



Council of New York Cooperatives & Condominiums
INFORMATION, EDUCATION AND ADVOCACY

250 West 57 Street • Suite 730 • New York, NY 10107-0700

Testimony before the City Council Finance Committee on Int. No 940
General Building Fire Safety Inspections (and Fees for these Inspections)
October 18, 2012

Presented by Mary Ann Rothman, Executive Director

Good morning and thank you for this opportunity to express our views on the proposed legislation. My name is Mary Ann Rothman and I am the executive Director of the Council of New York Cooperatives & Condominiums (CNYC), a membership organization for housing cooperatives and condominiums that are the homes of hundreds of thousands of New York City families. CNYC tries to keep its members updated on laws that affect them and help them comply with all requirements. This can often be a daunting task as more and more requirements are placed on New York City buildings, imposing more and more costs on CNYC members – and all other building owners.

The owner occupants of housing cooperatives and condominiums seek always to ensure that their homes are safe and that they are in compliance with all laws and regulations. Fire safety is particularly important to us. And we are accustomed to visits by Fire Inspectors (and to quickly curing any violations that result from these inspections). The provisions of Intro 940 are puzzling in that they appear simply to be stating what is already current practice. The one difference is the authorization of fees for the inspection.

CNYC strongly opposes the very unwelcome precedent of authorizing the city to collect a fee for an inspection. To our knowledge this is has never before been done; we find the concept unfair and urge its elimination from this legislation. That said, we must also object to the inequities of the fees proposed: we find it unconscionable to consider

Please turn the page

charging each shareholder in a four unit cooperative \$100 toward an inspection visit that was performed last year with no cost to the building, while the fee for high-rise next door amounts to just a few dollars per unit? What will be the fate of cooperative or condominiums with multiple buildings? Will a separate fee be imposed for each townhouse in a large scatter-site condominium?

CNYC normally limits its remarks to cooperatives and condominiums, but we see no reason for fees to owners of rental properties for fire safety inspections either, nor to the small commercial or mixed use neighborhood buildings where we shop. Will this be a new financial burden passed on to the Mom & Pop businesses already struggling to survive?

The prospect of \$400 to \$500 in additional fees could be the proverbial straw that breaks the backs of our members who are already trying to cope with so very many issues for their buildings and their budgets, including

- the uncertainty surrounding the property tax abatement program for home owners in NYC cooperatives and condominiums
- compliance with Benchmarking and Energy Efficiency requirements
- ever-increasing water and sewer rates
- the mandated phase out of #6 (and then #4) oil
- facade maintenance dictated by Local Laws 10 and 11
- increased cost of elevator inspections.

We consider the propose fees for fire safety inspections wrong, oppressive and a very bad precedent. We urge the Council not to authorize them.

Without the fees, this legislation seems an unnecessary reiteration of current practice. We respectfully request that it be withdrawn.

Thank you.



**Testimony before the Committee on Finance of the New York City Council
Regarding Intro 940 – Establishing a General Building Fire Safety Inspection Program
By Angela Sung Pinsky
Senior Vice President, Management Services and Government Affairs
Real Estate Board of New York
October 18, 2012**

Good morning Chairperson Recchia and members of the Committee on Finance. The Real Estate Board of New York, representing over 13,000 owners, developers, managers, and brokers of real property in New York City, thanks you for the opportunity to testify regarding Introduction 940, which would establish a general building fire safety inspection program.

Introduction 940 would allow the Fire Department to conduct periodic inspections of all buildings, except for single and two family homes, and to charge owners a yearly fee for that inspection. The inspection would include the maintenance of the means of egress, fire escapes, fire separations, fire protection systems, storage of combustibles, evidence of electrical hazards, and the like. It would also allow more frequent inspections depending on the fire risk presented by the building as assessed by the Department. Additionally, it allows the Department to charge for this inspection: \$500 for buildings greater than 6 stories, and \$400 for buildings 6 stories or fewer.

