

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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June 14, 2021
Start: 10:14 a.m.
Recess: 1:23 p.m.

HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Robert Cornegy
CHAIRPERSON

COUNCIL MEMBERS:
Fernando Cabrera
Margaret Chin
Mark Gjonaj
Barry Grodenchik
Farah Louis
Bill Perkins
Carlina Rivera
Helen Rosenthal

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

Melanie LaRocca, Commissioner
Department of Buildings

Joseph Aykroyd, Assistant Commissioner
Department of Buildings

Laurie Gold, New York City Resident

Jayson Greene, New York City Resident

Norman Weiss, Professor
Columbia University

Delores Spivak, New York City Resident

Steven Varone, President
Rand Engineering and Architecture

John Kalafatis, Owner
Skyline Restoration

Steven Gold, New York City Resident

Benjamin Maltz, New York City Resident

Ed Bosco
American Council of Engineering Companies New
York

Amit Shah, Resident
Bedford Place Condominiums

Bill Egan
Bill Egan Group

Jack Brown, New York City Resident

Tony Daniels, New York City Resident

April McIver, Executive Director
Plumbing Foundation

Catherine Leitch, Senior Policy Analyst
Citizen's Housing and Planning Council

Janice Lintz, CEO
Hearing, Access, Innovations

Ramon Gilsanz, Founding member
Gilsanz, Murray, Staficek

Kevin Lindahl
Bloomfield Tenants Organization

Mark Weissbach, CEO
Vidaris

Arthur Klock, Director of Trade Education
Plumbing Local Union One

Shamim Rashid Sumar, Vice President of Fire
Codes and Standards
National Ready Mix Concrete Association

John Buckheit, Assistant Chief of Fire
Prevention
Fire Department of New York

George Bassolino
Master Plumber's Council

Arthur Goldstein
Master Plumber's Council

Max Wolf, Professional Engineer
Skidmore, Owings, Merrill New York

Dorothy Mazzarella, Vice President of
Governmental Relations
International Code Council

Eduardo Lievano, New York City Resident

George Farinacci, Vice President
Fire Officers Union

Alexander Grau, Control Engineer
CNH Insurance

Chris Halfnight, Associate Director of Policy
Urban Green Council

Lyric Thompson, New York City Resident

Chris Thompson, Global Product Development
Manager
Tenmat, Inc.

Jeffrey Blain
Frederick Williams Consulting Group

Aaron Gunzner, Advocacy Manager
Air Movement and Control Association
International

David Johnston, Executive Director
EIFS Industry Member Association

Cory George
Energex Wall Systems

Matthew Hunter, Northeast Regional Manager
American Wood Council

Chris Benedict, New York City Resident

Theresa Weston
Air Barrier Association of America

Douglas Stive, Vice Chair
CR&M Committee

Stephen Gaynor, Owner
Pivoth Corp.

2 SERGEANT-AT-ARMS: Beginning the
3 livestream. I'll let you know when it's on.

4 SERGEANT-AT-ARMS: Okay. We are rolling.
5 Sergeant-at-arms, at this time, if you could please
6 start your recordings.

7 SERGEANT-AT-ARMS: PC recording started.

8 SERGEANT-AT-ARMS: Recording to the cloud
9 all set.

10 SERGEANT-AT-ARMS: Backup is rolling.

11 SERGEANT-AT-ARMS: Thank you. And Sergeant
12 Sadowski, with your opening statement, please.

13 SERGEANT-AT-ARMS: Yes. Good morning and
14 welcome to today's remote New York City Council
15 hearing of the Committee on Housing in Buildings. At
16 this time, would all Council members and Council
17 staff please turn on their video? To minimize
18 disruption, please place electronic devices on
19 vibrate or silent mode. If you wish to submit
20 testimony, you may do so at
21 testimony@Council.NYC.gov. Once again, that is
22 testimony@Council.NYC.gov. Thank you, Chair Cornegy.
23 We ready to begin.

24 CHAIRPERSON CORNEGY: Good morning,
25 everyone. I am Council member Robert Cornegy, Chair

of the Councils Committee on Housing in Buildings.

Local law 33 of 2007 mandates that the New York City-

- that New York City construction codes be

periodically updated to align with the international

codes or I codes to ensure that these codes remain up

to date with the latest technologies and standards.

The I codes are developed by the International Code

Council to help encourage the engineering of safe,

sustainable, affordable, and resilient structures.

During this lengthy and comprehensive update process,

the Department of Buildings with assistance from

stakeholders from design, construction, and real

estate industries, together with utilities and

government agencies, among others, revised the

previous version of the construction codes to comply

with the 2015 I codes, but with certain New York City

specific changes. The revised codes that undergo a

legal review and translation into local law format

before finally being introduced and heard by the

committee. The Council has already heard and passed

to updated codes in September 2019. The New York

City Council heard the New York City plumbing code

and passed it in December of that year. In January

2020, the Council heard the New York City Energy

2 Conservation Code and passed it in February of that
3 year. Intro number 2261, which we will be hearing
4 today, consists of the New York City Building Code,
5 the New York City Mechanical Code, and the New York
6 City Fuel Gas Code. This bill also includes
7 amendments to the previously past plumbing code in
8 amendments to the general administrative provisions
9 in the New York City Administrative code as they
10 relate to these codes. This bill completes most
11 recent code revision cycle. Intro number 2261
12 contains many updates that will help make buildings
13 safer for all New Yorkers. These include updates
14 that will help enhance emergency response by, for
15 example, expanding the universe of high-rise
16 residential buildings that require emergency voice
17 communication systems, that will enhance elevator
18 safety by shortening the elevator inspection
19 timeline, and that will enhance construction site
20 safety by allowing construction sites to do away with
21 solid fences and, instead, use netting, low barriers,
22 and chain-link. Finally, this bill contains updates
23 that enhance sustainability and resiliency by, for
24 example, expanding the use of sustainable building
25 materials and supporting the use of alternative

energy production processes. I look forward to hearing testimony related to this bill from the Department of Buildings, but the real estate and construction industry, any interested members of the public. We will be hearing from advocates and professionals on Intro number 2261. I especially express my appreciation to Lori Gold and Steve Gold whose family owners the loss of Grace Gold and express my appreciation to Jason Green whose family owners the loss of Greta. May your memories of Grace and Greta be a blessing. The building code revision and we here today intersects with local law 11 and the broader steps we must continually take to ensure the safety and well-being of our shared communities. Thanks to all those participating today, Pres. and former city officials and experts, family honoring loved ones, scholars, professionals, industry experts. Thanks to everyone doing the work to uplift that invaluable goal of well-being in our shared communities. Before we move on, I would like to thank my colleagues from the Committee on Housing and Buildings who have joined us here today. Could you please read the names of those individuals from the

2 city Council who are here today in the Housing and
3 Buildings Committee.

4 COMMITTEE COUNSEL: Sure, Council
5 member. We have Council member Chin, Council member
6 Gjonaj, Council member Grodenchik, Council member
7 Louis, Council member Perkins, Council member Rivera,
8 and Council member Rosenthal.

9 CHAIRPERSON CORNEGY: I want to thank all
10 my colleagues for being here and being on time for
11 this very important hearing. I am now going to turn
12 it over to our committee counsel to go over some
13 procedural items. Thank you.

14 COMMITTEE COUNSEL: Sure, Council
15 member. I am Genan Zilkha. I am counsel to the City
16 Councils Committee on Housecleaning Buildings.
17 Before we begin, I want to remind everyone that you
18 will be on mute until you are called to testify, at
19 which point, you will be on muted. During the
20 hearing, if Council members would like to ask a
21 question, please use the zoom raise hand function and
22 I will call on you in order. We will be limiting
23 Council member questions to three minutes, including
24 responses. We will first be hearing testimony from
25 the administration, which will be followed by Council

2 member questions. This will be followed by testimony
3 from members of the public. To date, Department of
4 Buildings Commissioner Melanie LaRocca will be
5 testifying. Joseph Aykroyd, Assistant Commissioner
6 for Technical Affairs and codevelopment will be
7 available for Q&A. I will now administer the oath.
8 After administering the oath, I will call on you to
9 affirm for the record. Commissioner and Assistant
10 Commissioner, please raise your right hand. Do you
11 affirm to tell the truth, the whole truth, and
12 nothing but the truth before this committee and to
13 respond honestly to Council member questions?

14 COMMISSIONER LAROCCA: Yes.

15 COMMITTEE COUNSEL: Commissioner
16 LaRocca? Just say yes for the record.

17 COMMISSIONER LAROCCA: Yes.

18 COMMITTEE COUNSEL: And Assistant
19 Commissioner Aykroyd?

20 ASSISTANT COMMISSIONER AYKROYD: Yes.

21 COMMITTEE COUNSEL: Okay. Thank you
22 very, very much. Commissioner, you may begin when
23 ready.

24 COMMISSIONER LAROCCA: Good morning, Chair
25 Cornegy and members of the Committee on Housing in

2 Buildings. And Melanie LaRocca, Commissioner of the
3 New York City Department of Buildings. I am joined
4 today by Joseph Aykroyd, Assistant Commissioner for
5 Technical Affairs and code development. We are
6 pleased to be here to offer testimony in support of
7 Intro 2261, which is the first comprehensive update
8 of the New York City construction code since 2014.
9 Before I discuss our construction code revision
10 effort, I would like to thank the city Council and
11 this committee in particular for its ongoing
12 partnership with the department. Our work together
13 ensures that this city, with its over 1 million
14 buildings and tens of thousands of active
15 construction sites not only has the safest built
16 environment, but that we continue to evolve and grow
17 New York City's leadership in the field of design and
18 development. It is through this vital partnership
19 that we keep those who live, build, and visit New
20 York City safe. Together, this session we have
21 updated the plumbing code and updated the energy code
22 which resulted in the most stringent energy code in
23 the city's history. We have also worked together on
24 important issues, including to reduce greenhouse gas
25 emissions from large buildings through the his store

2 it Climate Mobilization Act. To improve safety for
3 tenants in their homes, to keep our construction
4 workers safe on the job, and to improve the
5 regulatory environment for small businesses. The
6 construction codes are the backbone of New York
7 City's built environment. They, coupled with New
8 York City's zoning resolution, which we are
9 responsible for interpreting and enforcing,
10 physically make New York City the place it is today.
11 The construction codes have existed in some forms
12 since as early as the 17th century. Since that time,
13 are codes to ensure that they are up to date and that
14 they reflect advancements in technology, as well as
15 the latest standards of life safety. Today, that the
16 committee has before it 2261 which updates the
17 construction codes, including the administrative
18 provisions of the construction code, the mechanical
19 codes, the fuel gas code, and the building code. The
20 department has began this construction code revision
21 cycle in 2015. Our code revision process represents
22 a true collaboration between our code development
23 team and committee members. This public-private
24 partnership involves over 650 industry professionals
25 and stakeholders who volunteer their time and sit on

2 14 different committees, including a managing
3 Committee and technical and advisory committees which
4 are organized by discipline. The managing committee
5 is responsible for reviewing and accepting technical
6 committee and advisory committee proposals regarding
7 the technical and administrative provisions of the
8 construction codes. Technical committee members are
9 subject matter experts in their respective committee.
10 Advisory committees are formed to consider issues
11 that overlap the jurisdiction of technical committees
12 or require a deeper level of analysis. This code
13 revision effort resulted in over 40,000 hours of
14 service by our committee members. Committee members
15 included architects, engineers, attorneys, as well as
16 representatives of construction labor, real estate,
17 other city agencies, and stakeholder organizations.
18 I thanked the volunteers who contributed their
19 expertise and countless hours of service to produce
20 the bills before you today. In addition to our
21 volunteers, I also want to mention colleagues of the
22 department who worked over the course of years to
23 produce this bill before you. They include Helen
24 Marinette, Danielle Nigel, Vlad, Ian, Maria, Dawn,
25 Luke, Geovana, Charles, Philip, Doricia, and Deborah.

2 Them, with Joe, have spent a lot of time on this
3 bill, so I'm really thankful to my colleagues. The
4 proposed revision addition of the international codes
5 which are developed by International Code Council.
6 The international Code Counsel is in association with
7 over 64,000 members which is dedicated to developing
8 model codes in all 50 states, as well as four US
9 territories and the District of Columbia rely on the
10 International Code Council model codes to form the
11 basis of their construction codes. While the
12 proposed revision to the construction codes use that
13 I codes as a base, they also modify or add new
14 language to the construction codes tailored to the
15 unique needs and characteristics of the cities built
16 environment. This bill makes approximately 7400
17 provisions to the construction codes, of which
18 approximately 6800 are minor in nature which could
19 include collecting cross-references, relocating
20 requirements, or clarifications for ease-of-use. The
21 remaining 600 changes represent New York standard
22 requirements. It should be noted that approximately
23 45 percent of the revisions came directly from the
24 International Code Council model codes. The
25 remaining changes came from the managing, technical,

2 and advisory committees. Where the committees did
3 not come to consensus on an item, which only happened
4 three times during the course of this cycle, the
5 department conducted a mediation with relevant
6 stakeholders and issued the final determination.

7 Highlights of the revisions made to the construction
8 code by this bill include increasing the number with
9 the minimum required dimensions of the elevator
10 emergency hatch, permits the use of batteries as the
11 required secondary power source for the fire
12 department endorse of the radio communication system,
13 expands the number of high-rise residential buildings
14 that require emergency voice communication systems,
15 mandates that where ever exits discharge directly
16 outside and not through protected aerial or
17 vestibules, that fire department access be provided
18 to the exit stairway either from the protected area
19 within a minimal distance of it, establishes clear
20 compliance criteria for elevator systems to ensure
21 greater accessibility and usability for building
22 occupants with physical and intellectual or
23 developmental disabilities, requires door locking
24 monitoring on all limited use limited application
25 lifts in order to minimize the risks of people and

2 objects being caught, requires the same elevator and
3 readiness to serve all floors to reduce building
4 evacuations in a time of emergency, amends inspection
5 time frame for elevators and boilers to bring them
6 into service faster, requires new special inspection
7 of occupied residential buildings undergoing
8 construction to further improve tenant protection,
9 clarifies what construction documentation is required
10 to proceed with certificate of occupancy, reduces the
11 required basement clearance height for two family
12 homes to 7 feet from 8 feet to increase affordable
13 housing opportunities, permits the use of netting,
14 low barriers, and chain-link fencing at construction
15 sites in lieu of requiring only solid fencing that
16 creates blind tunnels for pedestrians, creates a new
17 license type for advance crane technologies such as
18 articulating boom cranes and Rototiller handlers to
19 ensure that such cranes are operated in a safe
20 manner, improves the safety and consistency of the
21 underpinning of the existing buildings, requires
22 smoke tests for special guest [inaudible 00:14:19] to
23 ensure the safety of building occupants, require all
24 plank tubings and fittings in the mechanical system
25 to comply with the applicable reference standard--

2 reference safety standard, codifies maintenance
3 condition assessment and reporting requirements for
4 parking structures, expands the accessibility of
5 flood requirements of 100 years flood hazard area to
6 all critical facilities located in the 500 year flood
7 zone, mandates annual visual inspections of drive
8 flood proofing systems and triannual full-scale
9 deployment of drive flood proofing in the presence of
10 special inspection agencies, permits and supports the
11 use of alternative energy production processes,
12 including hydrogen fuel cells, increase of the
13 material choices available to builders by expanding
14 the use of sustainable building materials such as
15 cross laminated timber and structural composite
16 lumber. With that, I think the city Council for your
17 continued support of this agency and the work we do
18 and look forward to continuing our work together to
19 improve and benefit all New Yorkers. With that, I
20 welcome any questions that you may have.

21 COMMITTEE COUNSEL: Thank you,
22 Commissioner. I will now turn it over to questions
23 from Council member Cornegy. Like I said, as a
24 reminder, if other Council members would like to ask
25 a question of the administration, please use the zoom

2 raise hand function and I will call on you in order.
3 Chair Cornegy, please begin.

4 CHAIRPERSON CORNEGY: Good morning,
5 Commissioner. How are you? Good to see you.

6 COMMISSIONER LAROCCA: Good morning.
7 Likewise.

8 CHAIRPERSON CORNEGY: So, I want to start
9 by focusing on the revision process for construction
10 codes. Please walk us through the process you use to
11 create the revision of the construction codes.

12 COMMISSIONER LAROCCA: Absolutely. So, as
13 mentioned in my testimony, the construction code
14 process that we employ is a consensus-based process.
15 As also mentioned, it is one where we dedicated to
16 our volunteers over 40,000 hours of work. To start,
17 the department prepares documents to work off of
18 including indicating all changes from the 2015 ICC
19 compared with the current code. From there, we move
20 into our committee review. Our committee process,
21 our membership process for this work is an open call
22 to all stakeholders, so we have a very inclusive
23 process where we seek input in partnership from
24 stakeholders. After document preparation, we go into
25 committee review which includes our technical

2 advisory and managing committees. Should we not be
3 able to receive consensus, as mentioned in my
4 testimony, we do have a mediation process that we
5 follow, which we did three times this go around.
6 From there, we will review documents with our legal
7 team, including the law department and then, from
8 there, to the city Council for your consent.

9 CHAIRPERSON CORNEGY: Thank you. So, if
10 I understand correctly, the committee was formed
11 based on an open call to stakeholders? How do you
12 determine-- and this is going way down the rabbit
13 hole, but how do you determine which stakeholders to
14 reach out to? Is there a list that you have compiled
15 in the past that you draw from or what is the process
16 on the stakeholders?

17 COMMISSIONER LAROCCA: Sure. So,
18 obviously, we have over 600 individuals who
19 participated in this code revision process. At the
20 start of any code revision process, we do when they
21 open call, as I mentioned, that all members. So, we
22 do that through extensive outreach through our means
23 of communication to our industry partners which are
24 received by over-- well over many thousands of
25 stakeholders, as well as organizations including

2 those that are participating now. But we also do
3 open calls on our website. We also, you know, seek
4 feedback from those who are participating currently,
5 and, broadly speaking-- obviously, this is a very
6 technical document, so we are looking for technical
7 members who have relevant experience in one of the
8 very many different parts of the code that we
9 develop.

10 CHAIRPERSON CORNEGY: So, I believe you
11 mentioned that in your testimony, but just for the
12 record, when did the process begin? And how long did
13 it take?

14 COMMISSIONER LAROCCA: That's a great
15 question. We did start this process in 2015 and,
16 again, we are a consensus driven process with over
17 600 stakeholders that have spent over 40,000 hours of
18 service in this effort. So, you know, a lot of work
19 went into producing this document before us and a lot
20 of commitment from folks who have a real vested
21 interest in making sure that the city stays at the
22 forefront of coded development.

23 CHAIRPERSON CORNEGY: So, I know the
24 overall-- the overarching goal is to create more
25 safety for residents. Is there something that was an

2 unintended result that you saw that you could cite?
3 Like, so I know the goal, obviously, with this many
4 professionals and with this many stakeholders, is to
5 create a future of New York City as far as building
6 is concerned, at least have a better safety-- we
7 have already cited some families who are here on the
8 call will be, you know, kind of the victim,
9 unfortunately, some accidents. So, safety is a
10 priority and it is a priority for this committee and
11 you, but did you find anything else in all of that
12 research and in all of that time that was unintended?

13 COMMISSIONER LAROCCA: I don't know that
14 we found something that was unintended. Obviously,
15 the individuals and the families that you mentioned
16 in your opening comments represent some of the more
17 tragic occurrences of recent time in the city. You
18 know, we have a dual purpose with our codes. The
19 codes today really represent new construction going
20 forward. We, obviously, have existing requirements
21 on existing buildings and hopefully by the end of the
22 year we will be back before this Council discussing
23 an existing building code which we have long talked
24 about in worked on. So, I don't know if we found
25 unintended instances. Joe, maybe if you have

2 examples of you want to chime in, but I think, on the
3 whole, what we are presenting with Intro 2261 is a
4 continuation of this city's legacy of having some of
5 the most forward-looking building codes for a city
6 that is unique to this world. I think you look at
7 the cities built in environment and you look at the
8 development that is occurring here and we have two
9 parallel needs for existing buildings for new
10 construction and how the two of them interface and I
11 think components of that are represented in this
12 latest provision cycle.

