

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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November 30, 2009
Start: 11:42 am
Recess: 11:55 am

HELD AT: Council Chambers
City Hall

B E F O R E: ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:
Tony Avella
Gale Brewer
Leroy G. Comrie, Jr.
Elizabeth Crowley
Lewis A. Fidler
Robert Jackson
Rosie Mendez
Joel Rivera
James Vacca
James S. Oddo

1
2 CHAIRPERSON DILAN: Let's get
3 started. I'd like to ask the Chamber to come to
4 order, please. If the Chamber could come to
5 order.

6 [Pause]

7 CHAIRPERSON DILAN: Good morning.
8 My name is Erik Martin Dilan, and I am the Chair
9 of the City Council's Housing and Buildings
10 Committee. If I could have order in the Chambers
11 please? Today the Committee will consider for the
12 purposes of a vote Intro 138-A, which is a local
13 law to amend the Administrative Code of the City
14 of New York in relation to security grills or
15 gates used to secure commercial premises.

16 This Committee previously held an
17 initial hearing on this item on February 10th of
18 this year. The Committee heard an earlier version
19 of this bill. Proposed Intro 138-A would now
20 require that after July 1 of 2011, a roll-down
21 gate that is installed to secure a commercial
22 establishment that abuts the sidewalk and is a
23 building classified by the Building Code in
24 occupancy group B, such as banks, beauty salons,
25 copy shops; or occupancy group M, such as retail

1 stores, drug stores and department stores, would
2 have to allow at least 70% of the area covered by
3 the gate to be visible. There is an exemption for
4 buildings in historic districts or buildings
5 deemed to be landmarks. All security grills for
6 such occupancy groups must comply with visibility
7 requirements by July 1st of the year 2026.
8

9 The bill has been amended, and I'll
10 go through some of the amendments briefly. There
11 were some technical changes that were made to
12 reflect the enactment of the relevance of the new
13 Building Code. The definitions—well I won't do
14 those; I'll just do the major ones. A new
15 provision as I said at the opening was added
16 requiring that after July 1 of 2011, no new or
17 replacement security grill may be installed for
18 certain premises unless the grill complies with
19 the 70% visibility requirement. The exemption for
20 the Landmarks Preservation and Historic Districts,
21 as I said in the open, was also included.

22 [Pause]

23 CHAIRPERSON DILAN: The penalty
24 provision, which was higher in the original bill,
25 was reduced. It will still classify as a major

1 violation, however the penalty amount will be \$250
2 for the first offense, \$1,000 for each subsequent
3 violation and a respondent will be given 90 days
4 to correct the violation from the date of
5 violation and before July 1, 2026.

6 [Pause]

7 CHAIRPERSON DILAN: There was also
8 an outreach requirement that was added to the
9 Commissioner of Buildings to develop a program to
10 manufacturers and installers, to Business
11 Improvement Districts, local corporations and
12 Chambers of Commerce as well as Community Boards
13 to make them aware. And there is no longer a
14 registration requirement in the bill.

15 I would like to at this time
16 acknowledge the members of this Committee who are
17 present. Council Member Rosie Mendez of
18 Manhattan, Council Member Tony Avella of Queens,
19 Council Member Elizabeth Crowley of Queens,
20 Council Member Gale Brewer of Manhattan, Council
21 Member Joel Rivera of the Bronx, Council Member
22 Lou Fidler of Brooklyn and Council Member Leroy
23 Comrie of Queens, and Council Member Charles
24 Barron is doing jumping jacks or something over
25

1
2 there. I do have the bill's sponsor here and I'd
3 like to acknowledge him at this time for a brief
4 statement. Council Member Peter Vallone.

5 COUNCIL MEMBER VALLONE: Thank you,
6 Chair. I just wanted to come here and thank you
7 for all your hard work on this bill. It's been a
8 long road and you and your entire committee have
9 worked very hard on this and made many changes,
10 some of which you just went through, that make
11 this bill even more effective, more targeted and
12 actually much easier to comply with for our
13 businesses. So I wanted to thank you for all your
14 hard work that's culminating in today.

15 Just very briefly, no longer will
16 our streets after closing time look like graffiti
17 strewn, you know, war zone. This bill will
18 actually make our City safer by making our police
19 and firemen safer when they respond to alarms. It
20 will make our streets cleaner by eliminating a
21 canvas for over half the graffiti in this city and
22 it will make our City even more beautiful. We
23 pass many bills here in City Council, most of them
24 good. But this—very few will actually get to see
25 the results of our efforts by looking at the

1
2 Cityscape in a few years. You know when we're
3 walking down the streets with our kids and our
4 grandkids a few years from now, maybe ten years
5 from now when there aren't that many of these
6 gates left, and they see one of these and they say
7 that's disgusting, why is that allowed, you can
8 say, well you know what it's not allowed anymore.
9 And it's because of a bill that we passed here in
10 the City Council and it's going to make a huge
11 difference in New York City. So I want to thank
12 you again, Mr. Chair, for all your hard work and
13 the members of the Committee for their votes
14 today.

15 CHAIRPERSON DILAN: Thank you,
16 Council Member Vallone. I see Council Member
17 Comrie wants to be acknowledged. Council Member
18 Comrie?

