

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

----- X

September 20, 2017

Start: 1:51 p.m.

Recess: 2:30 p.m.

HELD AT: 250 Broadway - Committee Rm.
16th Fl.

B E F O R E: JAMONTE WILLIAMS
Chairperson

COUNCIL MEMBERS:

- Council Member Rosenthal
- Council Member Torres
- Council Member Cornegy
- Council Member Ulrich
- Council Member Salomonca [phonetic]
- Council Member Cordenchik [phonetic]
- Council Member Levin
- Council Member Menchaca

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

2 CHAIRPERSON WILLIAMS: Good afternoon
3 everyone. My name is Jamonte [phonetic] Williams. I
4 chair the Committee on Housing and Buildings. I'm
5 joined today by Council members Rosenthal, Torres,
6 Cornegy, Ulrich, Salomonca and Cordenchik. The first
7 Bill proposed Intro number 934A sponsored by Council
8 member Levin is part of the Stand for Tenant's Safety
9 Package of legislation which this Council passed over
10 the summer and would create a real time enforcement
11 unit in the Department of Buildings to monitor work
12 in occupied multiple dwellings. The next Bill is
13 Intro number 1359A sponsored by Council member Levin
14 and proposed Intro number 1366A sponsored by myself
15 will require the Department of Housing, Preservation
16 and Development to audit buildings receiving 421A
17 benefits for compliance with all applicable
18 affordability and rent registration requirements.
19 Everybody who has been following the 421A and the new
20 debacle that the Governor pushed forward knows how
21 important it is that we make sure that those who are
22 getting that money are at least complying with the
23 minimal amount of affordability that they are
24 required. The last Bill before you today, proposal
25 Intro number 1447 is sponsored by myself and Council

2 member Menchaca. We heard this Bill back in January
3 and since then we have solicited feedback from
4 numerous stakeholders and I have amended the Bill
5 three times in response to the feedback we have
6 received proposed Intro number 1447C would establish
7 the site safety training requirements for workers at
8 certain construction sites. Such workers would be
9 required to receive between 40 and 55 hours of
10 training, the content of which will be determined by
11 DOB, the content of which for the last 10 to 25 will
12 be determined by DOB. The Bill would also create a
13 task force which will include representatives of the
14 construction industry, minority and women owned
15 businesses and day laborers who will make
16 recommendations regarding the content of the
17 training, the training requirements will be phased in
18 over time but the full training will be required at
19 the latest by September 1, 2020. Additionally, this
20 Bill would among other things create a program to
21 provide trained individuals who do not have equal
22 access to create civil penalties for violations of
23 the training requirements and require DOB to report
24 such violations but I do want to make some additional
25 comments because I know there is a lot of

2 consternation and angst about this particular Bill.

3 I know there's been some confusion. I will say that

4 we are not going to be taking public testimony before

5 we do the vote so I want to explain more fully what

6 is in the Bill so my commitment when we pass the Bill

7 was that this would create a minimum number of hours

8 that most people felt was needed and I will make sure

9 that this is not a Bill that creates any part of the

10 industry to be union only and that there will be a

11 pathway for union and non-union folks. I think we

12 have, I know we have achieved those goals that I set

13 forward. Not in any generic way, in a very, very

14 real way. We listened to all of the feedback that

15 we've gotten from all of the stakeholders and all of

16 the voices and this Bill is very much different than

17 the original Bill. I said at the beginning the

18 original Bill and even the B would not be passed

19 without further changes so this is some of the areas

20 that we worked on and I want to make sure this is the

21 ones I'm hearing the most so in terms of access to

22 put input in, everybody had access. Some people used

23 the access more. Some people used it less but there

24 were no meetings that people didn't know about. We

25 met and spoke to people individually, people who gave

2 us feedback. We took that feedback from all
3 stakeholders. Just want to go over the timeframe a
4 little bit. We, in this version, go all the way out
5 to September 2020. The first roughly six months till
6 March, all anyone needs is OSHA 10. Everyone agrees
7 that OSHA 10 is important and we agree that a good
8 framework is OSHA because everybody understands it,
9 everybody has the ability to get it so by March of
10 next year, everyone has to have OSHA 10. By the
11 following six months, whatever that date is,
12 everybody has to have OSHA 10 plus twenty hours.
13 That twenty hours can be achieved by having OSHA 30
14 training. This is important because OSHA is the
15 standard that everybody says they understand and
16 realize why we need it so all everyone has to have is
17 OSHA 30. It is important to recognize that we were
18 dealing with people who had issues of MWBE, dealing
19 in particular local hiring. We want to make sure you
20 address that so at any point in time after this Bill
21 is passed, all anyone has to have is OSHA 10 to get
22 on a jobsite. They can work. Then they have six
23 months to complete all of the rest of the training.
24 That is important and the last third, oh by the way.
25 We wanted to make sure that capacity wasn't an issue