Under current practices, real estate property owners and the Fire Department work cooperatively to maintain fire safety on a regular basis. Indeed, the partnership between real estate and the Department has been an important tool for the Department, and REBNY members have volunteered their properties for the Department to conduct drills and practice skills on off-hours. In addition, REBNY members work closely with the Department on their Emergency Action Plans and Fire Safety Plans which govern what would happen if there was a building emergency to which the Department would need to respond. The safety of building tenants is paramount to all REBNY members and they consider complying and coordinating with FDNY a critical part of their day-to-day responsibilities in owning and managing buildings.

However, REBNY is troubled by the proposal to impose a fee on what had previously been provided to buildings free of charge. Currently the FDNY have inspections outlined in the Fire Code that have charges associated with them, inspections that are conducted upon special request with charges associated, but no inspections without a specific cause have a charge. The introduction of this new fee is clearly intended as a revenue generator rather than an initiative tied to building safety, in part confirmed by the testimony being provided to the Committee on Finance rather than the Committee on Fire and Criminal Justice Services. The building industry is not aware of examples of buildings that are not complying with the existing safety inspections that would necessitate an increase in inspections or a new charge with each inspection, and there is no fire safety or public safety trigger associated with the proposed inspections. With no notification, a high cost, and a high frequency of potential inspections,



we are concerned that this bill will lead to a severely diminished and antagonistic relationship between the real estate community and the Fire Department.

Additionally, the flat fee being proposed fails the charter mandate of demonstrating that adopted fees should be reimbursements for costs incurred by the agency. This new fee is substantially higher than other FDNY fees and bears no relationship to the actual inspections: the inspection of a 70-story commercial building is the same as that of a 6-story residential building, yet both buildings will pay the same fee.

Furthermore, it is important to recognize that New York City's buildings currently incur a very high level of fees as a result of City regulations, including but not limited to Local Law 11 façade work, benchmarking requirements, heating oil boiler conversions, elevator inspections and sprinklerization retrofits. Imposing yet another fee on these properties would contribute to the heavy burden that is generally shouldered by the real estate industry and the impression that the City views real estate as an endless source of revenue, when in reality some of these buildings cannot bear these costs. A 5-unit cooperative building would have to charge an additional \$100 fee per shareholder, which may prove to be a substantial increase in costs.

There is also a fear that the Department may feel obligated to prove the value of these inspections by finding multiple violations which will only add to the costs associated with this regulation. The Fire Code is very long and complex, and buildings often have difficulties complying with it in spite of their best efforts to do so. For example, in older walk-up buildings where there is limited storage space, the FDNY will repeatedly issue multiple violations for having recycling bins in the path of egress, but will not be responsive in communicating with the industry about alternative locations or options.

Exempting the R-3 properties also creates issues of fairness and balance. For example, scatter site cooperatives and condominiums, which are common in the boroughs, will find themselves subject to an inspection and \$400 fee for each building, while R-3 buildings with similar sizes and configurations will be exempted.

By introducing a significant annual charge for an involuntary inspection at the city's discretion that is without any regard to a building's compliance record, this bill would set a dangerous precedent of a new variety of fines and fees that will contribute to New York City's reputation as a harsh and punitive business environment.

We have very serious concerns with this bill, and we look forward to continuing our conversation with the Administration and the City Council to find a fair way to assess fees and create revenue in the face of a continuing challenging economic climate for the City.

Comments on Int. 940

*New York City Council Finance Committee Hearing
October 18, 2012*

**Human Services Council of New York City
Jewish Community Relations Council of New York
UJA-Federation of New York**

David M. Pollock | Associate Executive Director, JCRC-NY

My colleagues on the panel are well known to the members of the Finance Committee. We represent thousands of organizations providing programs and services to New Yorkers, over 1,000 houses of worship and hundreds of nonpublic schools.

One of my key roles at the JCRC-NY is to work with New York City agencies and to offer materials and training to help institutions to enhance their security, preparedness and safety. We know, more than most, that building inspections by the FDNY are a critical component of a comprehensive safety scheme. It is always helpful to have "another set of eyes" to help us protect our staff, students, congregants, clients and members.

Section FC 106 of the Fire Code already gives the FDNY the right to enter and examine any building, structure, facility, premises, marine vessel, watercraft or vehicle ... for the purpose of enforcing the Fire Code or other related laws, rules and regulations. This section specifies hazards that should be monitored and should help to protect New Yorkers.

