

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUME AFFAIRS  
AND BUSINESS LICENSING

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NOVEMBER 10, 2021  
Start: 11:49 A.M.  
Recess: 11:57 A.M.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: DIANA I. AYALA

COUNCIL MEMBERS: MARGARET S. CHIN  
BEN KALLOS  
PETER A. KOO  
KAREN KOSLOWITZ  
BRAD S. LANDER  
JUSTIN L. BRANNAN  
CARLOS MENCHACA  
KALMAN YEGER



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

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2 CHAIRPERSON DIANA AYALA: Good morning.

3 My name is Diana Ayala and I am the Chair of the  
4 Committee on Consumer Affairs and Business Licensing.

5 Today, we will be voting on two bills. My bill,  
6 proposed introduction number 2318A, and relation to  
7 the licensing of construction labor provider and  
8 proposed introduction number 2410A in relation to  
9 agency actions and licensing disclosure and the event  
10 of a breach of security. This bill was sponsored by  
11 Council Member Brooks-Powers at the request of the  
12 Mayor. The first bill I would like to discuss is my  
13 bill, Intro 2318 A. I am very proud of this bill  
14 which takes a major step forward to protect the  
15 rights of vulnerable recruits to the construction  
16 industry by licensing and regulating the industry's  
17 labor brokers. This committee held two hearings on  
18 the topic earlier this year with incredibly moving  
19 testimony from construction workers who had been  
20 exploited by unscrupulous labor brokers. In the  
21 construction industry, these labor brokers are  
22 commonly referred to as body shops and they are in  
23 the business of employing and supplying workers to  
24 construction sites across the city. From the  
25 testimony that we heard and research that we

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2 conducted it is clear that this industry is ripe with  
3 exploitation. Workers, particularly black and brown  
4 and those trying to re-enter the work force after  
5 being incarcerated commonly site unlivable wages, few  
6 benefits and a lack of training and safety supply.

7 Female employees of labor brokers have also been  
8 victimized by sexual harassment on the job.

9 Meanwhile, workers who spoke about inhumane  
10 conditions face retaliation from their employers.

11 Labor brokers like body shops target vulnerable city  
12 population. Body shops rely on the labor of just as  
13 affected workers whether recently released from  
14 prison or on parole or with a criminal record just as  
15 affected city residents typically have a difficult  
16 time finding steady employment and some parolees may  
17 require employment as a condition of their parole.

18 New York City's multi-billion dollar real estate  
19 industry rely on labor from these formerly  
20 incarcerated individuals, undocumented city residents  
21 and guest workers who may lack documentation and deal  
22 with language access barriers are also vulnerable to  
23 exploitation by labor brokers. Although the labor  
24 broker model cuts across industries and salary  
25 brackets it is predominantly people of color who are

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2 most likely to be impacted. A major concern I have  
3 given these industries target vulnerable city  
4 populations is the lack of accountability that allows  
5 these practices to continue. My bill, Intro 2318A  
6 aims to change this. First of all, if enacted this  
7 bill would require the Department of Consumer and  
8 worker protection to license body shops in the  
9 construction industry. This would allow BCWP to  
10 tract the conditions within the industry and create a  
11 level of oversight. Intro 2318 A would also require  
12 body shops to provide disclosure to their workers at  
13 the time of employment so that workers are made aware  
14 of their rights. Finally, multi-billion dollar real  
15 estate developers will no longer be able to claim  
16 ignorance regarding the pay and working conditions of  
17 workers on their sites. According to stories that we  
18 heard at the oversight hearing, developers pay body  
19 shops around \$40 an hour for labor. However, the  
20 body shop will typically only pay the worker around  
21 \$15 an hour for their labor. These multi-billion  
22 dollar developers still got a good deal though. If  
23 they were using union labor on their sites, they  
24 would be forced to pay about \$70 an hour plus  
25 benefits. Clearly something needs to be done to add