13 CHAIRPERSON CORNEGY: so, from my
14 perspective, make no mistake about it. I believe
15 that we have probably some of the most progressive
16 legislation in the country in New York City, which I
17 respect and appreciate. Also, we have those unique
18 challenges, like you cited, trying to, you know, have
19 one handle all an ongoing development and the safety
20 issues associated with that will also protecting and
21 preserving the city's long history of architecture.
22 So, listen, we have worked together for a long time
23 and I don't think that there is any intent on my part
24 to malign the work that you do. I know it is
25 incredibly difficult, especially trying to create a

2 safe environment in a city that is juxtaposed between
3 new and fancy development and its existing
4 architecture which is some of the best in the world.
5 So, that is not wasted on me. How often-- just some
6 more technical questions. How often do the various
7 committees meet over that period of time? Do you
8 have that?

9 COMMISSIONER LARocca: Joe, you may want
10 to chime in here, but, obviously, we have multiple
11 committees going at any given moment. But also, will
12 I say that, acknowledging that some committees don't
13 start until other committee work has progressed a
14 little forward. So, Joe, do you want to chime in
15 with roughly speaking how many times each committee
16 came together?

17 ASSISTANT COMMISSIONER AYKROYD:

18 Unfortunately, I don't have that particular
19 statistic available as far as the exact number of
20 meetings, but as Commissioner LaRocca mentioned, you
21 know, there were over 40,000 hours of volunteer work
22 put forward in this effort. So happy to compile
23 that data and share it with the Chair.

24 CHAIRPERSON CORNEGY: I appreciate that.
25 What information did the committees rely on for the

2 code revision, right? So, obviously, there's a lot
3 of stakeholders that took part in this relatively
4 long period of time. In political like, this is an
5 eternity. So, I am curious was there a focus on
6 information that you relied on from a particular
7 segment of the stakeholders that ultimately helped
8 shape the revisions?

9 COMMISSIONER LAROCCA: Well, I would say
10 this-- and Joe can definitely chime in on specifics
11 of what he heard in the course of years in each
12 individual committee, but the basis of our codes is
13 the ICC. The 2059 ICC. So, that is what we base our
14 work on. That is what Joe's team diligently goes
15 through in preparation for the start of each
16 committee-- each of the committees and their work.
17 And that really focuses our work. We use the ICC as
18 the basis. From there, we jump off-- and, as I
19 mentioned, 45 percent of the changes came from IBC.
20 So, that is our home base, if you will. And then,
21 from there, each committee is going through the
22 document and really, you know, the reflecting on the
23 years since the previous code and reflecting on where
24 we have come as the city and what we've seen in the
25 international community as it relates to building

2 code issues and then, from there, pulling it back to
3 the New York City perspective. So, the ICC model
4 upholds codes is our home base. That is always where
5 we start from and then each committee is really, you
6 know, going into the depths of their unique area and
7 seeing what change and what things we have learned
8 over the course of the last number of years with the
9 existing code and then, obviously, we are bringing in
10 that conversation, anything that we have seen from
11 the department's perspective as sort of, you know,
12 longstanding issues and things that need to be
13 tweaked after we spent, you know years working with
14 the existing code that we have.

15 CHAIRPERSON CORNEGY: Well, I did mention
16 before that, obviously, five or six years is a
17 lifetime in politics. Why is it that we base all of
18 this on a five year old version of the I Codes?

19 COMMISSIONER LAROCCA: Well, again, you
20 know, we have been at this a few times, but when we
21 talk about developing code, critically important to
22 that is the public-private partnership which takes an
23 enormous amount of time. It really is a labor of
24 love, so we believe the best way to develop codes in
25 the city is the model that we have used which, you

2 know, takes over 40,000 hours, has over 600
3 individuals who dedicate their time. I think you see
4 that in the product that we are bringing to the
5 Council that we are talking about today, a document
6 with, you know, a number of changes where we have had
7 three mediated items. So, we think there is value in
8 bringing all stakeholders in whether they are public,
9 private, other city agencies, governmental agencies,
10 you know, the wide spectrum of the construction
11 universe and the A&E side to the builder side to the
12 owners to the managers. You know, we really want a
13 big tent and we think that is the way to continue
14 making sure the city, who has a very long history and
15 a very proud history, of having a building code,
16 continues to remain at the forefront.

17 CHAIRPERSON CORNEGY: So, there is no
18 way, with all of these stakeholders, that this went
19 smoothly. So I can imagine that there were times and
20 maybe conflicts of roles on particular things. This
21 is my final two questions, actually, before I pass it
22 on to my colleagues who have been waiting patiently.
23 How did you-- What did you do when there were
24 conflicts with so many stakeholders or there was an
25 issue as it related to the code that wasn't a

2 unanimous yes? Is there a process in place that you
3 used to get to a place of safety but also people's
4 opinions and/or expertise weighing in?

5 COMMISSIONER LAROCCA: Yeah. This is
6 definitely an exercise in balance and, you know, sort
7 of seeing all sides of the universe. We are
8 consensus driven. That is the basis of how we act,
9 so, yes, that does mean we have lots of back and
10 forth and lots of pushing and pulling in the, you
11 know, figurative sense, obviously. But at the end of
12 the day, the product before you is one where we are
13 incredibly proud that we have three mediated items
14 only and so where we are not able to reach consensus,
15 we do have a formal process in order to elevate those
16 issues. Again, try to get to consensus and if that
17 is still something that we are not able to achieve,
18 position papers will be submitted and the department
19 will make the final determination on what that text
20 should be. But this is really an act of trying very
21 hard to get everybody to understand the other side
22 and a fine compromise.

23 CHAIRPERSON CORNEGY: And, lastly, in
24 this round of questions for me, can you cite any New
25 York City's specific provisions that were made on the

2 international code and they are obviously-- you
3 know, we're bragging a little bit, drive the industry
4 a lot here in New York City. Can you cite any
5 particular revisions that were specific to New York
6 City that you got out of the code?

7 COMMISSIONER LARocca: Sure. I mean, I
8 think, you know, the three items that we mediated
9 would be specific to New York code. I think, you
10 know, you look at the changes that we had in
11 [inaudible 00:30:09]-- I think, Joe, I think if you
12 want to jump in and talk about some of your favorite
13 New York City's specific ones, but, certainly, those
14 jump off the top of my head.

15 ASSISTANT COMMISSIONER AYKROYD:

16 Absolutely and thank you for the opportunity to
17 brag, Chair Cornegy. We are very excited about the
18 use of cross laminated timber. We are kind of, you
19 know-- the use of this material has specifically
20 not been allowed in New York City code revision
21 cycle, we will be allowing the use of that material
22 in a measured way that we think is safe for New York
23 City and also allows the use of modern materials and
24 construction methods and I think that that is the
25 basis of code revision is allowing new materials, new

2 methods, new cost-saving measures to make its way
3 into New York City, but also in a safe and cautious
4 manner to make sure that our buildings are safe and
5 continue to be safe. So that's one in particular
6 that I live to talk about because I do think it's a
7 great material for future use.

8 CHAIRPERSON CORNEGY: So, thank you for
9 that, I would have to ask just a little bit deeper,
10 as a self-proclaimed nerd around this kind of stuff.

11 ASSISTANT COMMISSIONER AYKROYD: Sure.

12 CHAIRPERSON CORNEGY: Is that a cost
13 saving measure? Is it an efficiency measure? Is it
14 an efficiency idea? Like what was the criteria by
15 which you determine the use of this particular
16 material other than the obvious that it's a safe
17 product that we can use. Is it a cost savings and
18 efficiency idea for the industry?

19 ASSISTANT COMMISSIONER AYKROYD: It could
20 be across savings. The manner in which it is
21 constructed is a little bit faster, potentially, and
22 so there could be savings in that regard. We do
23 think it has proven itself successfully and safely in
24 other regions of the country and it's recognized in
25 the international construction codes, so we do feel

2 that this is a-- it could be a cost savings, but the
3 thing about the construction codes is that time will
4 tell, so we don't always know the exact implications
5 of, you know, cost savings and tell the industry has
6 an opportunity to take advantage of some of these
7 ideas.

8 CHAIRPERSON CORNEGY: I'm sorry. And
9 just last question around that is do you believe--
10 do you have any idea why that was excluded from prior
11 I codes? Why the use of that material?

12 COMMISSIONER LARocca: I'm going to jump
13 in and then, Joe, you will later on here. But, just
14 generally speaking, as I started with, we are
15 consensus driven. We are a code development agency
16 that looks at trends in the universe around us. We
17 look at what is happening internationally. We really
18 do take from the near and far, but we layer that in
19 temper that with our existing built environment. You
20 know, we build for the future. We build for
21 longevity here in the city attitude we bring to our
22 code development and we have had a proven track
23 record of slow and steady wins the race. We are
24 going to continue to press where we believe it is,
25 but knowing that we build for the long term in the

2 city. So, the CLT sustainable very good product. We
3 know it is safe. We believe that the way we have
4 introduced it into the code is a responsible way that
5 addresses all concerns across the board in the
6 industry.

7 CHAIRPERSON CORNEGY: So, it's just funny
8 to me because-- you probably can imagine, but most
9 people wouldn't imagine over the weekend at the
10 barbecue. The conversations that homeowners have
11 about materials and, you know, bragging about how
12 durable their home is because they belted out of what
13 ever in the longevity of that. I imagine that, on a
14 professional level, those conversations take place.
15 So, next weekend I get to have a conversation around
16 the barbecue pit around of this new material and what
17 its impact will be not only on, obviously, large
18 development, but small development. So, thank you
19 for-- I will at least have one up on the
20 conversation around the barbecue pit next week. I
21 would like to allow my colleagues to answer
22 questions. We will come back for a second round, but
23 thank you.

24 COMMITTEE COUNSEL: Thank you, Council
25 member. I will now call on other Council members to

2 ask questions in the order they have used the zoom
3 raise hand function. Council members, keep your
4 questions to three minutes, including responses. If
5 there is a second round of questioning, Council
6 member questions will be limited to two minutes. A
7 sergeant-at-arms will keep a timer and let you know
8 when your time is up. First, I would like to call on
9 Council member Rosenthal, followed by Council member
10 Chin.

11 SERGEANT-AT-ARMS: Time starts now.

12 COUNCIL MEMBER ROSENTHAL: Great. Thank
13 you so much. Council member Cornegy, I don't know
14 what barbeques you go to, but I would love to go,
15 first of all, to a barbeque with a barbeque pit and
16 have these very interesting conversations that you
17 have. Always good to see you, Commissioner. Thank
18 you for your hard work on this. It's amazing. I met
19 this week or last week with the Plumbing Foundation
20 and they seemed-- they had a lot of questions and
21 concerns which they will, undoubtedly, bring up when
22 they testify. And I guess my overview question is
23 why would a plumbing foundation like not have gotten
24 their concerns addressed in this a very long process
25 and in-depth process? I'm not a plumber. It is hard

2 for me to, you know, very strongly talk about a
3 master plumber versus not a master plumber, but they
4 have what sounds like serious concerns and just
5 wanting to know if you met with them, what your
6 concerns are, whether or not you think any of their
7 concerns are valid.

8 COMMISSIONER LAROCCA: Thank you, Council
9 member. Yes. We have met with the very straights
10 and their associations, including our plumbing
11 colleagues. They do also have members that sit on
12 our committees and, yes, they are concerned as are
13 the concerns of the other 649 plus individuals are
14 heard and incorporated into the code which is why we
15 are proposing a code that has only three mediated
16 items among all the changes we have made. That is a
17 very robust process that we go through to end up with
18 a result of that nature. So, yes. There is always
19 concerns that get raised at the committees. Yes,
20 there is always a push and pull, as I mentioned,
21 figuratively of, you know, opinions and that all
22 comes together and produces the code that we have
23 proposed before you. It's a compromise. Certainly
24 has to be a compromise when we are going through
25 consensus.

2 COUNCIL MEMBER ROSENTHAL: Yes.

3 COMMISSIONER LAROCCA: And it's one that
4 we believe is not only safe-- that is the basis for
5 everything we do. We do not propose anything that we
6 do not think is safe, but it has some very important
7 proposals to move the city forward.

8 COUNCIL MEMBER ROSENTHAL: You know, I'm
9 really just--

10 SERGEANT-AT-ARMS: Time expired.

11 COUNCIL MEMBER ROSENTHAL: Oh, goodness
12 gracious. May I ask just a few more questions,
13 Chair, or go on to a second round? I'm going to keep
14 going until somebody tells me to stop. So, here's an
15 example. Here's a specific--

16 CHAIRPERSON CORNEGY: I'm sorry. Council
17 member Rosenthal, will you just ask one more and then
18 come back with me on a second round?

19 COUNCIL MEMBER ROSENTHAL: Yes, sir.
20 Thank you. So, there's something about expanding
21 DOB's search-- seizure and forfeiture abilities by
22 revising code 28-419 to allow DOB to seize vehicles
23 and tools used in connection with unlicensed or
24 unregistered activity at worksites. Now, again, I
25 may have this wrong, but it's my understanding that

2 the revision takes that seizure and forfeiture
3 ability away or diminishes it instead of expanding it
4 and broadening it. Do you know about that particular
5 one and have thoughts?

6 COMMISSIONER LAROCCA: I'm going to pull
7 that one up, but I would say, generally speaking, I
8 would questions. I mean, I think it's a concern that
9 we don't seize enough vehicles or the concern that we
10 seizing too many. But I do think that has been--
11 seizure has been a component for some time in this
12 agency. Certainly, you know, it's something that we
13 do very judiciously as it does really have a literal
14 right there impact on somebody, but it is certainly
15 something we are very judicious about.

16 COUNCIL MEMBER ROSENTHAL: Right. I
17 think, actually, the issue here is that we want to
18 make sure you can do it for larger sites.

19 COMMISSIONER LAROCCA: Happy to look at
20 that specific one.

21 COUNCIL MEMBER ROSENTHAL: Okay. Thank
22 you, Chair. I'll come back on a second round. Thank
23 you.

24

25

2 COMMITTEE COUNSEL: Thank you, Council
3 member. Now, we'll be hearing from Council member
4 Chin.

5 SERGEANT-AT-ARMS: Time starts now.

6 COUNCIL MEMBER CHIN: Okay. Got it.
7 Okay. Thank you, Chair. Hi, Commissioners. It's
8 good to see you and I know that a lot of work has
9 been put into this. My first question is that, in
10 that last week or so, I've been getting so many
11 emails from these operative plaster and cement mason
12 international associations about protecting the
13 exterior insulation finishing systems. So, I was
14 just wondering if there was any issues in terms of,
15 you know, but saving good paying jobs and why are
16 they, all of a sudden, so could concerned about the
17 changes in the external insulation finishing system?

18 COMMISSIONER LAROCCA: Certainly. So,
19 yes. We would also share the concern about but
20 paying jobs. The code that we are proposing Ms.
21 tasked with a number of different things, but,
22 obviously, the safety being the most critical are one
23 of the most critical things we can't do through the
24 development of code and that is ensuring that the
25 city and its residents and occupants of buildings

2 remain safe. So, we are proposing a code that
3 continues to advance forward the safety of the cities
4 built environment which includes changes to the
5 exterior wall. And so the folks you are hearing from
6 are expressing the concerns. I will say very
7 broadly, though, what we have proposed with respect
8 to changing the requirements on an exterior wall
9 where combustible materials are present on that
10 assembly is, A, not banning any material and, B,
11 ensuring that we can have greater certainty and
12 protection around the potential spread of fire on the
13 exterior of a building. So, we believe that the
14 proposal that we put forward in the bill is a very
15 measured way to address an overarching safety concern
16 that is where you have combustible materials on an
17 exterior wall assembly that we want to do as much as
18 we can to prevent the spread of fire. We believe the
19 proposal, which is increasing fire blocking, among
20 other things, is a very straightforward proposal that
21 does not ban any material.

22 COUNCIL MEMBER CHIN: So, how does that
23 tangle up with local law 97 requiring energy
24 efficiency requirements of the building?

2 COMMISSIONER LAROCCA: I do not think they
3 tangle in any which way. I think they stand side-by-
4 side.

5 COUNCIL MEMBER ROSENTHAL: Hi. How are
6 you.

7 SERGEANT-AT-ARMS: Time expired.

8 COUNCIL MEMBER ROSENTHAL: Good.

9 COMMISSIONER LAROCCA: Sorry. Should I--
10 Okay. Sorry about that. I don't think they tangle.
11 I think they live side-by-side. I think the
12 components in the exterior wall assembly,
13 particularly the noncombustible insulation that is
14 out there on the market today, such as mineral wool,
15 provides an adequate alternative to foam plastic. So
16 we do believe that the requirements of 97 will be
17 continued to be able to be met through the change and
18 including with this change for additional fire
19 blocking.

20 COUNCIL MEMBER CHIN: And then, as you
21 said earlier, this would have no impact on jobs? How
22 was the issue that Getting raised.

23 COMMISSIONER LAROCCA: You know, look, I
24 can't and I do not have a crystal ball, so I cannot
25 see what the changes are that will come from the code

2 that will have an impact on the market, but what I
3 know for certain is we are not banning any use of any
4 particular material. We are introducing a
5 requirement to add fire blocking in the assemblies.
6 So, that is certainly a true condition. We do know
7 that some in the industry may have to redesign
8 certain assemblies, so we know that there will be
9 some work required as a result of this change, but,
10 definitively, we are adding a requirement to
11 introduce fire blocking and we are doing that without
12 banning any type of combustible material in the
13 exterior walls. So, we are still allowing builders
14 to introduce combustible materials in the exterior
15 wall.

16 COUNCIL MEMBER CHIN: Okay. Thank you,
17 Chair. I guess, they will probably be here to
18 testify, but I do have other questions and I'll come
19 back for second round. Thank you. Thank you,
20 Commissioner.

21 COMMISSIONER LAROCCA: Thank you.

22 COMMITTEE COUNSEL: Thank you all. If
23 anyone is not yet asked a question, please raise your
24 hand, otherwise, we will go back to Chair Cornegy who
25 will ask questions of the administration.

2 CHAIRPERSON CORNEGY: We have no one
3 else?

4 COMMITTEE COUNSEL: Nope.

5 CHAIRPERSON CORNEGY: Okay. Great. So,
6 continuing with the theme of the revision process, so
7 you have already spoken-- I'm going to center on the
8 three mediations that were necessary because,
9 obviously, those are codes that were specific to New
10 York City. And you have mentioned one of the most
11 notable changes which is the add of this particular
12 material. What kind of feedback have you received
13 from stakeholders since the introduction?

14 COMMISSIONER LAROCCA: We had a very
15 robust conversation throughout the process around
16 combustible materials and the exterior wall. So, I
17 think we have heard a substantial amount of comments
18 and feedback from all different sides of the universe
19 on this. Folks that think this is a good compromise,
20 folks that would've wanted to see something further,
21 folks that have concerns, as expressed through
22 Council member Chin. So, we have heard all the wide
23 spectrum here and we are proposing what we believe it
24 is needed and appropriate, continues to advance
25 safety, and also achievable. So, we think we took a

2 very good position that solved for the issue we were
3 solving for, which is increasing safety in the
4 exterior wall and ensuring greater fire protection.

5 CHAIRPERSON CORNEGY: So, for me, like
6 this committee is centered a lot of his policy around
7 safety, but also around sustainability. So, can you
8 cite, in this new version of the codes any specific
9 ideas that promote the cities commitment towards
10 sustainability?

11 COMMISSIONER LAROCCA: Certainly. So--
12 and Joe will come in with more details here. So,
13 first and foremost, the biggest change or one that
14 has a lot of interest, I should say, is the
15 introduction of cross laminated timber as a material
16 that is allowed by code that has a very strong
17 footing in advancing our city as a sustainable place
18 of being. So, that is one big one. You have done
19 some work on reporting requirements, as well as the
20 part that I had mentioned in my testimony around
21 expanding the applicability of flood zone
22 requirements for critical facilities in the 100 year
23 flood area. So, I think those three are some very
24 meaningful changes.

