

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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November 28, 2011
Start: 12:10 p.m.
Recess: 12:40 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIC MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Gale Brewer
Leroy G. Comrie, Jr.
Elizabeth Crowley
Lewis A. Fidler
James F. Gennaro
Robert Jackson
Letitia James
Brad S. Lander
Melissa Mark-Viverito
Rosie Mendez
Joel Rivera
Jumaane D. Williams
Eric A. Ulrich

A P P E A R A N C E S

COUNCIL MEMBERS:

James S. Oddo

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2 CHAIRPERSON DILAN: Alright, if the
3 chambers could come to order, we're about to
4 begin.

5 [gavel]

6 CHAIRPERSON DILAN: Okay. Good
7 afternoon. My name is Erik Martin Dilan, and I'm
8 the chairperson of the City Council's Committee on
9 Housing and Buildings. Today the Committee will
10 conduct a second hearing for the purposes of a
11 vote on the matter on Introduction 666-A, which is
12 a local law to amend the Administrative Code of
13 the City of New York in relation to penalties for
14 violation of heat and hot water requirements of
15 the city's Housing and Maintenance Code. The
16 Committee conducted its first hearing on this bill
17 on October 3rd, 2011 at which time the Committee
18 heard testimony from representatives of HPD,
19 tenant advocates, representatives from the real
20 estate industry, as well as other persons
21 interested in the measure. The principal goal of
22 the legislation before us today is to allow HPD to
23 better focus its resources during the heat season
24 so that the Department may target those owners who
25 are the worst offenders. Intro 666 would make

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2 civil penalties for the first violations of
3 failure to provide 3 principal things: the minimum
4 indoor temperature during the heat season, hot
5 water for tenants or in buildings without a
6 central heat system, the failure to meet standards
7 established for the use of gas fueled, electric or
8 water heaters. These have to be satisfied upon
9 payment of \$250 to HPD along side with a notice of
10 correction. If the notice of correction and
11 payment is not received within ten days, then
12 these penalties will be applicable to the
13 violations and HPD may begin a proceeding in
14 housing court in order to correct and recover
15 penalties. However the opportunity to submit a
16 notice of correction and a \$250 payment would not
17 be available if any of these violations just
18 mentioned occurred at the same property during the
19 prior year or heat season or cases of failing to
20 provide minimum indoor temperatures that
21 reoccurred in a heat season of the previous year.
22 If a third violation occurs in the same calendar
23 or heat season, then the property owner would be
24 subject to a fee of \$200 for each inspection
25 resulting in the issuance of a violation as well

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2 as any civil penalties related to the violation;
3 however, the fee would not be applicable to
4 inspections performed in multiple dwellings
5 included in the alternative enforcement program.
6 All fees that remain unpaid would constitute a
7 debt recoverable from the owner in a lien upon the
8 premises and upon the rents and other income of
9 the property.

10 The bill has since been amended on
11 October 3rd, and they are as follows: the
12 provision of the Administrative Code relating to
13 access of the central heating plant was removed
14 from coverage of the bill, so as to focus the bill
15 on provisions of the code that relate directly to
16 the provision of heat and hot water, the bill now
17 provides for imposition of a civil penalty of not
18 less than \$250 on an owner who files a false
19 notice of correction in addition to the civil
20 penalties which may be imposed for a failure to
21 correct the underlying violation, and the third is
22 within five business days of receipt of the notice
23 of correction, HPD must notify the tenant by mail
24 for whose dwelling unit the violation was written
25 that the owner has filed a notice of correction

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2 for The date the owner purportedly corrected the
3 condition and information regarding how the tenant
4 can officially object to the existence of such
5 correction must be included in the notice. A
6 discussion of other amendments can be seen in the
7 Committee Report, which is prepared for today's
8 hearings and I would like to ask my colleagues to
9 vote in favor of the legislation and ask the clerk
10 to please call the roll.

11 COMMITTEE CLERK: William Martin,
12 Committee Clerk. Roll call vote in the Committee
13 on Housing and Buildings, Introduction 666-A.
14 Council Member Dilan?

15 CHAIRPERSON DILAN: I vote aye.

16 COMMITTEE CLERK: Brewer?

17 COUNCIL MEMBER BREWER: I vote aye
18 and I appreciate at the Democratic Caucus today
19 the explanation in depth of this legislation.
20 Thank you.

21 COMMITTEE CLERK: Rivera?

22 COUNCIL MEMBER RIVERA: I vote aye.

23 COMMITTEE CLERK: Comrie?

24 COUNCIL MEMBER COMRIE: I vote aye.

25 COMMITTEE CLERK: Fidler?

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COUNCIL MEMBER FIDLER: Aye.

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COMMITTEE CLERK: Gennaro?

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COUNCIL MEMBER GENNARO: [no

5

audible response]

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COMMITTEE CLERK: Jackson?

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COUNCIL MEMBER JACKSON: Aye.

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COMMITTEE CLERK: James?

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COUNCIL MEMBER JAMES: Aye.

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COMMITTEE CLERK: Mendez?

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COUNCIL MEMBER MENDEZ: Aye.

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COMMITTEE CLERK: Lander?

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COUNCIL MEMBER LANDER: Aye.

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COMMITTEE CLERK: Oddo?

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COUNCIL MEMBER ODDO: Mr. Chairman,

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you know how they build buildings in New York

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across the world, they skip the 13th floor. Can

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you just change the Council rules, so that no

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intro in the future comes out as 666 be it an

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amended version or not? I think this institution

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doesn't need any more bad luck. Thank you. I

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vote yes.

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CHAIRPERSON DILAN: You might have

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to take that up with your companion in running

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this institution, the Speaker of this house 'cause

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2 she has the authority to do that. I don't think I
3 do. [laughter] But I would support your position.

4 [background conversation]

5 COMMITTEE CLERK: By vote of ten in
6 the affirmative, zero in the negative, no
7 abstentions, item is adopted. Members, please
8 sign the Committee Report.

9 [long pause]

10 COMMITTEE CLERK: Council Member
11 Gennaro?

12 COUNCIL MEMBER GENNARO: Yes.

13 COMMITTEE CLERK: The vote now
14 stands at 11 in the affirmative.

15 CHAIRPERSON DILAN: We'll leave the
16 hearing open for a half an hour or as long as the
17 rules permit or as long as practical at that which
18 time the hearing will be closed.

19 [gavel]

20 COMMITTEE CLERK: Council Member
21 Crowley?

22 COUNCIL MEMBER CROWLEY: I vote
23 aye.

24 COMMITTEE CLERK: The vote now
25 currently stands at 12 in the affirmative.

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[pause]

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COMMITTEE CLERK: Council Member

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Ulrich?

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COUNCIL MEMBER ULRICH: I vote aye.

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COMMITTEE CLERK: Final vote in the

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Committee on Housing and Buildings is now 13 in

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the affirmative, zero in the negative and no

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abstentions.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Kimberley Uhlig

Date 12/13/11