Subdivision 26A delineates specific fees for such inspections. We believe that most of the properties owned and used by Jewish organizations would fall under the "Group A Occupancy" classification and therefore not be subject to a fee. However, our experience since 2009 leads us to ask for clarifications. Exactly which buildings are considered Group A occupancy? Since the definition of "Group A occupancy" seems to rest on the areas of public assembly, are the accessory spaces included in the exemption? What about mixed use buildings? Are they exempt, too?

One of the proposals in the budget negotiations in 2009 sought to remove all of the exemptions from FDNY inspection fees enjoyed by nonprofit owners. The Council tried to reinstate the full exemption, but due to the lateness of the hour and the exigencies of the budget process, settled on more limited one — including only houses of worship and schools (grades K-12). Ultimately, §117.2.1 was added to Chapter 2 of title 29 of the Administrative Code.

Nonprofits that were not covered by the exemption had to take money that should have gone to programs and services in order to pay the new fees. The current FDNY public assembly inspection fees can be substantial. We inquired of one of the agencies in our network and found that they paid a total of \$2,705 in 2012, because there is a fee charged for every covered space. While shared sacrifice is important and necessary, the current fee and the potential for an additional one has had — and will have — an adverse effect on vital organizations and the poor and vulnerable they serve.

Even clearly exempt organizations had problems because, in some cases, the FDNY billed schools and nonprofits using a strict and narrow reading of the exemption language. For example, a synagogue had the space to house a school in its building. However, the FDNY argued that the building was not eligible for the exemption because the school offered *ungraded* special education classes rather than K-12, even though the students were within the age brackets of K-12. It took the synagogue's attorney a year of negotiations before FDNY agreed that they qualified for an exemption.

We suggest the following:

1. Subdivision 26A in Int. 940 specifies fees and an exemption for Group A Occupancy. The exemption criterion differs from that in §117.2.1. To avoid confusion, the language in §117.2.1, covering the two categories of exemptions, should be tightened and a single definition should be used to define the exemptions in both sections of the Fire Code. The legislation should be clear and precise in its language so that it is not subject to any individual's personal interpretation. We have drafted some suggested language and sent it to the Finance Committee staff.
2. Some nonprofit organizations providing important programs and services to New Yorkers are now required to pay fees under §117.2.1. All buildings owned by organizations qualified as an exempt organization, pursuant to United States Internal Revenue Code Section 501(c)(3); and using those buildings for exempt purposes should be eligible for both exemptions.

Thank you.

**NEW YORK CITY COUNCIL
Finance Committee**

**Testimony of James Esposito
Chief of Operations
New York City Fire Department**

October 18, 2012

Introduction

Good morning Chairman Recchia and Council Members. I am James Esposito and I am the Chief of Operations of the New York City's Fire Department (FDNY). I am joined by Steve Rush, our Assistant Commissioner for Budget, Julian Bazel, our Department Counsel and the Chief of our Bureau of Fire Prevention, Tom Jensen.

Over the last several years, the Fire Department like all Mayoral agencies has been asked to propose initiatives to reduce costs or improve revenue collections to help the City maintain a balanced budget. In addition to facing the prospect of fire company closings, the FDNY has made significant headcount reductions in fire operations, continues to face constraints on civilian hiring and has had very limited opportunity to replace critical staff. Units throughout the Department are affected. While we cannot predict with any certainty what budget cuts may be proposed for the rest of this fiscal year and beyond, we know that the City continues to face a difficult financial situation. Earlier this month, the Mayor called for uniformed agencies to propose options to cut of 2.7 percent of operating budgets in the current fiscal year and 4 percent in the next fiscal year.

Inspection Fee

All FDNY Engine and Ladder Companies conduct Building Inspection Safety Program (BISP) inspections of buildings within their respective administrative districts. These fire safety inspections are conducted on a cyclical basis, depending on an assessment of the risks generally associated with the type of occupancy, as well as the specific use and occupancy of each building including commercial, residential, manufacturing, institutional, mercantile and public occupancies. The fire companies follow a detailed inspection protocol in conducting such inspections and assess such

things as egress, combustible material storage, electrical hazards and fire protection systems.

