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. |
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| 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 |
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| 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 |
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| 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 |
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| 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 |
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| 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 |
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| 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 |
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| 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, |
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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 |
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| 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 |
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| 2 | bringing it up very much. So these questions to |
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| 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, |
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| 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: |
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[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 |
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| 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 |
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| 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 |
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| 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 |
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| 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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| | | CHAIRPERSO | N F | ERRE | ERAS | : I | 'd | lik | e to |) |
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| remind | the | colleagues | s th | nat | the | Puk | olio | c Sa | afet | У |
| 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_____