2 so if for that second time period, DOB does an
3 assessment and there's an official assessment that
4 says there's not capacity, they could extend that
5 time period another six months which can be another
6 year. The third one is going to be decided by the
7 task force and they're going to decide between 10 and
8 25 hours additional. We are not the experts so we
9 took what everybody said about OSHA. We concretized
10 that and we decided to put the experts to work to
11 decide on what the next 10 to 25 should be. That
12 task will be made up of all the voices that we heard
13 from, day laborers, unaffiliated workers, union, non-
14 union, MWBE, all of those voices will be on that task
15 force to make those decisions and that third timeline
16 we've allowed DOB again to say if there's not
17 capacity to achieve that third timeline, we can
18 extend it again it's either another six to nine
19 months which gets us to 2020. Also for capacity, we
20 are creating, we are saying OSHA 10, OSHA 30, OSHA
21 10, OSHA equivalent. The equivalent is important
22 because we know that OSHA only allows 40 people in
23 the classroom. DOB is gonna be allowing for OSHA
24 equivalent which for intents and purposes will be the
25 same except we'll allow more than 40 people in a

2 classroom and anybody who is giving OSHA training now
3 will have the ability to give the OSHA equivalent
4 classes so there is no more loopholes, showing no
5 more hurdles that people have to go through. We have
6 tried very hard to address everything that everyone
7 spoke about. I think that we really have. There
8 also will be a mandated separate training facility,
9 sorry, not facility, separate training that will be
10 created by the City that has to be created by March
11 18th to help provide trainings for people at free or
12 low cost. The last piece of the capacity for me had
13 to do with funding and I had said and made clear that
14 even if this Bill is A, I would pull the Bill, not
15 vote on the Bill if there wasn't a very real
16 commitment to make sure this is not [INAUDIBLE]
17 mandate so I'm happy now that very shortly we will be
18 announcing a commitment of \$5 million to be given to,
19 some to the City, but a large portion to community
20 groups who calmly right now provide the type of
21 trainings that we're talking about to the people we
22 are most worried about for free and low cost. That
23 \$5 million will be between the Council and the Mayor
24 to make sure it gets not just to big organizations
25 like Shume[phonetic] but to local groups who are

2 providing the service right now. It will be also,
3 that should be done within the next few months.
4 That's what's called the November Plan. In January
5 we are expecting \$3 to \$6 million to be given to DOB
6 as a beginning so they have the capacity that's
7 needed to do this. We have made significant
8 adjustments based on all the things that we heard
9 from MWBE to day laborers, to non-unions to unions.
10 I read editorials in *The Daily News* and *The Post*.
11 I'm not surprised that they misrepresent the Bill.
12 *The Post* is unique in how they lie about Bills.
13 Usually I try to see where they are and I go the
14 opposite way so if *The Post* is saying I'm doing
15 something bad, I'm probably doing something good but
16 both *The Daily News* and *The Post* have opposed bills
17 I've had before particularly the Community Safety
18 Act. One of them, thankfully, years later said they
19 were wrong. I suggest that they get another we were
20 wrong letter or editorial to put out because they're
21 wrong on this as well. I do want to thank my co-
22 sponsor, Council member Carlos Menchaca, also
23 [INAUDIBLE] president, Gale Brewer and I want to
24 include staff who helped assemble this including Mike
25 Toomey, my [INAUDIBLE] of state director, Megan Chen,

2 Gimo Potino [phonetic], Counsel to the Committee
3 Hosea Conde, policy analyst Sarah Gaslim[phonetic],
4 the Committee of Finance analyst. I want to give a
5 special shout to Megan Chen who took the brunt of
6 many people's choice words and when trying to
7 communicate what they thought. I want to also thank
8 Jeff Baker and Laura Popper[phonetic] and a big shout
9 out to Ed Atkin[phonetic] who really helped drive
10 this thing home. I'm gonna remain after because I
11 know that some people still have questions. I want
12 to make sure to answer those questions. I said this
13 to my colleagues at DIM[phonetic] conference but if
14 there's an issue that's brought up that's somehow we
15 hadn't thought about or isn't otherwise a big issue
16 that we missed, I'm not adverse, and I spoke to
17 Council member Menchaca to pulling this Bill but we
18 not gonna just keep going on and on for no reason.
19 We want every issue that was brought to me, I made
20 sure was addressed in a very real way. If there are
21 other issues I sincerely want to hear them but they
22 have to be real. I know a lot of people are worried
23 and concerned as people usually are with this Bill
24 and I want to validate that and I want to make it
25 real but you have to be able to point out in the Bill

2 where the problem is so that I can address it. The
3 only other thing that will make me pull this Bill is
4 if this funding is not official on paper and
5 committed. With that I want to say thank you and I
6 want to ask the clerk to please call the roll.

7 WHIT MARTIN, COMMITTEE CLERK: Rollcall
8 vote, Committee of Housing and Buildings. All items
9 are coupled. Chair Williams?