Part of the adopted Fiscal Year 2013 budget is a new fee -- that can only be instituted with City Council approval -- for these periodic BISP fire safety inspections. These inspections would result in fees of \$400 for buildings at or under six stories, and \$500 for those above six stories.

We expect that our fire companies will perform inspections in approximately 36,000 buildings annually, generating approximately \$8 million in new revenue each year.

The Bill

The bill before you would amend the City's Fire Code to provide that the Fire Commissioner may require Fire Department "representatives" to conduct inspections on a periodic basis. It also sets forth the occupancies that would be affected, the scope of the inspections, the reporting of the results of the inspections, the actions that may be taken based on those results and the schedule of fees.

Specifically, the bill:

- identifies the affected occupancies as any building with the exception of one- and two-family dwellings (or R3 occupancies);
- provides that the Fire Department will determine the frequency of the inspections based on the type of occupancy, size and use of the building, incidence of fire and/or other considerations relevant to the fire risk presented by such buildings and vulnerability of the building occupants;
- specifies the scope of the inspections as including the maintenance of the means of egress, fire escapes, fire separations and fire protection systems, storage of combustible materials, evidence of electrical hazards and/or such other requirements as the FDNY determines;
- directs that the Fire Department will provide to the building owner upon completion of the inspection proof of the inspection and such other information as the Fire Commissioner may prescribe;

- provides that the fire companies will take enforcement action as appropriate if they observe violations of the Fire Code, or other laws, rules and regulations that the FDNY enforces;
- clarifies that the provisions of the bill shall not otherwise limit the FDNY's inspection authority; and
- states that the FDNY may inspect any premises for the purpose of enforcing the Fire Code or any other law, rule or regulation the FDNY enforces, including inspections associated with permits, installation and testing of systems, or for purposes of investigating potential violations of the Fire Code.

The bill amends the Fire Code appendix that sets forth the fees the Fire Department charges in connection with its Fire Code administration and enforcement. As just stated, the new fees are either \$500 for high-rise buildings more than six stories or 75 feet in height or \$400 for smaller buildings.

Finally, the bill *prohibits* the FDNY:

- from charging the BISP fee more than once a year, regardless of how many times the building may be inspected during that period;
- from charging the BISP fee to buildings classified as an Assembly Group A occupancy by the Building Code, which includes public assembly occupancies used for gatherings for civic, social, religious or recreational purposes, or for food or drink consumption or other similar activities, e.g., typically theaters and restaurants, many of which already receive inspections and incur a fee under the Fire Code for assembly permits; or
- from charging the BISP fee to premises used and owned or operated by a religious or educational institution.

The effective date of the law would be 90 days after enactment provided, however, that the Fire Commissioner may promulgate rules and take all other actions necessary for the implementation of this law prior to such effective date.

Reasons to Support the Bill

While this is a revenue-enhancement bill, this local law does promote public safety.

With the BISP inspections, fire companies enforce compliance with the Fire Code, as well as Building Code provisions that the Fire Department is authorized to enforce. They serve to ensure that, among other things, required means of egress and fire separations are maintained, and that sprinkler systems are operational. The inspections also serve to identify any unsafe conditions that might require buildings to be vacated as well as unlawful occupancies and alterations that are reported to the Department of Buildings (DOB). The inspections further serve to familiarize firefighters with conditions they could encounter during a fire or other emergency.

Typically, the fire companies inspect higher-risk and/or higher-vulnerability occupancies on an annual basis, with lesser-priority buildings inspected once every two, three, four or five years, with the frequency dependent on available time and resources. The Fire Department is in the process of developing a sophisticated computerized risk-based inspection program, called the Risk-Based Inspection System or RBIS. When finalized, RBIS will enhance the Fire Department's ability to maximize the benefit and efficiency of the building fire safety inspections. RBIS is ready for citywide roll-out starting next month.