2 CHAIRPERSON CORNEGY: And so, that flood
3 zone portion of it drives directly at the addressing
4 of the above sea level rise and so there is a
5 resiliency question for the city going forward,
6 right, but it doesn't necessarily center on this, but
7 I would like to be able to tie it into a resiliency
8 plan to address what happened with Sandy. Is that
9 addressed in this code in any substantial way?

10 COMMISSIONER LAROCCA: Yeah. And, Joe,
11 jump in here, but that certainly is, you know, the
12 key consideration in at our had that is going through
13 this and ensuring that are critical facilities remain
14 resilient in the face of any future event.

15 ASSISTANT COMMISSIONER AYKROYD: Yeah.
16 Just to elaborate, so this is one of the changes that
17 is pretty exciting because we are now going to be
18 building our most critical infrastructure to the
19 flood zone requirements that are in appendix G of our
20 building code for those sites that are located in the
21 500 year flood so. So, this expands the horizontal
22 extent and it ensures that, when you do have a storm
23 like hurricane Sandy that exceeds the hundred year
24 flood, that this critical infrastructure does remain
25 operational and is not knocked out and unavailable

2 for recovery and emergency response. So, we are
3 excited about this and, again, you had mentioned the
4 free boarding. There was just recently a local law
5 on the free boarding that we are integrating into
6 appendix G. So, we do feel like this code revision
7 cycle has significantly strengthened the special
8 requirements in the special flood hazard area.

9 CHAIRPERSON CORNEGY: So, thank you. So,
10 that was certainly about sustainability, but I do
11 want to ask you around efficiency. Does any of the
12 code strike directly at helping promote energy
13 efficiency through its installation systems?

14 COMMISSIONER LAROCCA: Joe, I will let you
15 take that one.

16 ASSISTANT COMMISSIONER AYKROYD: Sure.
17 Sure. So, I believe there is a provision which will
18 help facilitate compliance with the New York City
19 energy code with the addition of an allowance that
20 insulation may extend underground into the public
21 right-of-way. So, this will enhance the ability for
22 buildings to install insulation subgrade within the
23 public right-of-way. Another instance of
24 sustainability improvement, I believe, would be the
25 support of the use of alternative energy production

2 processes and fuel cells that use hydrogen. By
3 permitting such uses, subject to specific safety
4 limitations that include requiring these operations
5 and products to be located in hydrogen gas rooms
6 dedicated and constructed in accordance with the
7 construction codes and the National Fire Protection
8 Association reference standard. So, this is
9 promoting the use of hydrogen fuel cells in a safe
10 and measured way.

11 CHAIRPERSON CORNEGY: So, this is a
12 question that I don't know if you can answer, but I
13 think it needs to be on the record. As we are, as
14 the city, becoming increasingly unaffordable and we
15 look to new development to create some levels of
16 affordability, some people would suggest that this
17 juxtaposition between creating affordability and
18 creating-- like there is a juxtaposition between
19 affordability and safety. I don't believe that they
20 are mutually exclusive, but is any of that discussion
21 a part of the provisions to the code, right? Because
22 I know that you have had 600 plus stakeholders. Were
23 any of the stakeholders from the affordable housing
24 industry or affordable housing advocates that were
25 able to weigh in on this only again because, again, I

2 am tasked with creating a pathway to maximum safety
3 and partnership with your office, but, juxtaposed to
4 that, I am also charged with creating a pathway to
5 affordability for New York City residents going
6 forward in this narrative that you can only have one
7 or the other is really frustrating. I am just
8 curious as in that round of stakeholders that your
9 present the poor through this code since 2015, were
10 any of those a part of the affordable housing market?
11 Either developers and their advocates? I think it
12 would be important to hear their voice as we try to
13 create affordability while trying to create safety
14 and efficiency and sustainability.

15 COMMISSIONER LAROCCA: Of course. I
16 think, you know, hundred of what grounds the hustle
17 and we are looking at these changes and some of them
18 are minor and some of them are a bit more than minor.
19 Certainly, there's cost. Obviously, code or word
20 some papers, but they have to be acted out. So, that
21 is why you see in our code process or partners and
22 city government, including HPD that NYCHA is members
23 of our work together. That is why you have groups
24 like NYAFA represented. So, it is certainly the cost
25 of building generally, the cost specific when we are

2 talking about affordability, and the affordable
3 housing in the creation of that is, obviously, the
4 critical part of the dialogue.

5 CHAIRPERSON CORNEGY: So, thank you for
6 that. That is incredibly important to me. I don't
7 want any resident or any constituent of New York City
8 to believe that we are put in one over the other and
9 it is just great to hear that there was a balanced
10 approach to addressing these international I codes
11 specific to New York City which has this huge
12 affordability crisis that we are in, plus a larger
13 one looming coming out of the pandemic. So, just
14 great to know that you have that. I will follow up
15 with you on anyways that my office in this committee
16 can be helpful in that pathway. That is all the
17 questions that I have, Genan.

18 COMMITTEE COUNSEL: Thank you, Council
19 member. Next, we will be calling on Council member
20 Rosenthal followed by Council member Chin.

21 SERGEANT-AT-ARMS: Time starts now.

22 COUNCIL MEMBER ROSENTHAL: Okay. Thank
23 you so much. Commissioner, I have three more quick
24 questions. Again, about from the Plumbing
25 Foundation, in DOB's opinion, what are the benefits

2 or disadvantages between using a city master plumber
3 and a contract master plumber?

4 COMMISSIONER LAROCCA: So, you raise one
5 of our three mediated items being the fact that we
6 are using the employment-based restrictions for
7 license master plumber master fire suppression and
8 piping contractors. So, very simply put, if you work
9 for the city of New York, and you are license master
10 plumber, you hold a qualification and a license that
11 the department issues you and we issue that license
12 based on your qualification and your skill. That is
13 something that is issued to you but is blind to the
14 fact that you work for the city. That ability to
15 become a licensed master plumber, you exhibited that
16 ability. You as that individual exhibited that
17 ability. So the qualifications that one has to meet,
18 whether they are an LMP for-- an LMP working at a
19 city agency or an LMP working at a private entity,
20 the qualifications are exactly identical. So, from
21 our perspective, it is simply that. The
22 qualifications are exactly identical.

23 COUNCIL MEMBER ROSENTHAL: Okay. Got it.
24 My next quest-- Oh, please, Chair.

2 CHAIRPERSON CORNEGY: No. I was just
3 going to echo your sentiments, Council member
4 Rosenthal. We also met at length with the Plumbing
5 Foundation and that wasn't my understanding of their
6 issue. My understanding was that there were actually
7 two courses of action taken: the master plumbers
8 having one license and then the fire suppression
9 certificate being different and trying to create a
10 pathway where they would be synonymous to some
11 degree, at least for the master plumber house on
12 their behalf. So, I certainly would like to hear
13 your take on that, Commissioner.

14 COMMISSIONER LAROCCA: Right. So, if I am
15 understanding the question, this is about a provision
16 that allowed for components of work on the pathway to
17 licensure to be accounted towards plumbing license.
18 And so, yes. I believe the code did acknowledge that
19 change. We had heard from folks in the industry who
20 were seeking this pathway and I believe the code is
21 responsive to that.

22 CHAIRPERSON CORNEGY: Okay. I will
23 follow up.

24 COUNCIL MEMBER ROSENTHAL: Yeah, Chair,
25 if you could. That--

2 CHAIRPERSON CORNEGY: Yeah, please.

3 COUNCIL MEMBER ROSENTHAL: My
4 understanding of the question was just a little bit
5 different. My understanding was that the new code
6 separates out the two licenses and so one individual
7 could no longer have both and so I thought the
8 question was why separate-- why make it difficult
9 for an individual to be both? Why would you have to
10 choose either master plumber or a fire suppression
11 license? And, in particular, that 70 percent of the
12 fire suppression licenses are also hold up plumbing
13 license. So, I am just wondering or they are just
14 wondering-

15 CHAIRPERSON CORNEGY: Me, too. That was
16 my question, Council member.

17 COUNCIL MEMBER ROSENTHAL: Thank you.

18 COMMISSIONER LAROCCA: I am happy to talk
19 further about this particular provision. We have a
20 number of different license types in this department
21 that we license, including plumbers. You know,
22 electricians, waste operators, and the like. So, we
23 license a number of different entities in the city
24 and we have a number of different requirements for
25 achieving that license and some of them are parallel

2 and some of them are totally different trades and
3 some of them are tired and sort of progressive growth
4 into another license. Sort of a subcategory, if you
5 will. So, happy to continue looking at it.
6 Definitely, as I mentioned in my response earlier to
7 you, Council member, the plumbing organizations are
8 100 percent included in the code revision process and
9 we have, outside of the code revision, that stand
10 industry sessions with our partners. So, we hear
11 them loud and clear. At the end of the day, we are
12 making a proposal that we think is certainly
13 continuing the tradition of a safe code that is
14 responsive to all of our industry needs.

15 COUNCIL MEMBER ROSENTHAL: Thank you.

16 CHAIRPERSON CORNEGY: I think what we see
17 here, though, Commissioner, is no one in my recent
18 history has been more common sense as the
19 Commissioner then you have and so now you are a
20 product of your successes and there is a reasonable
21 expectation from a lot of industries, including the
22 Plumbing Foundation, that we will think through
23 things because you have demonstrated the ability to
24 do that and make things-- and have us all work
25 smarter, not harder. So, I think that this comment

2 to me, signifies your success at being very common
3 sense and common sense driven, especially as it
4 relates to professional licensure and things of that
5 nature. I think that is lose more of a testament to
6 that.

7 COMMISSIONER LAROCCA: Thank you, Chair.

8 COUNCIL MEMBER ROSENTHAL: Last question,
9 if it is okay, Chair, is a God over? I'm going to
10 take that as an okay. My understanding is that the
11 new rules proposed removing the New York City Admin
12 code title 28 article 417 which established a master
13 plumber and master fire suppression contractor
14 license board which requires the peer review, etc.
15 And so, the question is, why remove the licensure
16 board? Or is it that you have come up with an
17 alternative that you think is better?

18 COMMISSIONER LAROCCA: So, I think that
19 the answer is fairly straightforward. We are a
20 regulator. We regulate and license a number of
21 trades, plumbing being one of them and this, to us,
22 is to steal the Chair's words a bit here, it's a
23 common sense proposal. The department is perfectly
24 able to regulate LMP's, perfectly able to regulate
25 fire suppression piping contractors, and we do not

2 believe that there should be other responsible
3 parties in determining licensed approval. So we feel
4 very comfortable that this is a common sense approach
5 for a regulatory agency to be the determining factor
6 on licensing since we license, oversee, and regulate
7 this entity. And, you know, for what it's worth, we
8 license over 18 other trades where this component
9 does not exist. This is very unique and we don't
10 believe it's appropriate any longer.

11 COUNCIL MEMBER ROSENTHAL: So, in other
12 words, all the other trades don't have a peer review
13 board. Only this one did.

14 COMMISSIONER LAROCCA: Correct. Plumbing,
15 electrical, as well, although we are in the midst of
16 work on the electrical quote which we will present to
17 the Council shortly. And so I think you'll see an
18 alignment around our thinking that, as regulators in
19 an industry where we license and enforce against
20 trades where you have, you know, nearly no other trad
21 where this component exists, that it is, you know,
22 quite a logical, in our eye, path forward and that we
23 would be the responsible party to ensure that our
24 licensing provisions are being effectuated.

2 COUNCIL MEMBER ROSENTHAL: You know, the
3 only thing I can think of in trying to think about
4 why it was put in place in the first place, like why
5 would there have been a peer review board was maybe
6 to address some issue that had been the case at DOB
7 only, but you are much more familiar with this than I
8 am. So I just wanted to make sure that question gets
9 out there.

10 COMMISSIONER LAROCCA: Okay.

11 COUNCIL MEMBER ROSENTHAL: Yeah. Thank
12 you, Commissioner. Thank you, Chair.

13 COMMITTEE COUNSEL: Now I would like to
14 call on Council member Chin for a second round of
15 questions.

16 SERGEANT-AT-ARMS: Time starts now.

17 COUNCIL MEMBER CHIN: Thank you. Thank
18 you, Commissioner. I have a couple of questions.
19 One is that will this bill make the city more
20 accessible to disabled New Yorkers? Second is that,
21 in your testimony, you talked about some of the
22 enhancements and I wanted you to maybe elaborate on
23 the one about elevator safety enhancement. Ending
24 inspection timeframe for elevators and boilers to
25 bring them back into service much faster. That's

2 very important. And my third question is on your
3 comment and your testimony about promoting creation
4 of affordable housing. The whole issue with the
5 basement apartment and by changing from eight feet to
6 seven feet. Did the department look at, you know,
7 how many affordable apartments can be created in the
8 basements with that change?

9 COMMISSIONER LAROCCA: Thank you, Council
10 member. We're going to take them in the order you
11 raised them and, Joe, please chime in with more.
12 Just sort of off the top of my head, I mentioned the
13 destination oriented elevators. That's an area where
14 we are seeking greater accessibility and usability
15 for occupants and, as both we know, the destination
16 oriented elevators are the ones where you, you know,
17 arrive at the lobby and you indicate what floor you
18 are going to and the panel tells you proceed to
19 elevator what have you. So that's a specific
20 element. And, Joe, again, chime in as you see. With
21 respect to elevators and the timing, yes, a very
22 important part of what we were proposing is finding a
23 path to reduce the allowable time overall for
24 elevators-- and we did so with boilers, as well--
25 where they sort of--

2 SERGEANT-AT-ARMS: Time expired.

3 COMMISSIONER LAROCCA: mimic each other,
4 but the goal was to really reduce the overall
5 timeframe to something that was certainly much more
6 within what we felt-- much more within reason given
7 that elevators are such a critical component of
8 buildings, particularly where you have single
9 elevators and multiple dwellings where you may have,
10 you know, residents who really rely on them. So--
11 tremendously. So, that was a very significant change
12 that I think, overall, will very much benefit
13 occupants of residential and commercial, otherwise,
14 of this city. So very proud of that change. And
15 last on the affordable housing fees, yes. the change
16 we are proposing in the code looked at expanding the
17 universe of buildings where you can have that lower
18 ceiling height from eight to seven. So we took it
19 from one family home only to two family homes. You
20 know, an important change, but, again, as with
21 everything else in the code, something that, you
22 know, we're very judicious about how we approach
23 things and wanting to see them work out and really
24 continue to move, but understanding that, you know,
25 when we talk about code development, we're talking

2 about life safety. Fire safety. I mean, these are
3 very substantial issues that we deal with as it
4 relates to code development. You know, we did make
5 that change there. I couldn't give you a number.
6 I'm sorry. I don't have potential units that we
7 could see generated. But we know, at a minimum,
8 bringing that ceiling height down will certainly make
9 it much easier for owners who have the ability to do
10 this, to go down that path and potentially produce a
11 legal and safe residence.

12 COUNCIL MEMBER CHIN: That's great. I
13 think we could another thing that you highlighted was
14 a required new special inspection of occupied
15 residential buildings undergoing construction to
16 improve tenant protection. And we have been so, you
17 know, appreciative of all the work that you when
18 you're department have done to improve, you know,
19 tenant protections. So, additional things that will
20 help that is really greatly appreciated. So--

21 COMMISSIONER LAROCCA: Thank you, Council
22 member, for raising that. I am actually remiss for
23 not talking about that. I think everybody on this
24 committee knows my affinity for tenant protection and
25 under the leadership of Sarah Desmond who is our

2 tenant advocate who is a rock star in the universe,
3 you know, this is just another component of
4 underscoring our commitment in all aspects of our
5 work, not only in the enforcement side, but on the
6 code development side of supporting tenants and
7 supporting the right to stay in their homes and be
8 our neighbors. So, I am remiss for not talking about
9 that, but I thank you very much, Council member for
10 raising that one. Another good way of ensuring our
11 tenants are protected.

12 COUNCIL MEMBER CHIN: Good. I mean, if
13 you could send that information to us, that would be
14 great.

15 COMMISSIONER LARocca: Absolutely.

16 COUNCIL MEMBER CHIN: Thank you. Thank
17 you, Chair.

18 COMMITTEE COUNSEL: Do we have any
19 other questions from any other Council members in
20 attendance? If not, I am going to turn it over to
21 the Charles Kim, policy analyst, to continue
22 moderating.

23 MODERATOR: Hello. I am Charles Kim,
24 policy analyst to the Committee on Housing and
25 Buildings. We will now turn to testimony from

2 members of the public. I would like to remind
3 everyone that, unlike our in person Council hearings,
4 we will be calling individuals one by one to testify.
5 You will be on mute until you are called on to
6 testify at which point you will be on muted by the
7 host. Please listen for your name to be called as I
8 announced the panelists. Once your name is called, a
9 member of our staff will unmute you and the sergeant-
10 at-arms will set the timer and announced that you may
11 begin. Please be aware that there could be a delay
12 in muting an un-muting, so, please be patient. Your
13 testimony will be limited to two minutes. I would
14 like to now welcome Lori gold to testify followed by
15 Jason.

16 SERGEANT-AT-ARMS: Time starts now.

17 MODERATOR: Ms. Gold, you are on mute.

18 LAURIE GOLD: Sorry. Good morning,
19 Chairman Cornegy, Council members, Commissioner, and
20 city staff, fellow panelists, and presenters. I am
21 Laurie Gold, Grace's older sister. Grace's horrific
22 death at only 17, killed by mortar from a Columbia
23 University building as her newly graduated friends
24 watched was the inspiration behind local laws 10 and
25 11, aka façade inspection safety program-- or FISP.

2 Before Grace's death, New Yorkers always looks at
3 their feet when walking to avoid obstacle left by
4 their neighbor's pets. Immediately following Grace's
5 death, New Yorkers, instead, again looking skyward in
6 anticipation of falling mortar. Case in point, two
7 years after Grace died, Stephen Sondheim from New
8 York Merrily We Roll Along, a show about three
9 friends who met as Columbia students. At graduation,
10 they sang of their hopes and dreams. The hold the
11 hills of tomorrow. But hold the limitless sky,
12 fleeing wide the gates to a world that waits as our
13 journey starts. Behold our hearts are high. As real
14 life eventually intrudes, Mary, the Barnard students
15 leader sings, all right. Now you know. Life is
16 crummy, well now you know. I mean, big surprise.
17 People love you and tell you lies. Bricks can fall
18 out of clear blue skies. Put your dimple down. Now
19 you know. New York City's Council showed exemplary
20 leadership by crafting and passing laws that
21 successfully stopped further deaths through scheduled
22 preemptive repair of its crumbling inventory of age
23 to buildings. When implemented and enforced, Grace's
24 law but I came the gold standard adopted by 11
25 additional US cities, but, when ignored, the results

2 have been decay and death. This last pandemic year,
3 the city that never sleeps was brought to a
4 standstill until that silence was pierced by a
5 succession of July building--

6 SERGEANT-AT-ARMS: Time expired.

7 LAURIE GOLD: May I? Would you indulge me
8 a little more time? Hello?

9 MODERATOR: Yes. Please finish up.

10 LAURIE GOLD: Thank you. Buildings fell
11 in Brooklyn, in Midtown, and the East Village, and in
12 Murray Hill, a brick fell out of the sky killing
13 Mario Salas Vittorio, a local law 11 worker in the
14 midst of performing FISP repairs. Think about it. A
15 close city, Ground Zero for Covid. People locked
16 down in their homes. Everyone wondering about their
17 futures and another brick falls again. The Housing
18 and Buildings Committee understands that urban
19 sustainability merely begins with the ongoing
20 maintenance of New York City's existing earlier
21 today, this committee pursued re-addressing obsolete
22 building code, updating it to meet modern-day needs.
23 You have been looking backward to move the city
24 forward. I applaud you and I implore you to do the
25 same to local law 11 FISP. Replace it with Grace's

2 law and add it to your books. Enact Grace's law to
3 give meaning to the façade work and the ubiquitous
4 scaffolding and endless repairs. To every pedestrian
5 who walks the streets, Grace's law will aid older
6 folks in remembering why and Grace's law will inform
7 younger folks as to how and why their environment is
8 so encased. Grace's law should be the face of public
9 safety. Use Grace's law as New York City's official,
10 legal, and codified name and beautiful face for
11 public safety and education on all New York City and
12 DOB paperwork, and every press release, at every
13 meeting, for every conference on every website,
14 displayed in every window or wall to indicate proper
15 permitting and work orders by HPD and REBNI [sp?]
16 Members, by every [inaudible 01:15:54] engineer,
17 architect, scaffolding company, attorney, union, etc.
18 And, of course, every newspaper story. Grace's law,
19 Grace's story, Grace's face will provide common
20 ground to any and all stakeholders, whatever their
21 purpose or role who use the city and walk its
22 streets. It is for people, people, to increase
23 compliance with Grace's law is to lessen the fear of
24 bricks falling out of clear blue skies and, perhaps,
25 help people to, again, behold that limitless sky.

