saying I want to preface my comments by saying as a not for profit leader previous, in my previous life, it's very important to me that this type of trend doesn't continue because I know from firsthand experience that these types of fees that sometimes or often or almost always come out of nowhere, that these are often unattractive fees that the way that we are able to bring in resources and income, there's never a way that anybody wants to fund or support that type of fee or those sorts of things. So everything from new boilers to these types of things, these are always things that are very

unattractive, but my question in this way is
while I'm adamant that not for profit
organizations should not be utilized as a way
to balance the budget for the Fire Department,
I also want to know has there been any thought
given to how we will recoup the money that was
originally thought that this type of fee
structure would--because I don't want to just
say not in my back yard, but we have no thought
process in terms of where that additional money
or resources could come from, but I don't want
it to come from the not for profit community.

PRESTON NIBLACK: Duly noted. You know, the vast majority of city services are supported by general tax levy, right? There are several agencies that collect fees for this type of activity, inspections. The Department of Building, for example, is almost entirely financed by the fees that it collects.

COUNCIL MEMBER CUMBO: Right.

PRESTON NIBLACK: But in generally speaking, you know, city services are delivered via generally tax levy, and I think in the context of the 50 billion dollars city funds

budget, three million dollars is less than a
rounding error and it was our view that that
was an amount of money that was immaterial to
the budget. That was not OMB's view, but it was
our view and it's what we would maintain today,
that the three million dollars is sort of
immaterial to the budget. I take note of
Council Member Rosenthal's point that you can't
keep doing this forever, then it will at some
point become material, and it's, you know,
worth thinking carefully about how you apply
fees and other revenue raising measures to all
of the organizations that you levy them on. But
in general I think I'm notI don't consider
this to be a budgetary issue. I consider it to
be a fairness issue and in some sense, as I
said, we were recirculating city money because
these were groups that got city money and ended
up paying more and so it came back to the
city's coffers and it didn't necessarily make a
whole lot of sense from that point of view.
CHAIRPERSON FERRERAS: Thank you,

Council Member Cumbo. And if no one else has

any additional questions, I'd like to call the

CLERK MARTIN: Miller?

1	COMMITTEE ON FINANCE 26
2	COUNCIL MEMBER MILLER: Aye.
3	CLERK MARTIN: Rosenthal?
4	COUNCIL MEMBER ROSENTHAL: Aye.
5	CLERK MARTIN: Ignizio?
6	COUNCIL MEMBER IGNIZIO: I'd like to
7	briefly explain my vote, Madam Chairwoman.
8	Madam Chair? I'd like to briefly explain my
9	vote. Thank you kindly. First I just wanted
10	to welcome the new members of the Committee,
11	and we're going to be seeing a lot of each
12	other, particularly in this committee, and give
13	congratulations to my good friend Julissa
14	Ferreras on becoming the Chair, and I look
15	forward to working with her. With regards to
16	the current bill, I want to thank Council
17	Member Vacca for penning it, and I also think
18	that we should take homage and look towards the
19	non-for-profit sector as a whole. There are
20	some great non-profits in the city that are
21	doing great work. There are also some that are
22	living a world of largesse off of what the non-
23	profit statute gives them as we're reading in

papers and whatnot. And I think some of that

also needs to be looked into. We have some

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non-profits in this city that do some great
work whose executive directors are making
salaries that will boggle the mind. I have some
legislation that mandates lease disclosure of
some of those, which has been just for the
record, been summarily rejected by some members
of the previous administration and previously
in this body, but I think disclosure is a good
thing. We find out what we have and then we
look to it towards taking corrective measures
where they're warranted. With that, I just want
to vote yes. I want to welcome my colleagues
and say I look forward to working with you all
and we have a busy week coming up next week,
and let's get to work. Thank you very much. I
vote aye.

CLERK MARTIN: By a vote of 11 in the affirmative, zero in the negative and no abstentions both items have been adopted.

CHAIRPERSON FERRERAS: Thank you very much to my council colleagues. We passed a great vote smoothly, and I'd like to call this meeting to adjourned. Thanks.

[gavel]

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meeting	is	happening	in	thi	s ro	oom	rig	ght	now	•

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date ____01/30/2014_____