These general building fire safety inspections provide a benefit to property owners as well by helping to ensure that buildings are maintained and operated in a safe and lawful manner and thereby reduce the buildings' risk of fire. It is anticipated that the fee authorized by this local law for these inspections would annually generate approximately \$8 million in revenue, which would help ensure the continued provision of essential fire-safety services in New York City.

Conclusion

I thank this Committee and the entire City Council for their ongoing support. I would be happy to take your questions at this time.

QBBA/BIANYC JOINT TESTIMONY ON INTRO. 940/12

October 18, 2012

My name is Robert Altman, and I am the legislative consultant to the Building Industry Association of New York City, Inc. (BIANYC) and the Queens & Bronx Building Association (QBBA). Our associations are chapters of the New York State Builders Association (“NYSBA”) and represent builders and contractors in the Bronx, Brooklyn, Queens and Staten Island within NYSBA.

I am testifying in opposition to Intro. Number 940, which is a tax in the guise of a building inspection program.

No one is saying that the City should not come in and inspect a premises for fire safety. That is part of the duties of the City and can be done now. And all of the properties subject to this law already pay taxes to the City so this action can be taken.

But let’s face it. The real reason this law is introduced is to raise revenue by imposing what really is a tax. Even the Council understands that having placed this legislation not in the Housing & Buildings Committee, but in the Finance Committee, which addresses revenue issues, not building safety issues.

So this being a tax that is not a property tax means that it requires approval from Albany, although I do not see any language in the enactment clause that addresses this requirement.

Being that the real estate industry is already taxed enough, we oppose this legislation.

Thank you for the opportunity to testify.



MEMORANDUM IN OPPOSITION INTRO.940

The Rent Stabilization Association of New York represents over 25,000 building owners and managers of buildings in New York that collectively contain over 1 million units of housing. RSA is opposed to Intro. 940 because it will needlessly burden building owners with additional operating costs for Fire Department inspections that are already performed by HPD, DOB, and private contractors. The inspections authorized in the bill are simply a needless revenue raising mechanism that will adversely impact the city's affordable housing stock.

Intro. 940 would authorize the Fire Department to conduct inspections of buildings at any time and then bill an owner either \$400 or \$500 depending on the size of the building. The inspections would be for things such as means of egress, fire escapes, fire separations, sprinkler systems, etc. Currently the Department of Housing Preservation and Development (HPD) enforces the NYC Housing Maintenance Code. The code covers such things as, means of egress, fire escapes, smoke & carbon monoxide detectors and general building conditions. Buildings with sprinklers are inspected every 30 days by a person holding a certificate of fitness issued by the FDNY. There is also a flow test performed every 5 years that is witnessed by an FDNY employee. The Department of Buildings (DOB) conducts inspections of building conditions during construction to assure compliance with fire safety obligations as well as electrical inspections.

The performance of inspections to protect the public's health and safety is part of what agency's do in the ordinary course of performing their mandated responsibilities. Those inspections, just like any other activity an agency performs is already paid for with tax dollars. These proposed inspections are self-generated, not the result of widespread complaints or problems.

Intro. 940 is a duplication of inspections already carried out by HPD, DOB, FDNY, and private contractors authorized by the FDNY. This bill is simply a revenue generating mechanism that will saddle small and large owners with unnecessary costs that will harm the affordable housing stock of New York.

The RSA is strongly opposed to Intro. 940 for the reasons specified above.

CATHOLIC COMMUNITY RELATIONS COUNCIL

Testimony of Rosemary Ginty, Executive Director
Intro. 940 - Establishing a General Building Fire Safety Inspection Program
before the City Council Finance Committee
October 18, 2012

Good morning Mr. Chairman and members of the committee. My name is Rosemary Ginty. I am the Executive Director of the Catholic Community Relations Council representing the Archdiocese of New York and the Diocese of Brooklyn on city issues.

I am not here to question in any way the establishment of a fire inspection program to insure public safety, only to express serious concerns over a new fee to be imposed for this new category of fire inspection.

Since time is limited, let me make three points:

1. From an historic point of view, there is a tradition in our city of acknowledging the important position our religious and not-for-profit institutions hold in caring for the welfare of all. There are many city mandates, both legislative and administrative that cost money and as they deal with life and safety issues, this is understandable and appropriate. Safety requirements, of course, must be met. What breaks with tradition is the new, never-before imposed fees which are unfunded mandates that are the concern here.