10 CHAIR WILLIAMS: I vote aye.

11 WHIT MARTIN, COMMITTEE CLERK: Cornegy?

12 CORNEGY: Permission to explain my
13 vote?

14 CHAIR WILLIAMS: Sure.

15 CORNEGY: So, I have a prepared
16 statement and just some stuff that I'd like to say
17 from my heart but the prepared statement is I've
18 witnessed the disproportionate impact of well-
19 intentioned Bills on communities of color. I think
20 more dialogue and a much deeper dive is required
21 before implementation of the legislation. The
22 importance of safety on construction sites is of
23 paramount importance to me in particular as I'm
24 acutely aware that a number of these deaths were
25 minority workers. However, I believe that we can

2 walk and chew gum at the same time so we should do
3 that. I'd like for us to take a, to take more time
4 to clarify how many minority workers this critical
5 construction, these critical construction jobs and
6 receive this important training so that they can move
7 into the middle of the class. I applaud the goal of
8 improving worker safety but I believe that the rapid
9 pace of advancing it may provide unintended
10 consequences, especially for MWBE businesses. The
11 new training requirements may hurt new MWBE
12 businesses that are already facing significant
13 barriers of entry into the construction industry.
14 This is why I have reservations for the Bill. I'd
15 like to see again more dialogue and more input from
16 MWBE community and on that I vote Aye.

17 WHIT MARTIN, COMMITTEE CLERK: Espinal?

18 COUNCIL MEMBER ESPINAL: I vote Aye.

19 WHIT MARTIN, COMMITTEE CLERK: Levine?

20 COUNCIL MEMBER LEVINE: I vote Aye.

21 WHIT MARTIN, COMMITTEE CLERK: Rosenthal?

22 COUNCIL MEMBER ROSENTHAL: Aye.

23 WHIT MARTIN, COMMITTEE CLERK: Torres?

24 COUNCIL MEMBER TORRES: I vote Aye.

2 WHIT MARTIN, COMMITTEE CLERK:

3 Cordenchik? [phonetic]

4 COUNCIL MEMBER CORDENCHIK: Aye.

5 WHIT MARTIN, COMMITTEE CLERK: Salomonca?

6 COUNCIL MEMBER SALOMONCA: I vote Aye.

7 WHIT MARTIN, COMMITTEE CLERK: Ulrich?

8 COUNCIL MEMBER ULRICH: I vote Aye.

9 WHIT MARTIN, COMMITTEE CLERK: By a vote
10 of nine in the affirmative, zero in the negative and
11 no abstentions, all items been adopted by the
12 Committee.

13 CHAIRPERSON WILLIAMS: So I just want to
14 thank my colleagues and I, I, unfortunately I'm sorry
15 I did this. I want to make sure we lift up all of
16 the construction workers who lost their life in this
17 City on construction sites and if we can just have a
18 moment please.

19 [CROSSTALK]: Keep it down, please. Keep
20 it down. Keep it down. He isn't done yet. Keep it
21 down.

22 CHAIRPERSON WILLIAMS: I want to make sure
23 we lift up all of the construction workers both union
24 and non-union who lost their lives in this City and
25 it's important that we keep them lifted because this

2 was the impetus of the Bill and since we started
3 hearing this Bill and I believe it was upwards of 40
4 people who have died. I don't believe that there are
5 any other industries that that would have happened
6 and we would have taken so long to get something like
7 this done. I understand the difficulties of it but
8 that really was the impetus and there was a lot of
9 people who did not want to address this, who ran the
10 other way. I'm proud that this Council did their
11 best not to do that. As someone mentioned, we were
12 juggling fire and knives at the same time but for me
13 it was extremely important because people should not
14 just be dying while political machinations are going
15 on so I just want to say thank you again. I am going
16 to remain for anybody that has additional questions
17 about the Bill, I'm happy to answer them and again,
18 (we can), and again if there is something that we
19 have not thought about, I am not averse to pulling
20 the Bill but it has to be real because we really took
21 painstaking efforts to address all of the concerns
22 that we had. I'm gonna leave the roll open for 3:30
23 for any additional votes. Thank you.

24

25

2 WHIT MARTIN, COMMITTEE CLERK:

3 Continuation rollcall of the Committee on Housing and
4 Buildings. Council member Rodriguez?

5 COUNCIL MEMBER RODRIGUEZ: Aye.

6 WHIT MARTIN, COMMITTEE CLERK: Final
7 vote, Committee on Housing and Buildings all items
8 have been adopted on today's agenda by a vote of ten
9 in the affirmative, zero in the negative and no
10 abstentions. Thank you.

11 CHAIRPERSON WILLIAMS: With that this
12 hearing is now closed.

13 [Gavel]

14

15

16

17

18

19

20

21

22

23

24

25

1 COMMITTEE ON HOUSING AND BUILDINGS

16

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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



Date September 25, 2017