2 Thank you for your kind support and your
3 consideration and this is Grace's face. Thank you.

4 MODERATOR: Thank you, Laurie. I would
5 like to now welcome Jayson Greene to testify followed
6 by Norman Weiss.

7 SERGEANT-AT-ARMS: Time starts now.

8 JAYSON GREENE: Hello. Hi. I was one
9 of those many New Yorkers just like Laurie mentioned
10 who never looked up because I never thought to. Most
11 of us never think about the buildings above them or
12 whether the structure there walking past while they
13 are talking on their phone is crumbling overhead. We
14 mostly just move around the city. We were just like
15 everyone else until one of those buildings came and
16 claimed my two-year-old daughter's life. Maybe
17 you're all aware of the story. It sounds like you
18 are as it prompted several reviews of building wall
19 on its own and generated front page headlines. On
20 May 17th, 2015, a piece of masonry fell from the
21 eighth floor of an upper West side senior center and
22 struck Greta Green, my daughter, and the head. She
23 never regained consciousness and on May 18th, she was
24 pronounced brain dead. We donated her organs. The
25 city had been and continues to be our home. It was

2 the only home Greta ever knew. We knew living in the
3 city had a danger quotient, but we were sure that if
4 we were careful to a reasonable degree, we would keep
5 each other safe and do our best, right? Never in a
6 million years would we have considered sitting on a
7 bench in front of the senior center on the upper West
8 side as a dangerous activity, nor should we have.

9 The DOI report after Greta's death reported that
10 there were up to 1500 buildings and similar states of
11 disrepair. Again, I am sure I am informing you of
12 something you already know, but it is worth
13 underscoring because that is thousands of people that
14 could die because of building code. The need to keep
15 these laws in front of people's lives to put a human
16 face on them is more pressing than ever. Building
17 code is dry and esoteric to almost anyone with almost
18 no real attachment to human lives, but it is, in the
19 case of me and in the case of Laurie Gold and in the
20 case of Eric Tishman and in the case of everyone, as
21 Laurie has mentioned, it is life-and-death. It is
22 the difference between my daughter alive and my
23 daughter dead. It is the difference between Greta
24 being eight years old today and not being here at
25 all. When laws have names, they invoke the memories

2 of the human beings that inspired them. Greta
3 Greene, Eric Tishman, and Grace Gold are all people
4 who died because we made the mistake of trusting the
5 functioning of our local building laws. Local law 11
6 means nothing on its own. It can easily be ignored.
7 Maybe Grace's Law will not be so easily overlooked.
8 Thank you.

9 MODERATOR: Thank you. I believe Chair
10 Cornegy has something you would like to say.

11 CHAIRPERSON CORNEGY: Yes. Good morning.
12 I wanted to say to the families, thank you for your
13 testimony. Our prayers continue to go out to you and
14 your families. Grace and Greta and the Tishman
15 family, as well. There is no way to bring your
16 families back except to move forward with legislation
17 that never, ever, ever lets this happen again. Then
18 just, Ms. Gold, on Grace, you know, this weekend we
19 celebrated in my house my daughter attending Columbia
20 University in the fall as a graduate student and
21 Grace really came to mind. As I explained to my
22 daughter about how important it was to go to
23 Columbia, there was also that story to share that I
24 shared with my daughter. So, your legacy continues
25 to live on in our house and also in Columbia

2 students. So, thank you for sharing with us this
3 morning.

4 LAURIE GOLD: Thank you. Mazel Tov
5 daughter.

6 CHAIRPERSON CORNEGY: Thank you. Thank
7 you.

8 MODERATOR: Thank you. I would now like
9 to welcome Norman Weiss to testify followed by
10 Delores Spivak.

11 SERGEANT-AT-ARMS: Time starts now.

12 MODERATOR: Mr. Weiss, you are on mute.
13 There we go.

14 NORMAN WEISS: Thanks. And I apologize
15 for that. I am a professor at Columbia University.
16 Having taught there for more than 40 years now,
17 teaching specifically the repair and maintenance of
18 existing buildings, so this is my specialty and I
19 have spent many years teaching in the building
20 industry, as well. All of this is simply to say that
21 my former students are everywhere in this city. They
22 are active as architects and engineers, as
23 conservators and contractors, as craft workers and
24 laborers. Since Grace Gold's death in 1979, I have
25 lectured about that awful today, about its impact on

2 the city, and how all of us, educators or not, have
3 endeavored to improve and to refine our techniques of
4 building care. But, more simply, that means that for
5 solid inspection law itself has evolved. So
6 hopefully, resulting in the incredible expansion
7 since 1980 of all aspects of this industry, including
8 the number of highly skilled jobs. Although I am a
9 building scientist by training, I am also very
10 involved in the study of construction technology and,
11 more specifically, of its history. And so, I want to
12 take a moment to highlight the creation of the
13 earliest version of the law, local law 10, as what I
14 believe is a true turning point in the development of
15 New York City architecture. I believe that the first
16 of, what I would say, are three critical moments.
17 There is Elisha Otis is a dramatic demonstration of
18 the elevator safety break at the New York 1853 fair.
19 That took place in our very out Crystal Palace aware
20 Brian Park is today. It soon resulted in the
21 creation of taller buildings as our fellow New
22 Yorkers began to accept the very notion of living and
23 working higher up in the air. And so the city
24 changed. The second event was, surely, the triangle
25 shirt waste fire of 1911 leading itself to

2 improvements in worker safety and to important
3 changes in construction standards and in building
4 regulation. On a personal note--

5 SERGEANT-AT-ARMS: Time expired.

6 NORMAN WEISS: in that building. Can I
7 continue for a moment?

8 CHAIRPERSON CORNEGY: Yes. Please.

9 Please.

10 NORMAN WEISS: Sorry. I'm finishing
11 up. I study chemistry in that building on Washington
12 Place, as did my parents 30 years, at least, earlier.
13 Finally, the third significant point in this timeline
14 was, as I suggested earlier, the death of Grace Gold
15 more than 40 years ago now. And that is precisely
16 why I asked to speak today. To remind you of the
17 swiftness of the City Council's action in the months
18 that followed her death and to support the proposed
19 commemoration of that tragedy in the renaming of the
20 law. And so, thank you very much for your time. I
21 appreciate it.

22 CHAIRPERSON CORNEGY: Thank you, Mr.
23 Weiss.

24

25

2 MODERATOR: Thank you. I would now like
3 to welcome Delores Spivak to testify followed by
4 Steve Varone.

5 SERGEANT-AT-ARMS: Time starts now.

6 DELORES SPIVAK: Good morning. I'm Dr.
7 Delores Spivak and I'm here to give testimony today
8 to have the name of Grace Gold added to New York
9 City's local law 11. I've been a practicing licensed
10 architect in New York for the past 40 years. Almost
11 all of my practice has been in the repair and expert
12 witness testimony for New York City facades both in
13 the private sector and the public sector. I have
14 personally dropped down the facades of building from
15 seven stories to 80 stories to generate repair
16 designs. My practice has also included working in a
17 New York City department in the facades unit. My
18 research and experience with façade failure notes an
19 important factor. The overwhelming majority of
20 façade failure is known building owner, but wish to
21 defer repair costs. This is basic negligence and
22 continues to place the public has enormous risk to
23 enormous sorrow. The reach of local law 11 correctly
24 identified unsafe buildings, however the existing
25 building code cannot mandate owners to repair their

2 buildings. The current law only mandates that the
3 unsafe condition not remain unsafe. This is
4 typically remedies just by the placing of a shed.
5 But this is not the root of the problem of unsafe
6 building façades. The root of the problem lies with
7 the neglected responsibility of proper repairs. By
8 linking the name of Grace Gold to local law 11,
9 personal tragedy will remain in the forefront of
10 building repair. This attention will be priceless
11 the multibillion dollar construction repair industry
12 for this city. In connecting the name of a real
13 person, Grace Gold, who was tragically killed, to
14 local law 11, the risk factor becomes real and
15 becomes personal. 40 years ago, Grace Gold was
16 killed at just the start of her life--

17 SERGEANT-AT-ARMS: Time expired.

18 DELORES SPIVAK: May I? I just have two
19 more sentences.

20 CHAIRPERSON CORNEGY: Yes, please.

21 Please complete your testimony. I'm sorry.

22 DELORES SPIVAK: Thank you. The same
23 danger continues today. I implore the New York City
24 Council to add the name of Grace Gold to local law
25 11. New York City has been the leader in this

2 country for façade safety. Please let this continue
3 by adding the name of Grace Gold to local law 11 and
4 I thank the city Council for their time today.

5 CHAIRPERSON CORNEGY: Thank you.

6 MODERATOR: Thank you very much. I would
7 now like to welcome Steve Varone to testify followed
8 by John Kalafatis.

9 SERGEANT-AT-ARMS: Time starts now.

10 STEVEN VARONE: Good morning, everyone.
11 Thank you to the Council for the opportunity to
12 speak. My name is Steven Varone. I am president of
13 Rand and Architecture. Laurie asked me to say a few
14 words in support of the concept of Grace's law and I
15 said I would be happy to do so. The first thing I
16 would like to point out is that local law 10 and its
17 various subsequent revisions have made this city
18 enormously safer. Despite the tragic loss of lives
19 that we have had over the past 40 some years,
20 starting with Grace, the city would be in much worse
21 shape if we did not have a law in place to inspect
22 these properties, upgrade their conditions, advance
23 the building science, understanding of how these
24 buildings fail, why they fail, design, and repair
25 buildings in a way that will make them more stable.

2 It has all been a positive. I do think that
3 recognition of Grace specifically will help humanize
4 the law when people become frustrated by the
5 bureaucracy, which there definitely can sometimes be
6 too much of. There are places where I have been
7 quiet where I think we can do a better job at
8 minimizing costs to these inspections and the
9 inefficiency of them and not focusing on public
10 safety, however, whatever we can do to humanize it
11 and remind people about those times, that we are
12 doing it for the greater good will only help us.
13 Grace is not the only one to have her life taken so
14 unfairly. There have been too many others who have
15 also paid with their lives. It has made us a much
16 safer place with a wide approach to try to prevent
17 these accidents and if we can get New York City to
18 remember in a personal way, it will help take our
19 safety to another level by putting a human face on
20 all of this. So, I do support--

21 SERGEANT-AT-ARMS: Time expired.

22 STEVEN VARONE: Chairman Cornegy, if I
23 could just complete a couple more sentences.

24 CHAIRPERSON CORNEGY: Yes, please.

2 STEVEN VARONE: Thank you. If we can
3 put a human face on this to help us focus on why we
4 are all doing this, I have been involved in this
5 since the first cycle in 1984, so I see it in all of
6 its ramifications and I'm very pleased at what we
7 have been able to accomplish for safety, but I think
8 anything we can do to reinforce why we are all doing
9 this will help us focus on what is posted important.
10 And that is the safety of our wonderful city. Thank
11 you very much for the opportunity. I very much
12 appreciate it.

13 CHAIRPERSON CORNEGY: Thank you.

14 MODERATOR: Thank you. I would now like
15 to welcome John Kalafatis to testify followed by
16 Steven Gold.

17 SERGEANT-AT-ARMS: Time starts now.

18 JOHN KALAFATIS: Good morning. Thank you
19 so much for the opportunity. I am the founder and
20 the owner of Skyline Restoration and Spring
21 Scaffolding. I have been servicing the industry of
22 repairing or cities envelope and it's inspected
23 façades since 1983. I would like to share certain
24 numerical facts [inaudible 01:29:31] pretty close to
25 reality. There's approximately \$2.5 billion industry

2 in our city between scaffolding companies and
3 engineering and, of course, construction. 20,000
4 people, I would estimate, are the young men and few
5 women who are servicing the above, especially the
6 working force. The union has a strong 15 percent of
7 [inaudible 01:29:56] via Local one PPC. I trust that
8 the law that was enacted due to the unfortunate death
9 of Grace will do great thinks for our city.
10 [inaudible 01:30:13] safety and structural integrity
11 and even improving the looks of our buildings. Some
12 of the dilemmas that are likely found to be aware and
13 concerns that I have is that there's a main shortage
14 in obtaining and training the labor force which is
15 absolute requisite to keep enforcing this great law
16 for our city. Personally, four years ago, I put a
17 step forth and created what we call the Andromeda
18 Community Initiative. It is a not-for-profit
19 training facility in my headquarters who invite
20 people who would like to get 180 hours of training in
21 obtaining all the necessary OSHA and DOB certificates
22 while they get their hands dirty by understanding how
23 to put bricks together and it contains a safe
24 environment as well as--

25 SERGEANT-AT-ARMS: Time expired.

2 JOHN KALAFATIS: I see this is being a
3 real concern, at least in my view about the shortage
4 that continues then we have to be fully aware about
5 it. We need these people. And a couple other
6 concerns is a major one to me and I don't understand
7 why we haven't addressed that is the existing holding
8 our state [inaudible 01:31:30] labor law which
9 increases dramatically the insurance costs for all
10 the projects. And, of course, I am full Hartley
11 supporting Chet at Grace's name in the local law 11.
12 Thank you very much.

13 CHAIRPERSON CORNEGY: Thank you for your
14 testimony.

15 MODERATOR: Thank you. I would now like
16 to welcome Steven Gold to testify followed by
17 Benjamin Moats.

18 SERGEANT-AT-ARMS: Time starts now.

19 STEVEN GOLD: Hello. I am Steven gold,
20 first cousin to the Grace and Laurie Cold. The Cold
21 family wants to do all it can to ensure that is
22 similar tragedy does not befall any other families in
23 New York City. Grace's tragic, untimely, and
24 entirely preventable death on the Columbia University
25 Campus in 1979 due to being struck on the head by a

1 falling piece of masonry for one of the universities
2 improperly maintained buildings was devastating for
3 the entire family, but, and particularly, are
4 immediately family. This tragedy cut short her young
5 life and took with her all her hopes for the future.
6 I have been the property manager for nearly 30 years
7 for my father's industrial buildings in Los Angeles.
8 My responsibilities included overseeing maintenance
9 and repairs and overall operations and applications
10 of safety for these buildings by leasing tenants
11 during my five hours later years and now through his
12 death six years ago. I took my property manager
13 responsibilities very seriously. No tenant or staff
14 or the general public was ever injured in our
15 buildings over the nearly 6 years of family
16 ownership. Tenants and the general public walking by
17 have a right to expect such safety. Grace's death
18 prompted passage of LL 10, later revised to LL 11 and
19 FISP and should have prevented subsequent deaths.
20 But, yet, tragedy has happened already and not just
21 wants. Greta Greene, Eric Tishman, Mario Vittorio
22 are among the deaths that should have been prevented
23 by LL 11. LL 11 is a number. We, as a society, have
24 become dehumanized by identifying individuals, as
25

2 well as laws, by numbers. Grace's law would put a
3 real name on this numbered law and provide immediate
4 recognition of a real person who died. Grace's Law
5 reminds landlords, property owners, property
6 managers, and construction companies of the
7 importance of timely and appropriate building
8 maintenance and safety. Grace's law will help to
9 reinforce our humanity and the necessity to take
10 timely and appropriate actions to prevent tragic and
11 devastating losses such as--

12 SERGEANT-AT-ARMS: Time expired.

13 STEVEN GOLD: family and, regrettably, the
14 families that have suffered thereafter. Thank you.

15 MODERATOR: Thank you very much.

16 STEVEN GOLD: And good luck.

17 CHAIRPERSON CORNEGY: Thank you.

18 MODERATOR: I would now like to welcome
19 Benjamin Maltz to testify followed by Ed Bosco.

20 SERGEANT-AT-ARMS: Time starts now.

21 BENJAMIN MALTZ: Hi. Good morning. My
22 name is Benjamin Maltz. As a native New Yorker and
23 history lover, I have long been fascinated by the
24 urban environment. That fascination led me to
25 investigate a facet of New York I have grown up

1 around, yet knew nothing about: scaffolding or
2 sidewalk sheds. It was at that point that I
3 discovered local law 11 and, soon after, I learned of
4 Grace Gold in her story. I was shocked to hear that
5 her tragic death was the catalyst for the law and I
6 was shocked even more so because, as of 2021 alum of
7 Columbia University, her same school as she went to
8 the Barnard, I frequented the very corner she died
9 on. I was alarmed to discover that her death was not
10 the last way in several years ago I witnessed young
11 Greta Greene lose for life directly across the street
12 from where I lived behind me. Why didn't local law
13 11 ? In my senior year at Columbia, I completed an
14 honors thesis in urban studies. My topic was
15 scaffolding, the first paper of its kind in academia.
16 Over the course of my research, I found that few
17 individuals, including seasoned professionals, knew
18 about Grace's relationship to local law 11 and fewer
19 still knew her story, let alone her name, despite the
20 street sign that bears it. Few realize that the New
21 York City construction industry blossomed from local
22 law 11, and acted to protect the public through
23 façade repair and restoration. In pinning Grace's
24 name to this law, you make it her law and, by making
25

2 it her law, you give a face to the duty to protect
3 New Yorkers. Too often, this duty is lost on
4 landlords and others who prioritize self over safety.
5 Grace's law injects personal incentive into local law
6 observance because it makes you realize that you or
7 someone you love could be hurt. It informs us New
8 Yorkers, particularly those of us who are young and
9 having lived with scaffolding all our lives, take it
10 for granted that the law serves--

11 SERGEANT-AT-ARMS: Time expired.

12 BENJAMIN MALTZ: Please honor her memory
13 by renaming local law 11 after Grace. Thank you for
14 your time.

15 CHAIRPERSON CORNEGY: Thank you. Thank
16 you for your testimony.

17 MODERATOR: Thank you. I would now like
18 to welcome Ed Bosco to testify followed by Ahmed Sha.

19 SERGEANT-AT-ARMS: Time starts now.

20 ED BOSCO: Thank you. Intro 2261, but I
21 think I acknowledged the recent testimony you guys
22 just made about this. But I think that all of the
23 600 of us that work on these committees are all
24 committed to making the city safer through a bunch of
25 different things. We make the building safer

2 internally. We make caste systems safe, our
3 electrical systems safer and it all fits together.
4 On behalf of the American Council of Engineering
5 Companies of New York, ACEC New York, I would like to
6 thank Chair Cornegy and the members of the Committee
7 for your efforts over the years to update New York
8 City's construction codes. I'm here today to testify
9 on behalf of our association and in support of
10 Introduction 2261 which proposes to comprehensively
11 upgrade the construction codes, bringing them in line
12 with the latest versions of the International Code
13 Council codes as well as best practices for safety,
14 sustainability, and technical advances. Founded in
15 New York City in 1921, ACEC New York is celebrating
16 its 100th anniversary this year. Our association is
17 one of the oldest continuing organizations of
18 professional consulting engineers in the United
19 States. We represent close to 300 engineering and
20 affiliate farms throughout New York State with a
21 concentrated presence in New York City. Our members
22 plan and design the structural and mechanical and
23 electrical, plumbing, civil, environmental, fire
24 protection, and technology systems for buildings and
25 infrastructure across New York City and the world.