As an additional historic note, in 2009 there was a proposal (Intro 1010) to charge all not-for-profit institutions for the first time for fire inspections. It was amended at the 11th hour by the City Council. We are very grateful that you saw merit in our request to limit the imposition of fees. It was not total relief and while not perfect, it was very significant and important for many struggling institutions.

2. We need clarity on the exemptions. Any legislation must be clear, understandable and not subject to individual interpretation. The 2009 exemption is clear. Intro 940 talks about exempting Category A buildings. This is guaranteed confusion and there is a proven need for clarity in these definitions. An example – schools K through 12 were exempted in 2009. We have instances of schools grades 1 through 6 and other schools K through 8 being invoiced for the inspection fees because the inspector said they were not “K through 12” and therefore, not exempt.

Clearly worded legislation is essential. It will save countless hours on our part and the part of city officials rectifying errors. I implore you to do this.

3. When considering the exemptions, I further request that you include our not-for-profit institutions that offer so many essential services to our citizens. I know there is a need for revenue to meet the needs of the city, but imposing never-before assessed fees on not-for-profit institutions will take desperately needed funds from the very services that the additional revenues are meant to fund.

In conclusion, I ask for the continuation of the 2009 exemptions, the inclusion of not-for-profit institutions and above all clarity of legislative definitions. Thank you.



For the record

■ COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC.

Testimony Before the New York City Council Committee on Finance
Re: Intro. 940 – Establishing a General Building Fire Safety Inspection Program
October 18, 2012

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*Executive Committee

Good morning. My name is Joseph Condon, staff attorney for the Community Housing Improvement Program, Inc., (also known as CHIP). CHIP is a not-for-profit trade association that advocates on behalf of property owners and managers of rent regulated properties. As representatives of the affordable housing industry, we understand that balancing a budget can be difficult, but we also know that it can be done through other means than further burdening an industry that already shares 40 cents of every dollar in gross income with the City of New York through a combination of taxes and fees. See "Tax Liabilities of Stabilized Properties," March 2009, a study conducted by Urbanomics; as well as data reported by the Rent Guidelines Board (RGB). Owners of rent-stabilized and rent-controlled properties cannot simply recoup the inspection fee, along with additional management and other costs that will be borne from this legislation, by raising rents to the necessary amount. Even if they could, much of the affordable housing in the City is located in areas where asking for increases in rent would mean empty apartments.

This year, the Rent Guidelines board passed increase rates of 2% and 4%. This means that for the next year, rent-stabilized tenants who renew a lease for a one-year term can have their rents increased by a maximum of 2%. A rent-stabilized tenant who renews a lease for a two-year term can have their rent increased by a maximum of 4%. The RGB's 2012 Income and Affordability Study stated that the median income rent for a rent-stabilized apartment was \$1100. This means that a building would need to have 23 tenants renew their lease for a one year term, or 12 tenants renew their leases for a two year term, to cover the cost of the proposed inspection fee. Estimating that about half of a building's leases renew every year, a rent-stabilized building would need to contain at least 24 apartments just to cover the cost of the proposed inspection fee, assuming all other costs stay the same (but we know that costs are more likely to increase). Small owners are going to suffer. Buildings with 10, 12, 20 units will lose operating income because of the proposed legislation. And the smaller the owner, the more injurious this proposed legislation will be.

This appears to be a common theme in current times, as the City continues to increase the tax burden on property owners and City agencies continue to raise existing fees while simultaneously adding new ones. Smaller owners are being forced out of the industry because they cannot keep up with the rising costs of doing business in the City.

The legislation also seems to ignore apartment complexes known as scattered sites, sometimes referred to as garden apartments or townhouses. Such sites have a single ownership entity, but several buildings make up the complex. Often, each building will be 2 stories and contain 3-4 units. A single owner would be required under the proposed legislation to pay \$400 for each

building inspected. The owner of a complex with 10 buildings containing 30-40 units would be required to pay \$4,000. This is unacceptable.