19 COUNCIL MEMBER COMRIE: I just want
20 to acknowledge Council Member Vallone's
21 willingness to amend the original bill, to take
22 away punitive damages that would have hurt a lot
23 of small businesses, to create an opportunity to
24 make sure that the businesses were linked up with
25 the Economic Development Corporations and Civic

1 Associations, Chambers of Commerce, so that they
2 can know about opportunities to find low cost ways
3 to do the bill. Hopefully this will create more
4 BIDs and more opportunities for businesses to link
5 together and actually create Business Improvement
6 Districts so that they can get the same type of
7 storefronts and have more of an opportunity to
8 market themselves while they're looking to improve
9 their property also. But I thought it was
10 important that we take away any immediate punitive
11 damages for a lot of small businesses, especially
12 during this difficult economic time. So I think
13 removing those issues and giving people a time to
14 actually change it as opposed to forcing people to
15 make an immediate change, I think made a big
16 difference in the bill. So I want to thank
17 Councilman Vallone, all of the staff people that
18 worked on it and also the Speaker's Office for
19 ensuring that we had full discussions about all of
20 the aspects of the bill. And I look forward to
21 seeing it enacted so that we can reduce graffiti
22 within our communities.

24 CHAIRPERSON DILAN: Thank you,
25 Council Member Comrie. At this time I'd like to

1 ask the Clerk to call the roll. The Chair
2 recommends a yes vote.
3

4 WILLIAM MARTIN: William Martin,
5 Committee Clerk. Roll call on the Committee on
6 Housing and Buildings Introduction 138-A. Council
7 Member Dilan.

8 CHAIRPERSON DILAN: I vote Aye.

9 WILLIAM MARTIN: Rivera.

10 [Pause]

11 WILLIAM MARTIN: Avella.

12 COUNCIL MEMBER AVELLA: Aye.

13 WILLIAM MARTIN: Brewer.

14 COUNCIL MEMBER BREWER: I vote Aye,
15 congratulate Council Member Vallone and also think
16 that this could be a business opportunity for
17 building such security gates here in New York City
18 and I'm hoping that the Council will work with
19 folks at the Brooklyn Navy Yard or other zones
20 where the opportunity for green, clean
21 manufacturing would be a perfect niche for this
22 industry. Thank you very much.

23 WILLIAM MARTIN: Comrie.

24 COUNCIL MEMBER COMRIE: I vote Aye
25 and congratulations to the staff again for doing

1 all the meetings necessary to make all the
2 amendments to the bill and to Council Member
3 Vallone for listening and being amenable to
4 ensuring that we try to protect small businesses.
5 I wish that we were able to work in a business tax
6 credit for people that were having difficulty with
7 getting the dollars to make the transition, so
8 that the transitions could happen faster; but I
9 think that's something we will continue to work
10 with down the line. I vote Aye.

11
12 WILLIAM MARTIN: Fidler.

13 COUNCIL MEMBER FIDLER:

14 Congratulations to Council Member Vallone. I vote
15 Aye.

16 [Pause]

17 WILLIAM MARTIN: Mendez.

18 COUNCIL MEMBER MENDEZ: Aye.

19 WILLIAM MARTIN: Crowley.

20 COUNCIL MEMBER CROWLEY: Aye.

21 WILLIAM MARTIN: By a vote of eight
22 in the affirmative, zero in the negative, no
23 abstentions, item is adopted. Members please sign
24 the Committee report.

25 COUNCIL MEMBER VALLONE: Mr. Chair,

1
2 can I just thank the two happiest people in the
3 room, that being Baba Hom [phonetic] and Jonathan
4 Chung [phonetic], who have been working on this
5 daily for like three or four years now. So I
6 wanted to thank them for all their assistance.

7 CHAIRPERSON DILAN: Chair is also
8 happy to see this item disposed. We'll hold the
9 vote open to allow for Council Member Jackson, who
10 is in the building, to come up and then after that
11 we will close the hearing. I believe Council
12 Member Vann, you have to take care of some
13 business in another committee.

14 COUNCIL MEMBER VANN: Yes. I
15 understand the roll is open from Finance
16 Committee.

17 CHAIRPERSON DILAN: Yeah. We've
18 got to change the tape out. So we've just got to
19 hold on a second.

20 WILLIAM MARTIN: Oddo.

21 COUNCIL MEMBER ODDO: Yes.

22 WILLIAM MARTIN: The vote on
23 Housing and Buildings now stands at nine in the
24 affirmative, zero in the negative, no abstentions.

25 CHAIRPERSON DILAN: Well, this

2 committee is adjourned.

3 [END OF 1001]

4 [START OF 1002]

5 COUNCIL MEMBER COMRIE: I'd like to
6 reopen the Committee on Housing and Buildings so
7 that Council Member Robert Jackson, who was here
8 in the building but at a meeting, and Council
9 Member from the Bronx can also vote—because he was
10 struggling through the rain to get here. Council
11 Member Jackson?

12 COUNCIL MEMBER JACKSON: I vote
13 Aye.

14 COUNCIL MEMBER COMRIE: Council
15 Member Vacca?

16 COUNCIL MEMBER VACCA: I vote Aye.
17 Thank you.

18 WILLIAM MARTIN: The vote now
19 currently stands at 11 in the affirmative, 0 in
20 the negative and no abstentions.

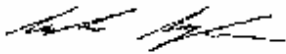
21 COUNCIL MEMBER COMRIE: And with
22 that the Committee meeting is now closed? Or are
23 we waiting for one more? Well as acting Chair, we
24 can keep the meeting open for a half hour as the
25 last member has voted. That's technical rules.

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So we can keep the Committee meeting open for another half hour, since we have other Committee members that are struggling through the rain to get here on a Monday. Council Member Recchia is here to vote—Housing and Buildings? Oh, he's not Housing and Buildings. We'll adjourn the meeting until Council Member White gets here. Josh.

C E R T I F I C A T E

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



Signature _____

Date December 3, 2009