2 During the city's 2017 to 2021 code revision cycle,
3 over 100 of our association's members supported the
4 volunteer effort with time, knowledge, and expertise
5 by serving on the city's technical committees
6 convened by the Department of Buildings. Through
7 this process, our members, DOB, and various other
8 stakeholders engaged in an intense and thorough
9 collaboration. I want to thank DOB for this high
10 level of engagement to continually improving the
11 process for updating construction codes based on
12 industry feedback. The end result of this year's
13 long effort is a true consensus document embodied by
14 Intro 2261 which is before your committee for
15 consideration today. The latest revision process
16 continued the partnership that began in 2003 as an
17 effort to replace the 1968 New York City building
18 code, the model base code. We suggest the success of
19 this effort to serve as an example of other city--

20 SERGEANT-AT-ARMS: Time expired.

21 ED BOSCO: agency use and working to
22 align their requirements with New York City's
23 progressive goals for safety and sustainability.

24 CHAIRPERSON CORNEGY: Thank you for your
25 testimony.

2 MODERATOR: Thank you. I would now like
3 to welcome Amit Shah to testify followed by Tony
4 Daniels.

5 SERGEANT-AT-ARMS: Time starts now.

6 AMIT SHAH: I'd like to, first if all,
7 say thank you for giving me the time to talk today.
8 Good morning, Chair Cornegy and members of the
9 Committee on Housing and Buildings. I would like to
10 present you with the case of a building that is kind
11 of typical in New York City, unfortunately. We are a
12 building that was constructed with sponsors who cut
13 corners. We had a partly done façade that was glued
14 on, no insulation, no removal of old foundation, etc.
15 Due to this, our building, which is only 18 years
16 old, is in dire need of immediate improvements. And
17 rolling with the punches, we are at a juncture where,
18 in order to the cost effectively improve our façade
19 installation, we would need to build about 12 inches
20 past our lot line. If we are able to build 12 inches
21 past our lot line, this will allow for both
22 insulation to be improved significantly and to allow
23 for soundproofing and better temperature regulation
24 within our building and also to allow us to fully
25 electrify our building. Proposed section 3202-2-2-5

2 allows for encroachment-- is a New York text that is
3 added to this bill and to allowing for encroachment
4 of buildings pass the straight line in order to
5 install new exterior lighting for purposes of
6 improving building energy efficiency. Our building
7 is not an outlier. New York City is full of
8 buildings whose builders cut corners and the
9 difference of four inches-- because right now the
10 current bill is stating for eight, the difference of
11 four inches to make it 12 inches past the lot line
12 seems small, but will help these to significantly
13 improving their energy efficiency. With New York
14 City's lofty goals of being electric by 2050, only
15 allowing the eight inches will not provide enough
16 room to buildings which are built directly on the lot
17 line with little to no insulation. We need the extra
18 four inches for a total of 12 inches, it increasing
19 insulation electrify the building. We, at the
20 Bedford Place Condominium, implore you to allow for
21 the 12 inches past the lot line.

22 SERGEANT-AT-ARMS: Time expired.

23 AMIT SHAH: It would be a huge help to
24 all buildings along with us that are in disrepair and
25 allow them to immediately improve their buildings in

2 a cost-effective manner. I really appreciate this
3 and thank you for your time.

4 CHAIRPERSON CORNEGY: Thank you for your
5 testimony.

6 MODERATOR: Thank you. I would now like
7 to welcome Tony Daniels to testify followed by Bill
8 Egan.

9 SERGEANT-AT-ARMS: Time starts now.

10 MODERATOR: Mr. Daniels, I believe you
11 are on mute. All right. We will move on to Bill
12 Egan and circle back to Tony.

13 SERGEANT-AT-ARMS: Time starts now.

14 BILL EGAN: Good morning. I am principal
15 to the Bill Egan Group. My business provides
16 construction consulting services and I serve as a
17 technical consultant to industry. Exterior
18 insulation and finish systems or [inaudible 01:42:10]
19 as they are known are exterior wall claddings that
20 have been used for decades on all attempted buildings
21 in New York City and across the US. Pro plastic
22 insulation is used almost exclusively with [inaudible
23 01:42:20] as well other claddings because the
24 features and benefits that include energy efficiency.
25 I certainly appreciate the opportunity to express our

2 view on one of the proposed code changes to the
3 building code. While many of the code changes are
4 based on the International Building Code, we are
5 concerned with the prescriptive requirement for fire
6 blocking in section 718.2.6 as it does not consider
7 construction details and system performance based on
8 large-scale fire testing. This prevents a deviation
9 from requirements that had been in the IBC or the
10 International Building Code since 2012 and will be a
11 significant impact to the many stakeholders. As
12 proposed, section 718.2.6 prescriptive requires fire
13 blocking which effectively eliminates or drastically
14 impacts use of combustible foam plastic insulation.
15 These requirements are not necessary nor supported by
16 decades of real life forms across the US. Safety is
17 paramount and exterior wall clap coverings that
18 utilize foamed plastics are regulated by numerous
19 test requirements that are in the International
20 Building Code. The impacts of this requirement are
21 many and I will just briefly highlight a few.
22 Increased cost of construction, significant redesign
23 of accepted products and systems that incorporate
24 foamed plastics, reduce design flexibility and
25 options that will protect building appearance in

2 architecture, modifications to keep water out of
3 buildings will be needed since wall drainage carriers
4 will now be blocked by and interrupted by fire
5 blocking. It does not provide a code compliance
6 option based on full-scale fire testing as allowed by
7 the IBC. So, this is not a ban, but effectively
8 eliminates or restricts the use of foamed plastic
9 materials used with exterior wall claddings. We
10 respectfully request--

11 SERGEANT-AT-ARMS: Time expired.

12 BILL EGAN: May just finish up? I just
13 have a couple of lines here.

14 MODERATOR: Yes. Please finish up.

15 BILL EGAN: We request a two cents
16 performance based exception be added to proposed
17 section 718.6. This would resolve the previously
18 stated impacts and be consistent with the exception
19 that is and has been the IBC since 2012. The
20 exception reads like this: fire blocking should not
21 be required with the exterior wall coverings that are
22 tested in accordance with and applies the acceptance
23 criteria of an [inaudible 01:44:29] 285. The
24 wallcovering shall be tested-- installed and tested
25 with accordance with NFP 285. Thank you very much.

2 MODERATOR: Thank you for your testimony.
3 Mr. Daniels, are you present? Well, as we continue
4 to wait on Tony Daniels, we will now hear from Jack
5 Brown fall by April McIver.

6 SERGEANT-AT-ARMS: Time starts now.

7 JACK BROWN: Good morning. First, I would
8 like to thank the offices of Council member Rivera
9 and Kornegay for developing and shepherding Intro
10 1459 of this hearing. In particular, I would like to
11 acknowledge Jeremy younger and Ian Fullerton. My
12 name is Jack Brown. I am a rent-stabilized senior.
13 I will focus on how the absence of legislation
14 addressing natural ventilation has severely
15 undermined my warranty of habitability. In
16 previously submitted written testimony, there is a
17 bullet point account of a process initiated in June
18 2012 with the violation issued by Department of
19 Buildings Inspector Mave Hill and which continues at
20 this hearing. In April 2012, the landlord of 335
21 East Sixth Street installed a Fujitsu House
22 [inaudible 01:45:57] 30,000 BTUs and HVAC in the
23 courtyard of the building now immediately adjacent to
24 the rear door. When operated in warm weather, anyone
25 entering or exiting is hit with a blast of hot or--

2 hot air. In cold weather, one is hit with a blast of
3 cold. My west window on the ground floor is five and
4 a half feet from the HVAC. In warm weather, I cannot
5 open the window because of the hot exhaust heating up
6 the apartment. When installed in the east window,
7 hot air comes through the air conditioner and heats
8 the apartment. When not operative, that AC must be
9 covered with plastic bags inside and out to prevent
10 hot air from passing through the unit and heating the
11 apartment. The operation of the AC seems to be
12 affected by proximity to the HVAC. The hours of
13 operation of the coffee shop which the HVAC services
14 are commonly 6:30 AM to 9:30 PM seven days a week.
15 My life, both inside the residence and outside--

16 SERGEANT-AT-ARMS: Time expired.

17 JACK BROWN: Can I have just a little more
18 time or, if so, I canceled it up.

19 CHAIRPERSON CORNEGY: Please sum it up.

20 JACK BROWN: Okay. The violation extends
21 the need to fight this in time, energy, and expense.
22 I have had a favorable decision in housing court from
23 Judge Cheryl Gonzales in February 2016, however,
24 Judge Peter Wen allowed the placement of the HVAC to
25 remain. This is why it is critical to pass the row

2 form in 2261. Many tenants cannot afford the effort
3 and therefore I have pursued it not only for my own
4 benefit, but for that of present and future tenants
5 you may find themselves so Bessette. Thank you for
6 your consideration.

7 CHAIRPERSON CORNEGY: Thank you for your
8 testimony.

9 JACK BROWN: Thank you.

10 MODERATOR: Thank you. We will now hear
11 from Tony Daniels followed by April McIver and
12 Catherine H.

13 SERGEANT-AT-ARMS: Time starts now.

14 TONY DANIELS: Thank you, everyone. I
15 apologize for missing the call prior. I am an
16 architect who is practiced for over 30 years in New
17 York City. We have architecture records large and
18 small for public and private clients in all five
19 boroughs. I have been devoted to environmentally
20 positive, sustainable, resilient, and socially
21 equitable design for the majority of my career and I
22 work daily on issues of energy efficiency in the
23 design and construction of building and renovation
24 projects. I also would like to state that, under
25 consideration today is a revision to the New York

2 City building code and I work daily with this code in
3 my practice and I am particularly concerned about one
4 proposed revision. The code revision allows for the
5 encroachment of buildings pass the street line in
6 order to install new interior cladding for purposes
7 of improving building energy efficiency. This is a
8 much needed change because New York will never meet
9 its ambitious target for carbon reduction under these
10 incredibly impactful Climate Mobilization Act without
11 drastically reducing carbon output from buildings and
12 providing exterior cladding with the new high
13 performance windows is one of the best ways to reduce
14 heating and cooling costs. However, there are some
15 clarifications needed to remove any ambiguity and
16 potential interpretations by Department of Buildings
17 personnel. The proposed text of the code states that
18 exterior cladding systems may extend past the street
19 line, that makes no mention of building mechanical
20 systems, ductwork, piping, and conduit which would be
21 part of an energy-efficient retrofit of this kind.
22 These items are often installed in an integrated way
23 with cladding systems and can be explicitly allowed
24 to extend past the street line [inaudible 01:49:48].
25 Second, the proposed text of the code states that the

2 covering system must be needed to comply with New
3 York City energy conservation codes. The language
4 remains open to interpretation and that the New York
5 City Department of Buildings could limit the
6 allowable encroachment to meet today's energy code
7 requirements, but not tomorrow's. The text should be
8 revised to allow for over clouding to meet--

9 SERGEANT-AT-ARMS: Time expired.

10 TONY DANIELS: these requirements.

11 They are once in a generation and one cannot expect
12 [inaudible 01:50:16] more insulation every time you
13 [inaudible 01:50:20]. Thank you.

14 MODERATOR: Thank you. We will now hear
15 from April McIver followed by Catherine Leitch.

16 SERGEANT-AT-ARMS: Time starts now.

17 APRIL MCIVER: Thank you. My name is
18 April McIver. I am the executive director of the
19 Plumbing Foundation. It was founded in 1986. It is
20 a nonprofit organization of small and large union and
21 nonunion plumbing contractors, engineering
22 associations, supply houses, and manufacturers. We
23 are honored to be part of the New York City
24 Department of Buildings code revision process for the
25 past 14 years. We commend DOB for its involvement of

2 the stakeholder community and that diligence in
3 completing the revision. Yes, as was stated, most of
4 this bill was done by consensus, but DOB and the
5 industry don't always agree. Yes, they heard us out,
6 but, as was stated, DOB makes the final decision as
7 to what is submitted to the City Council which, you
8 know, we get with have been over 600 people involved
9 in the drafting process. In many times, concessions
10 are made at the committee level with the
11 understanding that stakeholders can then voice their
12 concerns that the city Council level. That is why we
13 are here today. We are not the only organization
14 that was involved in that code revision process that
15 is also testifying today and/or submitted written
16 testimony. So, with that, respectfully, the plumbing
17 industry does believe this bill contains several
18 concerning proposals, as detailed in our written
19 testimony, but I did want to briefly highlight a
20 couple major points today. Points that, by the way,
21 are absolutely in line with the overall goal of
22 safety. So, DOB proposes to revise the code to allow
23 for city employed licensed plumbers to conduct all
24 plumbing work including major alterations.

25 Currently, licensed holders of the city agencies can

2 do only repair or replacement of existing plumbing
3 systems. That is the law for decades. What I heard
4 is the reason is that the qualifications are the
5 same, but as DOB did not mention is that city
6 employees are not and cannot be held to the same
7 standard as private business owners. In other words,
8 insurance employment requirements. City employed
9 licensed holders are not employers, therefore, there
10 is no accountability for the work conducted by the
11 people that are working under that licensee. I only
12 have a few seconds left. If you don't mind letting
13 me just finish just because I know a couple things--
14 [inaudible 01:52:35]

15 SERGEANT-AT-ARMS: Time expired.

16 CHAIRPERSON CORNEGY: Please finish.

17 APRIL MCIVER: Thank you. And then
18 another point that I just wanted to emphasize was so
19 DOB proposes to remove the master plumber and master
20 fire suppression contractor license board which was
21 established decades ago. It comprises DOB personnel
22 and appointed members of the industry. What I heard
23 the Commissioner state is that other trades don't
24 have a board. The master electricians do. I know I
25 heard that they are working on the electoral code,

2 but as for other trades other than electricians,
3 plumbers, and fire suppression contractors, they are
4 not licensed to the extent that plumbers, fire
5 suppression contractors, and electricians are. So,
6 as is the case in many professions, legal, medical
7 professions, peer review of people seeking to obtain
8 a license, and disciplinary matters of existing
9 licensees. We believe it is extremely important for
10 transparency and oversight reason, so we would argue
11 that it is a common sense practice to keep the
12 license board. I will and there. Thank you for that
13 time and consideration and we respectfully urge the
14 Council to review our entire written testimony as we
15 have a number of other important matters that should
16 be addressed. Thank you.

17 CHAIRPERSON CORNEGY: Thank you for your
18 testimony.

19 MODERATOR: Thank you. I would now like
20 to welcome Catherine Leitch to testify followed by
21 Janice Lintz.

22 SERGEANT-AT-ARMS: Time starts now.

23 CATHERINE LEITCH: Chairman Cornegy and
24 members of the Committee on Housing and buildings,
25 thank you for the opportunity to speak in support of

2 Intro 2261. My name is Catherine Leitch and I am a
3 senior policy analyst at the Citizens Housing and
4 Planning Council. CHPC is a nonprofit civic research
5 organization dedicated to-- excuse me. Dedicated to
6 addressing the city's housing and planning needs.
7 The code revision process is an extremely important
8 ongoing effort to ensure that the city is being built
9 and maintained according to the latest scientific
10 knowledge, best practices, and are shared vision for
11 New York City's future. CHPC appreciates the scale
12 of this undertaking and commends both of the
13 committee volunteers and the city agencies involved.
14 Through our work, we witness the broad impact of
15 these codes on the lives of New Yorkers. We are
16 inclined to think of construction codes as a
17 technical tool that imposes safety standards and
18 consistency on the built environment. This is true,
19 of course, but there are also human consequences to
20 each specification of the crowd. Required
21 dimensions, occupancy designations, and listed
22 materials change where and how we live. 1 inch of
23 ceiling height can determine whether your
24 grandparents can live in an apartment below you or if
25 you can rent an extra unit to make ends meet. In

2 this revision cycle, the technical and subject matter
3 experts recommend an adjustment to the minimum
4 ceiling height required for basements in two family
5 homes. Without this revision, two family homes have
6 a more onerous effective ceiling height requirement
7 than both single-family and multiple dwellings. This
8 rationalization of ceiling heights will also help
9 enable the creation of accessory basement apartments
10 which are an important component of New York City's
11 housing stock. These units serve new entrants to the
12 housing market, multi-generational--

13 SERGEANT-AT-ARMS: Time expired.

14 CATHERINE LEITCH: households-- May
15 continue? Just one--

16 CHAIRPERSON CORNEGY: Yes. Please.
17 Please.

18 CATHERINE LEITCH: Thank you. Multi-
19 generational households, seniors aging in place, and
20 homeowners in need of extra income to pay a mortgage.
21 This is just one example of how re-examining our
22 technical prescriptions can have a significant human
23 impact. CHPC fully supports the regular and careful
24 consideration of the codes that shape our lives.
25 Thank you.

2 MODERATOR: Thank you. I would now
3 like--

4 CHAIRPERSON CORNEGY: Thank you for your
5 testimony.

6 MODERATOR: Sorry. Say that will more
7 time, Chair.

8 CHAIRPERSON CORNEGY: No. I was just
9 saying thank you for your testimony.

10 MODERATOR: Oh, of course. Thank you,
11 again. I would now like to welcome Janice Lintz to
12 testify followed by Ramon Gilsanz.

13 SERGEANT-AT-ARMS: Time starts now.

14 JANICE LINTZ: My name is Janice Shatra
15 [sp?] Lintz and I'm the CEO of Hearing, Access, and
16 Innovations. I spearheaded most of the city's
17 hearing induction loops including 3000 taxis, 482
18 subway information booths, museums, and theaters in
19 New York City. As far as I am aware, I am the only
20 person in the world tracking global best practices
21 for people with hearing loss. I was appointed to
22 various federal, state, and city committees including
23 the FCC's Consumer Advisory Committee, the US Access
24 Board's Passenger Vessels, and Rail Committees. I'm
25 also the mother of the 27-year-old daughter with

2 hearing loss. I am here today to discuss why the new
3 requirements for elevators need more specificity for
4 that 48 million people with hearing loss. When ICC
5 developed the standards with ASME and the Department
6 of Buildings, people with hearing loss were not
7 consulted. The ICC and ASME relied on people to just
8 comment which is not an effective way to receive
9 appropriate input. I am regularly requested to file
10 comments for ICCs induction loops, but, yet, ICC
11 didn't request my input on elevators. The commission
12 omitted hearing loss as one of the Commissioner when
13 she spoke earlier and mentioned omitted hearing loss
14 is one of the considerations. With 600 stakeholders,
15 how many were leaders in hearing access? The
16 standard of two-way communication that was created it
17 is unclear. In the absence of clear specificity,
18 then users rely on vendors to select the access rev
19 in choosing what is most suitable for the end users,
20 people with hearing loss. Elevators need to provide
21 both auditory and visual for of effective
22 communication for people with hearing loss. I
23 included in my submission a slide which shows this.
24 The auditory aspect can be met with induction loops.

25 SERGEANT-AT-ARMS: Time expired.

2 JANICE LINTZ: I am almost done. With
3 countries such as Nigeria, England, and Azerbaijan
4 offer in their elevators, I include the photographic
5 proof of this. New York City should do the same to
6 ensure that all people have access to emergency
7 communication. We have heard enough testimony of
8 what happens and about what can go wrong. Now
9 imagine if you can't communicate. For people with
10 hearing loss, that is an ongoing and terrifying
11 problem and we need the city to provide specificity.
12 I am happy to speak to anyone who would like more
13 additional information on what an induction loop is
14 and how it works.

15 CHAIRPERSON CORNEGY: Well, thank you for
16 your testimony. I'm glad you were able to
17 participate this morning. I know you had some
18 challenges where there were some challenges, so I'm
19 glad you were able to participate.

20 JANICE LINTZ: Yeah. This was critical
21 and I would have appreciated if the Council could
22 have accommodated me a little earlier. You know,
23 just, honestly, there has to be a better way of
24 organizing that. When you get up to that testimony,
25 please include me for that because there has to be a

2 way where someone doesn't have to commit to ours to
3 be able to testify because, if you can imagine for
4 people with hearing loss and their parents, it limits
5 how many testimonies you can do. You can make this a
6 full-time job and it really isn't right to be an
7 unpaid full-time person, many net every city Council
8 hearing on issues and when you are not put to the
9 front of the line, you can't commit two hours.