Additionally, the proposed legislation imposes a fee for services that are already provided by the Fire Department of New York City (FDNY) which is supposed to be paid for by tax revenue. We question the precedent that this legislation will set; allowing fees to be imposed for services already performed by the City that were previously paid for through tax revenue. If this legislation is passed, what is the next step? A fee for individuals who call 911? A fee for FDNY responding to a fire? A fee for garbage collection? This is clearly not a safety issue, but a budget issue, and it appears that the City would like to further burden an industry that already provides 40% of its income to the City in one form or another.

That this legislation was even proposed illustrates a very serious problem: costs of operating and maintaining affordable housing continue to rise while income generated from these buildings does not keep up with the rising expenses. 15% of rent-stabilized properties are already distressed (expenses are greater than income) while another 31% are just breaking even. Together, 46% of rent-stabilized properties are either distressed or in danger of becoming so.

We strongly urge this Committee to consider the impact on affordable housing, particularly rent-stabilized and rent-controlled properties, that this legislation will have.



**Statement on Int. No. 940
October 25, 2012**

The Building Owners and Managers Association of Greater New York, Inc. (BOMA/NY) represents more than 750 owners, property managers and building professionals who either own or manage 400 million square feet of commercial space. We're responsible for the safety of over 3 million tenants, generate more than \$1.5 billion in tax revenue and oversee annual budgets of more than \$4 billion.

BOMA/NY has consistently supported policies that enhance commercial building tenant safety. Our members have worked with the Fire Department to develop effective inspection protocols that have made our city the leader in commercial building fire safety.

The FDNY conducts six separate inspections on an annual basis to all commercial office buildings. The comprehensive inspections cover all aspects of commercial building fire safety operations and systems. Our members are charged fees up to \$650 for each inspection. If a Notice of Violation is issued, a fine is levied, repairs must be made and the FDNY must re-inspect to make sure that the building is in compliance. The FDNY charges the building a fee to conduct the re-inspection.

The proposed Bill would give the FDNY the authority to conduct a new inspection that is already covered by the current inspection schedule. The fee for this inspection is \$500. This proposed bill is purely revenue driven and will lead to higher building operating costs which would be passed along to tenants in the form of higher rents. As we move towards economic recovery, we ask that the New York City Council reject this costly and unnecessary piece of legislation.

BOMA/NY looks forward to continuing to work with the FDNY, the City Council and other stakeholders to improve commercial building fire safety using the current inspection protocols.

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 940 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: FRANK Ricci

Address: _____

I represent: RSA

Address: 123 William St, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 940 Res. No. _____

in favor in opposition (partial)

Date: 10-18-12

(PLEASE PRINT)

Name: ROSEMARIA GINNY

Address: _____

I represent: CCRC

Address: 1011 FIRST AVE.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 940 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MaryAnn Rothman

Address: 110 Riverside Dr NYC 10024

I represent: Council of NY Cooperatives & Condominiums

Address: 250 W 57 St # 730 NYC 10107

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Steve Rush

Address: Assistant Commissioner

I represent: Budget

Address: FDNY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: William Bazel

Address: Chief of Department Counsel

I represent: FDNY

Address: FDNY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Thomas Jensen

Address: Chief of Fire Prevention

I represent: FDNY

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: James Esposito

Address: Chief of Operations

I represent: _____

Address: FDNY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 10/18/2012

(PLEASE PRINT)

Name: DAVID POLLACK

Address: 225 W 304th St

I represent: JCR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 970 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Angela Pinsky

Address: _____

I represent: Real Estate Board of NY

Address: 570 Lexington

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

Same
panel
as
David Pollack

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Sandy Myers + Shana Mosher

Address: 130 E. 59th St

I represent: UJA-Federation of NY Human Services Council

Address: 130 E 59th St.

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

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 946 Res. No. _____
 in favor in opposition

Date: 10-18-12

(PLEASE PRINT)

Name: Robert S Altman

Address: 27 Whitehall St, 4th Fl, N.Y. NY 10004

I represent: Queens + Bronx Building Assn, Building Industry Assn. of NYC

Address: _____

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