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2 this in equality. As Chair of this committee, it has  
3 been my priority to legislate and protect hard-  
4 working New Yorkers who were taken advantage of by  
5 anti-labor profit-driver business owners. This will  
6 be will be another pro-labor piece of legislation  
7 passed through the committee and I urge my colleagues  
8 to vote yes on this bill today. Intro 2410A by  
9 Council Member Brooks-Powers is also extremely  
10 important. As more work and activity shift online  
11 data breeches are becoming more common. As we know,  
12 the City's Law Department was hacked earlier this  
13 year. Aside from a trove of confidential information  
14 that was exposed, it also meant that the Agency  
15 Network was taken offline creating delays in cases  
16 even a month later. In 2019, the state enacted law  
17 to help protect against data breeches known as the  
18 Shield Act. It required the City adopt a data breach  
19 notification policy, a local law that is consistent  
20 with the state law. Intro 2410A will update the  
21 current City law and would require a city agency that  
22 has suffered a breach of security involving private  
23 information to promptly disclose that fact to the  
24 City's Chief Privacy Officer, the Office of Cyber  
25 Command and the Department of Information Technology

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2 and telecommunications. This bill also expands the  
3 definition of what constitutes a breach. For  
4 example, obligations would be required in situations  
5 when it is reasonable to believe that data has been  
6 accessed, disclosed or used by an authorized person.  
7 The Bill would also require the administration to  
8 create protocols for agency coordination and record  
9 keeping for any breach of security. I urge my  
10 colleagues to also vote yes on this important bill.  
11 Before we call the roll, I would like to invite  
12 Council Member Brooks-Powers if she is in the room,  
13 she is not. So, with that, thank you and I now ask  
14 the clerk to call the roll.

15 WILLIAM MARTIN, COMMITTEE CLERK: Good  
16 morning. William Martin, Committee Clerk, roll call  
17 vote Committee on Consumer Affairs and Business  
18 Licensing. Proposed introductions 2318A and 2410A.  
19 Both items are coupled. Chair Ayala?

20 CHAIRPERSON DIANA AYALA: I vote aye.

21 WILLIAM MARTIN, COMMITTEE CLERK:  
22 Chin.

23 MARGARET CHIN: Permission to explain my  
24 vote?

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2 CHAIRPERSON DIANA AYALA: Permission  
3 granted.

4 MARGARET CHIN: Yeah. Council Member  
5 Ayala, I really want to thank your leadership on  
6 this. I remember the hearing on 2318A, the testimony  
7 that we've gotten from the worker who was being taken  
8 back to jail and I'm really glad that we are able to  
9 do this legislation and really provide, you know,  
10 some protection for these hard working people that  
11 really need the support. So, thank you. I vote aye.

12 CHAIRPERSON DIANA AYALA: Thank you.

13 WILLIAM MARTIN, COMMITTEE CLERK:

14 Kallos?

15 BEN KALLOS: Aye.

16 WILLIAM MARTIN, COMMITTEE CLERK: Koo?

17 PETER KOO: I vote aye.

18 WILLIAM MARTIN, COMMITTEE CLERK:

19 Lander?

20 BRAD LANDER: Aye.

21 WILLIAM MARTIN, COMMITTEE CLERK:

22 Brannan?

23 JUSTIN BRANNAN: Aye.

24 WILLIAM MARTIN, COMMITTEE CLERK:

25 Yeger?

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2 KALMAN YEGER: Aye.

3 WILLIAM MARTIN, COMMITTEE CLERK: By a

4 vote of seven in the affirmative, zero in the  
5 negative and no abstentions, both items have been  
6 adopted by the Committee.

7 CHAIRPERSON DIANA AYALA: We'll leave  
8 the vote open for 10 minutes.

9 WILLIAM MARTIN, COMMITTEE CLERK:

10 Continuation of roll call, Committee on Consumer  
11 Affairs. Council Member Koslowitz?

12 KAREN KOSLOWITZ: I vote aye.

13 WILLIAM MARTIN, COMMITTEE CLERK:

14 Final vote is eight in the affirmative, zero in  
15 the negative and no abstentions.

16 CHAIRPERSON DIANA AYALA: Thank you  
17 everyone this hearing is closed. (Gavel pounding).

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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 November 26, 2021