10 CHAIRPERSON CORNEGY: Well, thank you for
11 flagging that. I really appreciate that.

12 JANICE LINTZ: Thank you.

13 MODERATOR: Thank you. We will now be
14 hearing from Ramon Gilsanz followed by Kevin Lindahl.

15 SERGEANT-AT-ARMS: Time starts now.

16 RAMON GILSANZ: Thank you for giving me
17 the opportunity to speak. My name is Ramon Gilsanz.
18 I am a founding partner of Gilsanz Murray Staficek, a
19 structural engineering and building [inaudible
20 02:00:43] firm that operates in four states and
21 employs over 100 people. I am a member of the
22 federal [inaudible 02:00:54]. I am a member of ASCE
23 Seven and of the Spec Committee of AIEC. I am very
24 proud of being part of this effort and I am very
25 grateful to the labor of the Building Department.

2 They have done a great job. This effort started 20
3 years ago, right, after the World Trade Center
4 attacks. It is very clear that the city that had a
5 code that's dated from 1968 needed a process to keep
6 up with technology. I was given the opportunity to
7 participate. I have been or I am the Chair of the
8 structural committee that employs approximately over
9 50 structural engineers that have devoted uncountable
10 hours in this effort. I can only say good things
11 about the DOB, about the effort, and about everybody
12 that has participated. Thank you very much.

13 CHAIRPERSON CORNEGY: Thank you for your
14 testimony.

15 MODERATOR: Thank you. I would now like
16 to walk him Kevin Lindahl to testify followed by Mark
17 Weissbach.

18 SERGEANT-AT-ARMS: Time starts now.

19 KEVIN LINDAHL: Hi. I'm Kevin Lindahl
20 from the Bloomfield Tenants Organization. Can you
21 hear me okay?

22 CHAIRPERSON CORNEGY: Yes.

23 KEVIN LINDAHL: As Councilman Cornegy
24 talked a little bit about the importance of making
25 housing affordable-- and I think that, as a housing

2 activist, that is extremely important. There is a
3 program in Finland called Housing First where,
4 basically, what the priority of that this program was
5 is to cut out the red tape. Not focus so much on
6 people's background and on the pre-qualifiers, the
7 criminal history, drug addictions, psychotic episodes
8 because what they found is there is such a burden,
9 tremendous burden, not knowing where you are going to
10 sleep at night or if you live in an apartment and you
11 can't afford the rent and no waiting in a couple
12 months you could be homeless, the stress of not
13 knowing where you are going to sleep or potentially
14 being in a shelter and having nowhere to go
15 contributes to all of these side issues, drug
16 addictions, crime, and not being able to get back
17 into the workforce and, in Finland, what they did is
18 they said, you know what? Let's get people in
19 housing first. One of things they noticed is crime
20 rates dropped by more than 75 percent. It was much
21 easier for people to get back in the workforce, you
22 know, within a couple of-- like less than a year or
23 two rather than it taking decades for a homeless
24 person or never at all to get back in the system. By
25 putting our hearts first and saying, you know what?

2 The reason why some of these homeless people are
3 having such a hard time is this tremendous stress of
4 not knowing where you are going to be able to sleep
5 tonight. Imagine having no idea where you are going
6 to sleep tonight or next month having to sleep out on
7 the street or potentially you are in an apartment and
8 you don't know how to log on to get the aid you need
9 and you are going to be pushed out in a couple of
10 months--

11 SERGEANT-AT-ARMS: Time expired.

12 KEVIN LINDAHL: and now you're out on
13 the street. And this program-- and I want to
14 address this to Councilman Cornegy, if we could talk
15 about this more after this. It made it much easier
16 to mitigate these side issues when we just passed
17 some legislation in Finland where we get people into
18 homes or into a room and a place where they can wash
19 up, a place when they can sleep, when that stress is
20 reduced, all those other-- the costs comes down and
21 it improves the quality of life. And if the Council
22 would consider legislation like this, Housing First
23 and putting that priority first and eliminating the
24 bureaucracy, that is some you would be remembered for
25 for the rest of your careers because it would really

2 transform people's lives and it would change the
3 nature of the city and New York should be the first
4 city to try to do this. So, I thank you for your
5 time.

6 CHAIRPERSON CORNEGY: Thank you for your
7 testimony. Please, if you could just leave your
8 information may be in the chat or somewhere, I will
9 follow up with you. I love that idea.

10 KEVIN LINDAHL: Yeah. Would love to
11 talk about this. Thank you, Councilman. Thank you.

12 CHAIRPERSON CORNEGY: Thank you.

13 MODERATOR: I would now like to welcome
14 Mark Weissbach to testify followed by Arthur Clock.

15 SERGEANT-AT-ARMS: Time starts now.

16 MODERATOR: Mark Weissbach, are you
17 there?

18 MARK WEISSBACH: Yes. can you hear me
19 now?

20 MODERATOR: Yes.

21 MARK WEISSBACH: Great. Good morning,
22 Council member and Chair Cornegy and members and
23 staff of the City Council on Housing in Buildings.
24 My name is Mark Weissbach. I am a registered
25 architect in the Chief Executive Officer of Vidaris,

2 as well as Chairman of LPI Inc., and executive
3 architect of US Holdings, responsible for 10
4 specialty consulting companies throughout the United
5 States. I come before you today in support of Intro
6 2261. I am also intimately familiar with FISP and
7 feel so much for the families of Grace Gold, Greta
8 Greene, and others and support FISP the renaming and
9 Graces on her. But, today, I support city Council
10 for taking actions that could prevent finds resulting
11 in the use of combustible materials in and within
12 exterior walls. Today, ironically, marks the fourth
13 anniversary of the horrific Grenfell tile flyer that
14 claimed the lives of 72 innocent people and destroyed
15 a high rise apartment block in North Kensington,
16 suburban west of Central London, and Berlin. The
17 fire reportedly started along the perimeter of the
18 fourth floor and uncontrollably raced up the 24 story
19 structure, and golfing the entire building within
20 minutes. A similar fire in New York City would
21 likely cause higher loss and replacement costs than
22 the Grenfell fire due to our density in the higher
23 costs and complex nature of construction in New York
24 City. Now, government officials and residents
25 throughout England believe that tens of thousands of

2 similarly constructed building should be remediated
3 and that the government has set aside billions of
4 dollars to offset replacement costs that are expected
5 to be measured in multiples of available funding.
6 Hundreds of buildings maintained 24 our fire watch at
7 a cost to taxpayers of tens of millions of dollars a
8 year it in an effort to alert residents of--

9 SERGEANT-AT-ARMS: Time expired.

10 MARK WEISSBACH: a life-threatening case
11 of an event. Vidaris and its affiliates to include
12 more than 350 highly technical experts, engineers,
13 code zoning consultants, and energy efficiency
14 sustainability experts. Our company was the first
15 entity in New York City to become accredited for
16 special inspections building exteriors as required by
17 the New York City code. I am honored to have been
18 selected for two terms as the Chair of the
19 Construction Requirements and materials Committee.
20 The committee was most recently charged with
21 reviewing several chapters of the proposed New York
22 City building code to ensure its consistency with the
23 2015 International Building Code and relevant to New
24 York City. The construction requirements and
25 material committee included stakeholders of our city.

2 Designers, developers, manufacturers, contractors,
3 and various city agency including the Department of
4 Buildings and FDNY. We held 39 meetings that, in
5 specific code language for impact and improvement to
6 the existing code as well as for the benefit of
7 residents and businesses of New York City. Each of
8 the committee members volunteered additional time
9 beyond the meetings to further research code
10 provisions to maintain New York City's position as a
11 leader and innovator. Our efforts were sensitive and
12 sensible towards occupant comfort, safety, economics,
13 durability, and energy efficiency. I am here today
14 to support Intro 2261 or, more specifically, to
15 acknowledge that there was contentious debate over
16 certain portions of the code that address the use of
17 combustible materials in and within exterior walls.
18 In fact, this topic was discussed in no fewer than 14
19 meetings or roughly once every third meeting that we
20 convened. As you know, the Department of Buildings
21 has endorsed a consensus policy towards code review
22 and development. When consensus cannot be reached in
23 a collaborative manner, remaining issues have been
24 settled through the mediation process. The outcome
25 of the mediation is accepted by all stakeholders.

2 The process is reached through compromise and this
3 process helps our city move forward to a better place
4 than when we started. On December 10th, 2020,
5 building department Commissioner LaRocca issued a 46
6 page final determination of all sections mediated as
7 part of the 2020 code revision. The detailed
8 provisions regarding the use of combustible materials
9 in and within exterior walls. It was my point of
10 view in the view of the FDNY, as well as committee
11 members and specialists that combustible materials
12 should not be used in exterior walls of buildings to
13 over 75 feet. As a result of the mediation process,
14 certain provisions were outlined by the DOB that can
15 mitigate the necessary risk and slow the spread of
16 fire and poisonous gases on surfaces and through
17 concealed cavities of exterior wall systems by
18 compartmentalization of combustible materials with
19 fire blocking and other intermittent separation.
20 Without banning or otherwise eliminating the use of
21 combustible materials. This positive move will allow
22 progress forward in a city that has no alternative
23 but to move forward. London Grenfell, the [inaudible
24 02:11:12], CCTV Tower, Shanghai 2010, in the
25 Cathedral of Notre Dame, all of these fires have at

2 least two things in common: the use of combustible
3 materials and the lack of access to extinguish the
4 fire. Some of these fires occurred in occupied
5 buildings and these fires resulted in substantial
6 loss of life and property and presented unnecessary
7 danger to the residents, occupants, neighbors, and
8 first responders. While fire cannot be completely
9 avoided, additional steps can and must be taken to
10 mitigate the risks of unnecessary, uncontrollable
11 fire spread. The altruistic goal to achieve energy
12 efficiency, carbon gas reduction, and increase
13 affordable housing, and maximization of land use is
14 clear and admirable. Sound decision-making is not
15 achieved by exploiting one criteria while
16 disregarding others. Identification of the optimal
17 solution requires compromise to locate the
18 intersection of seemingly conflicting criteria,
19 challenges, and obstacles. Exterior fires are
20 generally considered to be low frequency of events,
21 occurring in approximately 10 percent of fires
22 investigated. The consequence to life and property
23 is disproportionately high. The percentage of
24 exterior wall fires occurring--

25 MODERATOR: Excuse me, Mr. Weissbach?

2 MARK WEISSBACH: Yes, sir.

3 MODERATOR: There is a two minute time
4 limit, so I must ask that you do wrap up your
5 testimony.

6 MARK WEISSBACH: I will very quickly.
7 I'm sorry for that.

8 MODERATOR: Thank you.

9 MARK WEISSBACH: One in four fires
10 investigated spread to the building exterior and if
11 combustible materials and assemblies are present, the
12 fire can spread beyond the area of origin. Even in
13 [inaudible 02:12:57] buildings, the risk of fire
14 spread is high. Suppression systems can be
15 overwhelmed and fires can be larger, hotter, and
16 spread more quickly than tested configuration suggest
17 and fire suppression systems can do little to
18 extinguish a fire that are on the exterior of the
19 building or, even worse, buyers that spread within
20 concealed cavities that communicate with adjacent
21 floors or occupancies within the building. Our city
22 has the best fire fighters of any city in the water
23 around. FDNY word valuable contributors on our
24 committee and invaluable for educating stakeholders
25 in our city about risk of fire and tall buildings.

2 City Council recently adopted building code
3 provisions and local law 15 aim to protect the life
4 of birds through the use of friendly [inaudible
5 02:13:45], but yet are codes leave residents and
6 occupants exposed to unnecessary excessive risk of
7 fire which can be mitigated to the use of alternative
8 materials and or details to eliminate or reduce the
9 likelihood of catastrophic fighting fires. Thank
10 you.

11 MODERATOR: Thank you. Again, I would
12 like to remind everyone that there is a two minute
13 time limit for testimony as there are a lot of
14 panelist signed up to testify. Please be mindful of
15 this time limit and do your best to consolidate your
16 testimony to two minutes. The rest of your testimony
17 can be submitted to testimony@Council.NYC.gov up to
18 72 hours after this hearing has commenced. Again,
19 that is testimony@Council.NYC.gov. Now, I would like
20 to welcome Arthur Klock to testify followed by Shamim
21 Rashid Suma.

22 SERGEANT-AT-ARMS: Time starts now.

23 ARTHUR KLOCK: Good morning, Chairman
24 Cornegy, Council members. My name is Arthur Klock.
25 I have worked in the plumbing industry in New York

1 City for more than 40 years. I am the director of
2 trade education for plumbers local Union number one
3 and I am in support of Intro 2261. Recent updates to
4 the plumbing code and fuel gas code have been a long
5 and detailed process, but very worthwhile. Sitting
6 on the committee has been a great privilege. Working
7 with licensed master plumbers and licensed
8 professional engineers, FDNY, DEP, SCA, HPD, and many
9 more abbreviations, Con Ed, National Grid, and, of
10 course, all the dedicated professionals in the New
11 York City Department of Buildings on this project has
12 been enlightening. I want to express my admiration
13 for the transparent and consensus-based approach DOB
14 used to produce this important work in Intro 2261.
15 Now, that being said, in my written testimony, there
16 are four areas where I feel the Council should look
17 at-- well, considering Intro 2261, but I will skip
18 to the one that I think is the most important because
19 of time constraints. There is, in the code revision,
20 there is an article 423 of the administrative code.
21 423 details the qualification requirements for
22 persons who are permitted to engage in fuel gas work.
23 This relates to local law 150 of 2016 and local law
24 152 of 2016. And it also relates to the roles that
25

2 the department puts in place, 103 - 10 of Title I.
3 What we're seeing is that there is conflict between
4 the different laws and conflict between the rules
5 which is preventing the application of these rules to
6 be done correctly. We had an explosion in 2014 in
7 East Harlem that killed eight people and injured at
8 least 70 others and displaced 100 families. This was
9 followed by another explosion that took place in
10 Greenwich Village that--

11 SERGEANT-AT-ARMS: Time expired.

12 ARTHUR KLOCK: May I go a little
13 farther, Mr. Chair? Thank you. It resulted in the
14 death and injury, as well and the destruction of
15 property. What we want to see is that it would be
16 some follow-up to try to consolidate and coordinate
17 local law 150, local law 152, and the DOB applicable
18 rules on these laws. This involves periodic
19 inspection of gas lines. Who would be qualified to
20 do that periodic inspection? What would be the
21 department requirements for that person who they
22 called the inspection entity? And if all these
23 things were coordinated better, the whole thing would
24 work better and would provide a much greater level of
25 safety for the people of New York City. So, I help,

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2 in considering 2261, which I do say I am in favor of,
3 that the committee would look closely at article 423
4 and how that relates to the local law 150 and 152.

5 Thank you very much.

6 CHAIRPERSON CORNEGY: Thank you for your
7 testimony.

8 MODERATOR: Thank you. I would now like
9 to welcome Shamim Rashid Sumar to testify followed by
10 Jon Buchheit and Arthur Goldstein.

11 SERGEANT-AT-ARMS: Time starts now.

12 SHAMIM RASHID SUMAR: Good afternoon. My
13 name is Shamim Rashid Sumar. I am the vice president
14 of Fire Codes and Standards for the National Ready
15 Mix Concrete Association representing the Build with
16 Strength Coalition. We applaud the efforts of the
17 DOB in the building code committees and the proposed
18 updates to the New York Construction [inaudible
19 02:18:19]. However, Build with Strength expresses
20 concern related to the proposed revisions for new
21 materials. Cross laminated timber and structural
22 composite timber, as well as proposed provisions for
23 fire blocking and combustible exterior walls. For
24 CLT, the New York City code updates reference the now
25 outdated 2018 addition of Ancy APA PRG 320, standard

1 for performance related Cross laminated timber.

2 However, the latest 2019 addition of the same

3 standard, which is referenced by the IBC, requires

4 fire resistant adhesives to avoid delamination of CLT

5 members and fire. This is an important consideration

6 that has been shown in a number of fire tests and is

7 of particular importance within the fire district

8 boundaries of New York City. We urge the DOB and

9 this committee to review the provisions for CLT

10 adhesives, as well as CLT connections to ensure the

11 latest standards are referenced in the updated codes.

12 For the fire blocking provisions, we are concerned

13 that the new provisions will be unnecessarily applied

14 to approved exterior wall assemblies such as

15 insulating concrete forms or ICF construction. It

16 exterior wall assembly, approved by the ICC's

17 International Evaluation Service under ACP 353 that

18 includes APS insulation as part of the concrete

19 exterior wall assembly construction for energy

20 efficiency, bond other benefits. As Mr. Klock just

21 mentioned, in 2014, a massive natural gas explosion

22 in East Harlem destroyed two apartment buildings,

23 caused eight deaths, 70 injuries, and displaced 100

24 families. However, an adjacent concrete building

2 stood strong, survived the blast, and the fire. The
3 New York Department of Buildings engineer report said
4 that, amazingly, there was no structural damage at
5 all and the blast was located inches--

6 SERGEANT-AT-ARMS: Time expired.

7 SHAMIM RASHID SUMAR: I'm just finishing.
8 Thank you. Inches not feet from the concrete walls,
9 yet the building was remarkably good shape and did
10 not sustain any flames or flame propagation. This
11 adjacent building was constructed of insulated
12 concrete forms. Build with Strength is concerned
13 that the increase provisions for fire blocking in
14 this type of construction are unnecessary, difficult
15 to implement, and threaten the viability of this
16 construction which is so vital to preserving fire
17 safety, affordability, and energy efficiency in New
18 York City. The Build with Strength Coalition urges
19 revisiting these new provisions for Cross laminated
20 timber and fire blocking to ensure the highest level
21 of safety for New York City residents. Thank you for
22 your consideration.

23 CHAIRPERSON CORNEGY: Thank you for your
24 testimony.

2 MODERATOR: Thank you. I would now like
3 to welcome John Buckheit to testify followed by
4 Arthur Goldstein and George Bassolino.

5 SERGEANT-AT-ARMS: Time starts now.

6 JOHN BUCKHEIT: My name is John
7 Buckheit. I serve as the assistant chief of fire
8 prevention for the Fire Department of New York and
9 was a member of the construction requirements and
10 matériel committee. On that committee, we made
11 recommendations to improve the code to address
12 serious concerns about the use of combustibles in the
13 construction of high-rise buildings. Some materials,
14 in some wall systems, our combustible and although
15 engineered to limit fire, testing has shown greater
16 heat and planets, walls can burn and allow flames to
17 spread up the building. Presently, fire departments
18 cannot extinguish the fire quickly enough above 75
19 feet on these wall systems. In addition, fire
20 departments cannot rapidly evacuate tall buildings or
21 do in building relocation. This evacuation methods
22 only work if the fire is compartmentalized by
23 building design and engineering. The code
24 improvement properly requires departmentalization in
25 the wall systems. The present code design usually

2 provides adequate protection, but, rarely,
3 catastrophic fires have occurred with devastating
4 effects. Worldwide, over 200 fires have occurred in
5 which the fire spread up all floors from the point of
6 origin with great rapidity up the wall system. Fire
7 departments, despite great effort and risk to
8 members, can do little to slaughter the fire and the
9 results were tremendous loss of property and, in some
10 flyers, hundreds of lives were lost. These fires
11 have occurred worldwide in Australia, the Far East,
12 the Middle East, and Europe. Four years ago today,
13 in East London lost nearly 100 lives at the tragic
14 Grenfell fire. The losses from that fire are still
15 mounting as the UK attempts to make buildings with
16 similar construction safe after their wake-up call.

17 SERGEANT-AT-ARMS: Time expired.

18 JOHN BUCKHEIT: May I continue for just
19 one moment, Chairman?

20 CHAIRPERSON CORNEGY: Yes.

21 JOHN BUCKHEIT: Thank you for that. The
22 losses from that fire are still mounting as the UK
23 attempts to make buildings with similar construction
24 safe after their wake-up call. I am certain they
25 would do anything to be able to go back in time and

2 adopted the [inaudible 02:23:33] countermeasures that
3 code improvement offers. We have an opportunity to
4 learn from other shortsightedness and make our high-
5 rise buildings safe for the public by adopting the
6 code improvement. And I just want to thank Chairman
7 Cornegy, City Council members, Commissioner LaRocca,
8 and Commissioner Aykroyd. This is a true example of
9 democracy and the mark of a great society. Thank you
10 for allowing me to speak.

11 CHAIRPERSON CORNEGY: Thank you for your
12 testimony.

13 MODERATOR: Thank you. There is a caller
14 present in this hearing. Caller number one, phone
15 number 191-721-3455. Identify yourself? All right.
16 We will move on to Arthur Goldstein to testify
17 followed by George Bassolino.

18 SERGEANT-AT-ARMS: Time starts now.

19 ARTHUR GOLDSTEIN: Actually, if George
20 Bassolino could go first. I am just on a panel with
21 him to possibly answer questions.

22 MODERATOR: Okay. Thank you for that
23 information. Mr. Bassolino, if you could please
24 testify.

25 SERGEANT-AT-ARMS: Time starts now.

2 GEORGE BASSOLINO: Good morning, Chair
3 Corney and members of the committee. My name is
4 George Bassolino and I represent the Master Plumbers
5 Council. Thank you for providing the Master Plumbers
6 Council with the opportunity to speak today. This
7 final package of codes represents the collected work
8 of a group of people who serve on the technical
9 committee. The revision process was a monumental
10 only made possible by the effective leadership and
11 guidance of the dedicated professionals of the
12 department. The entire process was extremely
13 transparent and consensus based. The process worked
14 so well that the MPC has no objection or recommended
15 changes to the gas code. The MPC has also [inaudible
16 02:25:32] for the first time on the administrative
17 advisory committee. The purpose of this committee is
18 to consider code sections related to items such as
19 the laws governing permit issuance and unlicensed
20 regulation. Fortunately, advisory committees are not
21 required to achieve consensus. However, we thank the
22 Department for taking the time to help us better
23 understand the intricacies of the process and
24 listening to our concerns about what we consider
25 these very important issues. Our written testimony

2 we will present to you has recommendations addressing
3 some of these proposed changes. For the most part,
4 they request simple clarifications and are in strict
5 accordance with the intent of this crowd. That
6 includes the Corporation occurrence, scientific
7 knowledge, work experience, and take, all in the
8 interest of public safety. It also requires the due
9 regard for building construction and maintenance
10 costs. Our proposals adhere to this intent to also
11 providing New York City Residents of the losses
12 possible cost to the clients. Licensed plumbing is
13 as important to public safety as oxygen is for the
14 human body. It reduces the risks and included water
15 contamination, cross connections, and scalding. All
16 three repairs can lead to leaks that create mold and
17 fungus. Licensed plumbers can have proper
18 qualifications, the knowledge, and, most importantly,
19 the legal permission to do this work. Sadly, we are
20 all too familiar with what happens when unlicensed
21 and unqualified persons undertake gas work. We thank
22 the Chair and the committee for all the time and
23 effort keeping New York City residents safe. It took
24 a few extra years to get here, but this revision is
25 finally ready for your review. We believe that this

2 code, with some minor revisions, along with the
3 tenant gas safety bills you pass will continue to
4 provide New York City residents--

5 SERGEANT-AT-ARMS: Time expired.

6 GEORGE BASSOLINO: with the very best
7 processes to keep them safe. Have a great day.

8 CHAIRPERSON CORNEGY: Thank you. Thank
9 you for your testimony and it has been an absolute
10 pleasure to work with you and members of the industry
11 around trying to get us to a safer, more equitable
12 way of doing business in the city. It should be as
13 difficult for us to do business. So, thank you.

14 GEORGE BASSOLINO: Thank you.

15 CHAIRPERSON CORNEGY: Let's work
16 together.

17 GEORGE BASSOLINO: I look forward to it.

18 ARTHUR GOLDSTEIN: Thank you, Mr. Chairman.

19 CHAIRPERSON CORNEGY: All right. Thank
20 you, Arthur.

21 MODERATOR: Thank you. I would now like
22 to welcome Max Wolf to testify followed by Dorothy
23 Mazzarella.

24 SERGEANT-AT-ARMS: Time starts now.

25

2 MODERATOR: Mr. Wolf, you are on mute.

3 There we go.

4 MAX WOLF: Dear Council member Cornegy
5 and City Council members, my name is Max Wolf and I
6 am an architect and professional engineer
7 specializing in sustainability and enclosure design
8 at Skidmore, Owings, and Merrill New York. I don't
9 doubt the good intentions of the proposed changes to
10 the cladding and fire blocking portions of the
11 building code, as we have discussed today. There
12 have been cladding fires that show some enclosures
13 are far less safe than claimed, but what concerns
14 many of us about the revisions that is, frankly, that
15 confused, nonsensical approach. Enclosure design is
16 one of the most complicated specialties and
17 architecture and since there is not enough time today
18 to go into the attached details, I suggest to
19 overarching trends for guidance. One, the history of
20 cladding fires points to combustible cladding and, at
21 times, combustible insulation is the culprit, this I
22 recommend combustible cladding and insulation not be
23 permitted on high-rise buildings and probably not on
24 low rise buildings above 40 feet. This is a more
25 conservative and simpler approach than the code

2 committee. Two, climate change is a parallel life
3 safety matter as deadly and irreversible as a fire on
4 a much greater scale. It's more extreme weather will
5 increasingly contribute to fires, deadly heat waves,
6 and other devastating processes throughout New York
7 if we don't continue to reduce emissions and what we
8 do to building enclosure designed to address fire
9 resistance can often degrade thermal performance and
10 increase embodied in operational carbon emissions if
11 not done with care. The proposed code changes
12 severely undermine the ability of some enclosures to
13 fight climate change while not substantially reducing
14 the risk, therefore, at the local law 97 advisory
15 board absolutely must have time to require any
16 changes to the proposed enclosure revisions and I
17 recommend you guys delay passage of this bill or at
18 least portions of it and direct the Committee to make
19 available a report summarizing the research,
20 including anticipated local law 97 impacts. I urge
21 you to introduce a bill that requires all future
22 changes to code and Sony man include local law 97
23 impacts or it will gradually be picked apart. Thank
24 you.

2 CHAIRPERSON CORNEGY: Thank you for your
3 expert testimony.

4 MODERATOR: Thank you. We will next hear
5 from Dorothy Mazarella followed by Eduardo Lievano.

6 SERGEANT-AT-ARMS: Time starts now.

7 DOROTHY MAZZARELLA: Chairman, members,
8 and staff of the Committee on Housing and Buildings,
9 my name is Dottie Mazarella. I am the vice
10 president of government relations for the
11 International Code Council. The ICC use the member
12 focused association dedicated to helping the building
13 community provide safe, resilient, and sustainable
14 construction for the development and use of model
15 codes referred to as I codes used for the design,
16 construction, and compliance process. I appreciate
17 the opportunity to submit testimony in support of
18 Intro 2261 to update the city's construction code.
19 As the Commissioner mentioned earlier today, that I
20 codes are adopted at the state or local level and 50
21 states, DC, Guam, the Northern Mariana Islands, the
22 US Virgin Islands, Puerto Rico, and here in New York
23 City. And also internationally in the Caribbean,
24 Central America, the Middle East, Georgia, and
25 Mexico. The I codes are revised and updated every

2 three years by a national consensus process that
3 strikes a balance between the latest technology and
4 new building products, economics, and costs while
5 providing for the most recent advances in public and
6 first responder safety and installation techniques.
7 The ICC code development process is an inclusive
8 process that encourages input from all organizations
9 and allows the governmental members, including
10 representatives from New York City, to determine the
11 final code provisions. I am pleased that several
12 members of the buildings department staff have
13 participated in the most recent code hearings and, as
14 the result, several provisions of the current New
15 York City construction codes have incorporated--
16 have been incorporated into the I codes. Technical
17 and practical expertise of New York City building and
18 fire officials, design professionals, builders,
19 contractors, labor representatives, and all are
20 important to your adoption efforts, as well as ours.
21 By keeping the codes current, the city provides the
22 safest and economically prudent climate for its
23 citizens which allow the use of new construction
24 methods. Accordingly, the legislation will update
25 the city's construction codes to reflect enhanced

2 building construction, safety, accessibility,
3 sustainability, and resiliency. Lastly, I would like
4 to commend the Department of Buildings for once again
5 leaving a transparent and inclusive process for
6 adoption, every affected organization was invited to
7 participate in the process and, in fact, the New York
8 City code adoption process and its code revision
9 cycle handbook served as a model for the city of
10 Chicago. The ICC is honored to partner with the city
11 on your adoption efforts and thank you so much for
12 the opportunity. I hope that the city Council will
13 pass the code expeditiously and I am happy to provide
14 any further information if you need. Thank you.

15 MODERATOR: Thank you. I would now like
16 to welcome Eduardo Lievano to testify followed by
17 Alexander Grau.

18 SERGEANT-AT-ARMS: Time starts now.

19 EDUARDO LIEVANO: Good afternoon. My name
20 is Eduardo Lievano. I'm a civil engineer from
21 Colombia, South America. I can to the United States
22 to work here and I'd be happy to work and participate
23 in the community specialist [inaudible 02:33:39] of
24 buildings and I enjoyed every much and focused mostly
25 on this specialist that we do every day. We have a

2 lot of issues with engineers and contractors about
3 how to perform our inspections. So, clarification
4 and interpretation is a very important part in this
5 process of code revision. Updating is very important
6 and, more important for me, is to be involved in the
7 safety of the people and I do support this progress
8 of the law 202061. Thank you.

9 MODERATOR: Thank you very much for your
10 testimony. Again, I would like to ask caller number
11 one to briefly unmute and identify themselves if they
12 are still present in the hearing. All right. In
13 that case, we will move on to Alexander Grau followed
14 by Vincent Scarso. Oh. Sorry. Caller number one?

15 GEORGE FARANACCI: George Faranacci from
16 the [inaudible 02:34:59].

17 MODERATOR: Thank you very much. All
18 right. Alexander Grau followed by Vincent Scarso.

19 ALEXANDER GRAU: Good morning. I would
20 also like to speak on behalf of also Vincent Scarso.
21 I believe he had to drop off, but my testimony echoes
22 what he was going to say, so we will save some time.
23 Good afternoon. My name is Alex Grau. I'm a control
24 engineer with CNH Insurance. Thank you all for your
25 time. I would like to express my support for 2661

2 and answer any questions specific to the changes made
3 specifically to the mechanical code chapter 10. My
4 primary goal sitting on the chapter 10 technical
5 committee with safety. The changes in chapter 10
6 were taken from international codes, ASME, NFPA, and
7 New York State codes. The changes proposed breaking
8 the current law in line with industry accepted
9 standards and overall make the operation of boilers
10 and pressure vessels within New York City safer. If
11 any additional insight or information pertaining to
12 the changes to the chapter 10 of the mechanical code
13 is needed, I would be happy to provide insight and
14 justification, along with a formal written testimony
15 made by my colleague, Vincent Scarcella and thank you
16 for your time. Thank you.

17 MODERATOR: Thank you very much. We will
18 now move on to Chris Halfnight and then hear
19 testimony from Lyric Thompson.

20 SERGEANT-AT-ARMS: Time starts now.

21 CHRIS HALFNIGHT: Good afternoon, Chair
22 Cornegy and members of the Committee. Despite having
23 registered today, I am going to decline to testify
24 other than to simply say I am the associate director
25 of policy at Urban Green Council. We are in

2 environmental nonprofit dedicated to transforming
3 buildings for sustainable future and I just wanted to
4 applaud and thank the committee and the dedicated
5 team at the Department of buildings and the many
6 volunteers on the technical code committees for this
7 comprehensive update to the city construction codes.
8 Thank you very much.

9 CHAIRPERSON CORNEGY: Thank you.

10 MODERATOR: Thank you. We will now move
11 on to Lyric Thompson followed by Chris Thompson.

12 SERGEANT-AT-ARMS: Time starts now.

13 LYRIC THOMPSON: Hi. Good afternoon. My
14 name is Lyric Thompson. I would like to speak for a
15 moment. I completely support the strengthening of
16 our housing codes and are construction codes, but I
17 would also-- I am kind of concerned about the
18 enforcement of our housing and safety in construction
19 codes. Over the last six years, we've had issues
20 with our egress stores, as well as our vestibule door
21 and our smoke stopping walls. Both are coming down
22 and FPA 80, with regard to egress stores is the
23 standard that HPD is supposed to be in accordance
24 with multiple dwelling law 50 -A.5, yet, for four and
25 a half years, we've had revolving violations on a

2 door that was not fire rated and not supposed to be
3 on the building. 27 - 370 exit passageways states
4 that all corridor and exit passageway doors shall be
5 self-closing noncombustible and smoke proof. 715
6 3.3, door assemblies in corridors and smoke barriers
7 goes on to say that said vestibule doors are supposed
8 to be in compliance with UL 1784. They are supposed
9 to be traffic control and smoke stopping. The wall
10 is supposed to be smoke stopping, as well, in
11 compliance with NFPA 252. Now, my problem is that we
12 have a hole in our smoke stopping wall and our
13 vestibule door has a 2 inch gap at the bottom of it.
14 Our fire protection is nonexistent. Now, Council
15 member Cornegy, I have come before this committee
16 many, many times. I have begged you many, many times
17 to address the issue with the lack of enforcement of
18 our fire standards for egress stores and HPD's lack
19 of knowledge of these standards.

20 SERGEANT-AT-ARMS: Time expired.

21 LYRIC THOMPSON: Can I finish up?

22 MODERATOR: Please wrap up quickly.

23 LYRIC THOMPSON: Okay. The lack of
24 enforcement of these standards has dire consequences
25 as a net cost people their lives. In our situation,

2 Council member Cornegy, you are very well aware that
3 we had to have defective door hardware removed by the
4 fire department six days after HPD said that this
5 door hardware was perfectly acceptable. Now, again,
6 I'm going to ask you when are you going to take fire
7 safety seriously? You promised me over 10 times over
8 the past four years that you would address this. In
9 the last hearing, you promised a hearing with HPD to
10 ascertain as to why they don't know these codes and
11 why they are not enforcing these safety standards. I
12 would like to do this, sir, before we have to attach
13 someone's name on a bill to address this. So, what
14 say you, Robert?

15 CHAIRPERSON CORNEGY: I am working with
16 DOB to get to a place where we can have this hearing.
17 So I promise you the hearing. We are going to have
18 the hearing.

19 LYRIC THOMPSON: All right. We will see.
20 Thank you for your time.

21 CHAIRPERSON CORNEGY: Thank you.

22 MODERATOR: Thank you. I would now like
23 to welcome Chris Thompson to testify followed by
24 Jeffrey Blain and Aaron Gunzner.

25 SERGEANT-AT-ARMS: Time starts now.

2 CHRIS THOMPSON: Good afternoon. I would
3 like to thank Chair Cornegy and the members of the
4 committee for the opportunity to testify. I am Chris
5 Thompson, global product development manager at
6 Tenmat Limited in the UK and Tenmat Inc. in the US.
7 I have been involved in the design, prior testing,
8 and development in fire stopping and fire blocking
9 materials for the past 20 years. Commenting on the
10 proposed changes detailing chapter 7 section 718.2.6
11 in relation to fire blocking in the external wall
12 systems and the juxtaposition between fire blocking
13 while also allowing the external façade to function
14 with design including ranges of efficiency which has
15 been raised a few times already today. So, we agree
16 that serious consideration using prevented fire
17 tested systems for reading screens and cladding is
18 key, as is the importance of fire blocking and with
19 regards to the proposal of fully sealing off the
20 cavity with Stonewall fire blocking behind systems,
21 this is clearly an effective solution in terms of
22 stopping vertical fire spread caused by the so-called
23 chimney effect. However, in non-fire situations, the
24 complete blocking of the cavity can cause other
25 issues such as a lack of drainage and lack a bit

1 delay should which can lead to damp problems and
2 reduce energy efficiency to thermal bleaching and
3 possibly the accompanying redesign of rain screened
4 systems. The issues can be prevented with the use of
5 intumescent technology and while also providing fire
6 and capabilities through intumescent materials that
7 are designed to rapidly swell as a result of heat
8 exposure and can expand many times their original
9 thickness and shut off passageways for fire and heat.
10 This means fire blocking can be designed to leave
11 ventilation for any [inaudible 02:42:08] for the
12 system to ventilate as required and ventilation
13 materials to be in place to enhance energy
14 efficiency. However, in a fire situation,
15 intumescent fire blocking would expand to limit
16 vertical fire spread. Such intumescent fire blocks
17 have been used extensively in the UK for the past 15
18 years, as well as other parts of Europe, the Middle
19 East, and Australia have been increasing specified
20 and enforcement following the well documented green
21 screen fires in recent years. Just one more
22 sentence. So, to summarize, fire blocking can be
23 affected without significant changes to rain screen
24

2 system designs by the use of intumescent systems as
3 an alternative fire blocking material. Thank you.

4 MODERATOR: Thank you very much for your
5 testimony. Next, we will hear from Jeffrey Blain
6 followed by Aaron Gunzner and David Johnston.

7 SERGEANT-AT-ARMS: Time starts now.

8 MODERATOR: Mr. Blain, are you there?

9 JEFFREY BLAIN: Sorry. I was on mute.
10 My name is Jeffrey Blain. I work at Frederick
11 Williams consulting group. We are a vertical
12 transportation elevator consulting group. I
13 participated on the elevator committee for this code
14 cycle and the previous two. I would like to speak in
15 favor of Intro bill 2261. I just have two suggested
16 improvements. One of them is regarding the
17 accessibility requirements in the proposed building
18 code chapter 11 regarding requirements for
19 destination dispatch elevators. The other is
20 regarding improvements in requirements for occupation
21 evacuation elevators. There were improvements
22 recently made by ASME based upon feedback from actual
23 installations that have just been published in their
24 2019 code. I will be submitting these suggested
25 improvements via the email address provided and I'd

2 appreciate their consideration and thanks very much
3 for the opportunity to speak.

4 MODERATOR: Thank you. We will now hear
5 from Aaron Gunzner followed by David Johnston and
6 Keena Franklin.

7 SERGEANT-AT-ARMS: Time starts now.

8 AARON GUNZNER: Good afternoon. My name
9 is Aaron Gunzner, advocacy manager with the Air
10 Movement and Control Association International--
11 AMCA International. AMCA International was founded
12 in 1917 and is a not-for-profit association of
13 manufacturers of fans, dampers, louvers, and other
14 air system components for commercial building,
15 heating, and air conditioning and industrial process
16 and power generation applications. Its mission is to
17 advance the knowledge of air systems and uphold the
18 industry integrity on behalf of its nearly 400
19 members worldwide. AMCA International thanks the
20 Committee for the opportunity to provide testimony
21 regarding Intro 2261, the construction codes for
22 revision and completion bill. AMCA International are
23 just the committee's support of this bill and
24 supports the development efforts of the New York City
25 Department of Buildings which resulted in this bill.

2 AMCA believes that collaborative work between
3 regulated parties, that Department of Buildings, and
4 other interested parties ahead of rulemaking efforts
5 can result in higher confidence that presented for
6 the rulemaking effort will be an accurate and
7 effective set of codes proposed for adoption that
8 will serve the public interest of New York City and
9 improve the safety, health, and operability of its
10 buildings. I would like to give a brief description
11 of AMCA Internationals contribution to and
12 involvement with the development of Intro 2261. AMCA
13 International provided the guidance letter to the
14 Department of Buildings in 2016 regarding louver
15 requirements in the 2014 New York City mechanical
16 code. AMCA International then provided an updated
17 letter to the department on December 20, 2019 which
18 included clarifying code change recommendations for
19 these louver requirements. Following submission of
20 the 2019 letter, AMCA International was connected by
21 the Department of Buildings into the mechanical
22 technical committee and the panel Chair for the
23 mechanical codes ventilation chapters. On February
24 18, 2020, team of AMCA International members and
25 staff met with members of this TC to discuss the

2 details of the proposed changes to the mechanical
3 code outlined as outlined in the letter. A consensus
4 was reached that largely accepted AMCA Internationals
5 recommendations.

6 SERGEANT-AT-ARMS: Time expired.

7 AARON GUNZNER: If I may, through the
8 Chair, a few more sentences?

9 CHAIRPERSON CORNEGY: Yeah. I'm sorry.
10 I was on mute. Just finish up, please.

11 AARON GUNZNER: Thank you. AMCA
12 International believes that these code changes will
13 remove ambiguity and will assist architects,
14 engineers, and other building professionals with
15 application of louver requirements. AMCA
16 International was pleased to have worked with the New
17 York City Department of Buildings during its code
18 revision process. Thank you for your time.

19 CHAIRPERSON CORNEGY: Thank you for your
20 testimony.

21 MODERATOR: Thank you. I would now like
22 to welcome David Johnston to testify followed by
23 Keena Franklin and Chanel Mani.

24 SERGEANT-AT-ARMS: Time starts now.

2 DAVID JOHNSTON: Good afternoon. My name
3 is David Johnston. I am the Executive Director of
4 the EIFS Industry Member Association based in Falls
5 Church, Virginia. On behalf of the association, I
6 want to thank the Chairman and the members of the
7 Housing and Buildings Committee for this opportunity
8 to present testimony on Council bill 2261. First
9 off, I want to express EIMA's first priority is
10 safety of people, fire fighters, and property and
11 that is a high priority of our organization. EIMA is
12 made up of 750 members who are applicators,
13 designers, manufacturers, and distributors of the
14 exterior insulation and finish system. This is a
15 cross section of EIFS and you can see, yes, it does
16 have combustible expanded polystyrene which is
17 probably in 80 percent of the installations. Let me
18 say right off the bat in clarifying things that it is
19 a sad day June 14 about Grenfell Tower. EIFS was not
20 on Grenfell Tower. EIFS is not like the cladding
21 that was on Grenfell Tower. The commonality is the
22 use of foam insulation. So, want to clarify that.
23 On an EIFS application, you have right here this is
24 type X gypsum board. You can put up to 13 inches of
25 expanded polystyrene on the outside and the fire test

2 will not degenerate the type X gypsum board that is
3 supporting the people on the inside. You can have
4 many different kinds of the periods with the EIFS.
5 You know concrete, you can even do granite so you can
6 maintain the appearance of your beautiful city. I
7 want to say that EIFS--

8 SERGEANT-AT-ARMS: Time expired.

9 DAVID JOHNSTON: Thank you. May finish
10 up, sir?

11 CHAIRPERSON CORNEGY: Yes, please.

12 DAVID JOHNSTON: EIFS is continuing its
13 installation. We are the gold standard of continuous
14 insulation. We believe that we are fire tested and
15 there is no need in New York-- no demonstrated need
16 to require fire blocking. Please adopt the two
17 amendments that have been advocated by Bill Egan.
18 Thank you.

19 CHAIRPERSON CORNEGY: Thank you for your
20 testimony.

21 MODERATOR: Thank you. I would now like
22 to welcome Keyna Franklin to testify followed by
23 Chanel Manning and Corey George.

24 SERGEANT-AT-ARMS: Time starts now.

2 KEYNA FRANKLIN: I'll be passing right
3 now. Thank you.

4 MODERATOR: All right. Thank you. I
5 would now like to welcome Chanel Manning to testify
6 followed by Corey George and Matthew Hunter.

7 SERGEANT-AT-ARMS: Time starts now.

8 MODERATOR: Ms. Manning, are you there?
9 All right. We will circle back. I will now move on
10 to the Corey George followed by Matthew Hunter and
11 Chris Benedict.

12 SERGEANT-AT-ARMS: Time expired.

13 CORY GEORGE: Yes. I will be passing, as
14 well. We submitted our testimony at the email, so it
15 will be there for you. I represent Energetix Wall
16 Systems of Edison, New Jersey. We are an eaves and
17 stucco manufacturer that operate up and down the east
18 coast and, you know, we are broadly in support of the
19 amended changes for adopting NFPA 285 for the
20 exterior systems, but the rest of the information
21 will be in the written testimony.

22 MODERATOR: Thank you very much.

23 CORY GEORGE: Thank you.

24 MODERATOR: I would now like to move on
25 to Matthew Hunter and Chris Benedict.

2 SERGEANT-AT-ARMS: Time starts now.

3 MATTHEW HUNTER: Yes. Good afternoon,
4 ladies and gentlemen. My name is Matthew Hunter. To
5 keep my testimony short, I am the Northeast regional
6 manager of the American Wood Council. The AWC is the
7 voice of American wood product manufacturing. We
8 also develop state of the art standards for
9 engineering, data technology and standards for wood
10 products to allow design professional the latest and
11 greatest standards to use designing safe and
12 resilient buildings out of wood. I'd like to thank
13 Chairman Cornegy and the rest of the members of the
14 committee for the opportunity to testify. We have
15 provided detail written testimony to address several
16 noteworthy changes specifically related to wood
17 design and wood construction. On the initial listing
18 of terms that have been so often mentioned during the
19 previous testimony of cross laminated timber or CLT
20 and structural composite lumber or SLC-- SCL. I
21 apologize. We also support reorganization of chapter
22 23-- the wood chapter-- in the International
23 Building Code and other standards that are updated
24 and maintained by the American Wood Council such as
25 the national design specification, special provisions

2 for wind and seismic and the CLT manufacturing
3 production standard that my counterpart at the
4 National Ready Mix Concrete Association was keen to
5 point out. NCAPA PRG 320 - 18. The - 18 designation
6 from PRG 320 addresses the critical aspect of using
7 fire resistant adhesives in cross laminated timber to
8 ensure that they do not delaminate during a fire.
9 These standards are of paramount importance for
10 practicing design professionals to ensure they have
11 the latest specifications to safely design modern,
12 heavy timber buildings. By aligning the New York
13 City Building Code with the mode current edition of
14 the American Wood Council and other relevant
15 standards, design professionals will have access to
16 state of the art criteria. We have additional
17 comments related to--

18 SERGEANT-AT-ARMS: Time expired.

19 MATTHEW HUNTER: I'll finish up briefly.
20 We have additional written comments related to the
21 previously mentioned reference standards,
22 definitions, editorial considerations, and other
23 minor technical modification to the proposed code
24 which will basically align the New York City Building
25

2 Code with current standards. Thank you for your time
3 to testify today. I greatly appreciate it.

4 CHAIRPERSON CORNEGY: Thank you for your
5 testimony.

6 MATTHEW HUNTER: Thank you, sir.

7 MODERATOR: Thank you. I would now like
8 to welcome Chris Benedict to testify followed by
9 Chris McHugh and George Faranacci.

10 SERGEANT-AT-ARMS: Time starts now.

11 CHRIS BENEDICT: Thank you. Good
12 afternoon, everyone. I am Chris Benedict, and
13 affordable housing architect and passive house
14 pioneer in New York City. My work is to bring joy
15 and well-being to New Yorkers. There are many
16 wonderful measures in the proposed code change, but I
17 am concerned about the untested fire blocking
18 measures imposed on EFIS and here are my reasons:
19 Number one, due to its lightweight, EFIS is the most
20 affordable way to add massive amounts of insulation
21 to a building on its exterior. It can be attached
22 with mortar that does not overburden the structure of
23 the building. The fire blocking undermines the
24 simplicity and increases cost without adding greater
25 tested safety. Number two, EFIS is an affordable way

2 to meet New York City climate goals. It's
3 competitors, rain screen and cavity wall construction
4 are two to five times more expensive per square foot.
5 The fire blocking undermines this affordability
6 without adding greater tested safety and may
7 jeopardize building durability. Number three, EFIS
8 is a safe assembly that has passed rigorous,
9 scientific testing via NFPA 285. The fire blocking
10 details have not been tested. Professionals do not
11 want to extend their liability when they have
12 reliable national testing via NFPA 285. Please
13 support and NFPA tested assembly amendment to this
14 measure, not be untested fire blocking details that
15 impact the cost, durability, and feasibility of
16 comfortable, healthy, and energy efficient affordable
17 housing.

18 SERGEANT-AT-ARMS: Time expired.

19 CHRIS BENEDICT: Grenfell Towers was not
20 clad in EFIS. EFIS is an entirely different,
21 rigorously tested system and equating EFIS cladding
22 to the Grenfell disaster should be deemed
23 unacceptable by the city Council. Thank you.

24

25

2 MODERATOR: Thank you for your testimony.
3 I would like to next welcome Chris McHugh to testify
4 followed by George Faranacci and Teresa Weston.

5 SERGEANT-AT-ARMS: Time starts now.

6 MODERATOR: Chris, are you there? All
7 right. I would now like to welcome George Farinacci
8 to testify followed by Teresa Weston. George?
9 Okay. Then I would like to call on Teresa Weston to
10 testify.

11 SERGEANT-AT-ARMS: Time starts now.

12 THERESA WESTON: Hello. My name is Dr.
13 Teresa Weston and I am representing the Air Barrier
14 Association of America with this testimony and I want
15 to thank the commission, the Chairman, the city
16 Council for the opportunity to-- sorry. I guess
17 there's the previous person coming in. But express
18 the appreciation to them for the extensive work in
19 updating the New York City code. It is not an easy
20 task given the intersecting areas of fire safety,
21 building durability, and sustainability that need to
22 be addressed in the code. In the interest of time, I
23 will direct you to the Air Barrier Associations
24 submitted written testimony, but I encourage the use
25 of the validated performance test method and NFPA 285

2 as it is included in the IBC model code without an
3 additional overlay requirement for fire blocking
4 which is a prescriptive requirement and may be
5 unsuitable for some of the cladding assemblies that
6 it would be overlaid upon. Thank you.

7 MODERATOR: Thank you very much. I would
8 now like to call on George Farinacci one more time.

9 SERGEANT-AT-ARMS: Time starts now.

10 MODERATOR: Okay.

11 GEORGE FARINACCI: Hello?

12 MODERATOR: There we go.

13 GEORGE FARINACCI: Okay. You got me?

14 MODERATOR: Yes.

15 GEORGE FARINACCI: Okay. Thank you all.

16 Thank you, Chair Robert Cornegy and the rest of the
17 committee. My name is George Farinacci. I am the
18 vice president of the FOU, fire officers union. The
19 Grenfell fire tragedy was four years ago today. 72
20 civilians died a horrific death that could have been
21 prevented if your counterparts across the pond had
22 enacted the safety measures--

23 MODERATOR: George, I believe we lost
24 you. Yes. It appears we lost George Farinacci. In

2 the meantime, I will call on Theresa Weston to
3 testify.

4 SERGEANT-AT-ARMS: Time starts now.

5 THERESA WESTON: I already testified.

6 MODERATOR: My apologies. Thank you.

7 With that, this concludes the public testimony. If
8 we have inadvertently forgotten to call on someone to
9 testify, if that person could raise their hand using
10 the zoom raise hand function, we will try to hear
11 from you now. Thank you. Stephen Gaynor, if you
12 could please testify.

13 SERGEANT-AT-ARMS: Time starts now.

14 STEPHEN GAYNOR: All right. Can you hear
15 me?

16 MODERATOR: Yes.

17 STEPHEN GAYNOR: Okay. My name is
18 Stephen Gaynor. I am the owner of Pivoth Corp., a
19 consulting firm helping exterior product
20 manufacturers through marketing technical issues
21 including codes and testing. I am my business are
22 located in Manhattan District 2. Responses to my
23 inquiries and thank you, Chair Cornegy for allowing
24 me to testify. I am here to talk about the
25 problematic nature of the fire blocking language

2 proposed in 718.2.6, Chapter 14, Chapter 26, and
3 elsewhere. First, I commend the committee for
4 focusing on compliance enforcement for the exterior
5 fire application test NFPA 285. These initiative are
6 things that need focus across the country in all
7 jurisdictions. I cannot overstate the need that is
8 almost everywhere, so good job on that. However, the
9 fire blocking language proposed contains a critical
10 technical mistake that puts occupant safety in
11 jeopardy. You will hear from other experts regarding
12 the effectiveness of proposed fire blocking. If we
13 assume fire blocking works to reduce flame spread, I
14 am here to tell you that this proposed language
15 encourages manufacturers to use cheaper, more
16 combustible materials than they currently use under
17 our current code in place. That will make buildings
18 less safe with any mistakes in compliance and
19 enforcement. This is how it works: the current
20 testing of NFPA 285 has the requirement that flame
21 will not spread more than 10 feet above an opening.
22 It has other requirements, but that is one of the
23 main ones. If we assume that fire blocking in a
24 cavity actually does work to slow the progress of
25 exterior flames, then we made a critical mistake by

2 requiring the same fire test be informed with fire
3 blocks, including the same fire spread limit. This
4 is exactly what the new proposed language states by
5 requiring that exterior wall coverings with added
6 fire blocks past the same test with exactly the same
7 limits. So, if fire blocking works to reduce the
8 flame spread, the New York City will be telling
9 manufacturers that they can't put materials in the
10 buildings that are cheaper and more combustible than
11 currently accepted. This will be the result of
12 possibly increased performance of fire blocks in New
13 York City maintaining the same test requirements. I
14 consider this a major mistake--

15 SERGEANT-AT-ARMS: Time expired.

16 STEPHEN GAYNOR: manufacturers. Give me
17 one more moment. Incentivizes manufacturers to use
18 more combustible materials and elsewhere in the
19 country and, in my interest in the interest of all
20 New York City residents, please reconsider the
21 adoption of this language and focus on buildings that
22 perform better. I would also like to remind the
23 Council and everyone listening that Grenfell Towers
24 did not use compliant materials in accordance with
25 their codes. It is exactly the lapse of compliance

2 and enforcement that I am concerned about happening
3 in New York City if we adopted this language with the
4 flaws I have identified. Thank you.

5 MODERATOR: Thank you. I would now like
6 to call on George Farinacci to testify since it seems
7 he has rejoined the hearing and then we will call on
8 Douglas Stive and Chanel Manning.

9 SERGEANT-AT-ARMS: Time starts now.

10 GEORGE FARINACCI: Hello?

11 MODERATOR: Yes. We can hear you.

12 GEORGE FARINACCI: My apology. I was my
13 fumbling fingers. So, the Grenfell Tower tragedy was
14 four years ago today. 72 civilians died in a
15 horrific death that could have been prevented if your
16 counterparts across the pond had enacted the safety
17 measures recommended by Intro number 2261. When
18 preventable loss of life occurs, the worst thing we
19 can do is to fail to learn from our mistakes.

20 [Inaudible 03:04:17] said to make a decision that
21 would allow someone to die in vain. Working with the
22 fire department for the last 30 years, we learn to
23 count on the unexpected. We live by a creed of if
24 anything can go wrong, it will. When we suffer loss
25 of life, we do everything we can to correct those

1 conditions that led to an unnecessary death so it
2 doesn't happen again. In 1911, the Triangle
3 Shirtwaist Factory led to the death of 146 persons,
4 mostly women and children because of blocked exits.
5 Workers couldn't get to their second means of egress.
6 In 1990, the Happyland Social Club fire claimed the
7 lives of 87 persons. They were killed because there
8 was no second means of egress. In 2017, 72 people
9 died in Grenfell when a common kitchen fire on the
10 fourth floor spread to each of the 20 floors above.
11 This condition that allowed for the rapid spread of
12 fire where many-- where the results prevented
13 occupants from getting, again, to their second means
14 of egress. So, although it wasn't a second means of
15 egress that was locked or blocked, they couldn't get
16 there because of the fire-- the heat and the smoke.
17 Intro 2261 will effectively take a 100 story building
18 and contain it to a three story fire fight. One of
19 the byproducts of the smoke created when many of
20 these products burn is lethal cyanide gas. 75 feet
21 was the original limit for combustibile materials.
22 This coincided with the maximum reach of the rescue
23 letters on our fire trucks. This legislation will
24 provide an essential layer of safety for these
25

2 combustible materials to be used above the height of
3 75 feet. If the firefighters cannot get you through
4 the front door, we may go through a window unless the
5 building is above 75 feet. In this case, the
6 building code recommendation, such as in 2261, are
7 going to play a much more critical role for your
8 safety. A vote against this legislation would be in
9 favor of compromising the safety of the people of New
10 York City for a shortsighted savings. The tragedy of
11 this magnitude in New York City--

12 SERGEANT-AT-ARMS: Time expired.

13 GEORGE FARINACCI: One more sentence. May
14 setback the post pandemic economic recovery that
15 business and civilians don't feel safe occupying
16 these buildings. The current code is dangerous to
17 life and property. The changes put forth in Intro
18 2261 will responsibly address the dangers of the use
19 of combustible building materials. Today, this body
20 is the opportunity to prevent a similar tragedy here
21 in New York City. Thank you.

22 MODERATOR: Thank you for your testimony.
23 I would now like to welcome Douglas Stive to testify
24 followed by Chanel Manning if she is still here.

25 SERGEANT-AT-ARMS: Time starts now.

2 DOUGLAS STIVE: Hello. My name is
3 Douglas Stive and I am an architect and a building
4 envelope consultant with about 30 years experience.
5 I am also the vice Chair, excuse me, of the CR and M
6 Committee, the technical committee that dealt with
7 the fire combustibility issues. I am here in support
8 of Intro 2261 and the results of the DOB's mediation
9 with respect to the combustibility of exterior
10 façades. Unfortunately, there have been unintended
11 consequences of adding additional combustible
12 materials to exterior wall assemblies. There needs
13 to be a balance between energy efficiency and fire
14 safety. New York City is a large urban environment
15 and the fire department stated they have little
16 resources to combat an exterior building envelope
17 fire on a high-rise building. Firefighting apparatus
18 cannot reach over 75 feet high. Cladding fires can
19 also spread rapidly and overwhelm sprinklers within
20 the building. Risk is a product of the chance of
21 something happening and the potential consequences if
22 it happens. A large cladding fire in a hotel in
23 Times' Square carries a tremendous risk. The
24 committee started with some members who wanted a
25 complete ban on combustible materials and exterior

2 façades over 75 feet high. The majority of us wanted
3 to make some changes, but not eliminate combustible
4 materials or insulation that serves us so well. One
5 party recommended doing nothing now, but to make
6 changes if later versions of the IBC change or NFPA
7 285 changes. We talked a lot today about NFPA 285.
8 It is a fire test of exterior cladding materials.
9 The test runs for 30 minutes in duration and is used
10 to limit the spread of fire on exterior walls both
11 vertically and laterally. It doesn't mean that the
12 cladding is noncombustible. It just reduces the fire
13 spread. By adoption into the IBC, it is become the
14 acceptable benchmarks cited by many manufacturers for
15 fire performance. However, what is an acceptable
16 burn rate--

17 SERGEANT-AT-ARMS: Time expired.

18 DOUGLAS STIVE: in a two-story
19 building-- I have a couple more minutes, if I can.
20 What's an acceptable burn rate on a two-story
21 building in middle America may not be an acceptable
22 burn rate for a 20 story building in midtown
23 Manhattan where the fire department cannot reach the
24 fire. New York City does not have control over NFPA
25 285. We do have control over our building code. We

2 must strike an acceptable balance between energy
3 efficiency and fire safety. Intro 2261 still allows
4 all types of insulation and cladding materials with
5 appropriate modifications to accommodate materials
6 and assemblies known to have a greater risk of
7 combustion. And, finally, I believe that engineered
8 and tested solutions are prudent to mitigate the risk
9 of external building envelope fires in high-rise
10 structures in dense urban environments, however,
11 waiting for future code cycles to address new tests
12 or revisions to existing test standards is not
13 appropriate for New York City. I, therefore, endorse
14 Intro 2261 with the mediated code language related to
15 be combustibility of exterior façades. Thank you.

16 MODERATOR: Thank you for your testimony.
17 Again, this concludes the public testimony. However,
18 if we have inadvertently forgotten to call on someone
19 to testify, if that person could raise their hand
20 using the zoom raise hand function, we will try to
21 hear from you know. All right, seeing as they are no
22 hands, I will now turn it over to Chair Cornegy to
23 close the hearing.

24 CHAIRPERSON CORNEGY: I want to thank you
25 all for testifying today at today's hearing on

2 Housing in Buildings. I think it was a very robust.
3 Looking at the code changes and code revisions,
4 especially those that are germane to the New York
5 City area. Thank you for the professionals on the
6 stakeholders who have testified. Thank you for the
7 work with DOB. This hearing on Housing in Buildings
8 is now concluded. Thank you.

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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 July 20, 2021