

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 25, 2024
Start: 11:00 a.m.
Recess: 2:15 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Pierina Ana Sanchez,
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Alexa Avilés
Erik Bottcher
Eric Dinowitz
Oswald Feliz
Crystal Hudson
Keith Powers
Christopher Marte
Lincoln Restler

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

James Oddo
Commissioner

Guillermo Patino
Deputy Commissioner of Policy And Legal Affairs

Constadino Sirakis
Deputy Commissioner of Development and Technical
Affairs

Yegal Shamash
Chief Structural Engineer/Assistant

Rachel McDonald

Joseph Ackroyd
Assistant Commissioner of Technical Affairs and
Code Development

Daniel Avery
REBNY

Adam Roberts
CHIP

Barbara Blair
Garment District Alliance

Andrew Rigie
New York City Hospitality Alliance
Ken Buettner

Jim Quent
New York City Special Riggers Association

Kevin Elkins
Carpenters Alliance

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

Daniel Alam
Manhattan Borough President's Office

Mark Levine
Manhattan Borough President

Trina Semorile

Lori Gold

Mary Ann Rothman
Council of New York Cooperatives and Condominiums

Ben Weinberg
Citizens Union

Jonathan Ehrlich

Dolores Spivack

Kari Jones

2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Housing and Buildings, recorded by
4 Layla Lynch in the Committee Room on June 25, 2024.

5 SERGEANT AT ARMS: Good morning and welcome to
6 the New York City Council Hearing of the Committee on
7 Housing and Buildings. At this time, can everybody
8 please silence your cellphones. If you wish to
9 testify, please go up to the Sergeant at Arms desk to
10 fill out a testimony slip. Written testimony can be
11 emailed to testimony@council.nyc.gov. Once again,
12 that is testimony@council.nyc.gov.

13 At this time and going forward, no one is to
14 approach the dais. I repeat, no one is to approach
15 the dais. Chair, we are ready to begin.

16 CHAIRPERSON SANCHEZ: [GAVEL] Good morning. I'm
17 Council Member Pierina Sanchez, Chair of the
18 Committee on Housing and Buildings. Thank you for
19 joining us today for our hearing on sidewalk sheds.
20 I'd like to thank all of my colleagues who are
21 present, Council Member Abreu, Council Member
22 Bottcher, Council Member Powers, Council Member
23 Marte, and a few others who are on the way and before
24 we get started, I just want to remind New Yorkers it
25 is election day, please go and vote. You won't be

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voting for City Council Members but all of the elections are important.

Okay, sidewalk sheds. Sidewalk sheds are critically important to the safety of New York City. In 1979, Grace Gold was killed by a piece of masonry that fell from the seventh floor of a building near Barnard College. The sudden death of this college freshman who was attending a friends graduation led to the passage of Local Law 11, which requires a submission of technical reports regarding a buildings exterior walls and appurtenances for buildings greater than six stories every five years. This reporting requirement and cycle is known as the façade inspection and Safety Program or FISP. While legislative reform brought through Local Law 97, sorry, Local Law 11 was brought, the dangers continue.

In December 2019, Erica Tishman was fatally struck by debris that fell from a building in Time Square. This February, Dale Singer, a 74 year old woman who lived in Sunset Park was killed by falling bricks from the façade of a brownstone. My they rest in peace.

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And this Committee has also held numerous conversations regarding high profile collapses in recent times at 1915 Billingsley in my own district and the St Annes Garage. At Billingsley, the property had violations for failing to comply with the facade inspection program requirements.

Today, there are over 8,500 sidewalk sheds along the city streets, spanning almost 386 miles of our city. End to end, they would stretch from Manhattan all the way to Montreal. It's a multibillion dollar industry and too many sites have sheds up for too long. There does not appear to be active construction and the New York Times has even written that property owners put up sheds to comply with what some consider; two have become draconian local laws and keep them up simply because they find it less expensive than fixing the underlying issues. But that was not the idea behind Local Law 97.

The installation of a shed does not fix the underlying safety issues in a building and that is the priority. Sheds are meant to be a temporary measure until a building is restored to safe condition. The reliance of sheds instead of undertaking necessary repair work is not the desired

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2 outcome but often times seems to be the only option
3 for some.

4 Over the past years, sheds reform has been a
5 popular topic from the urban sheds international
6 design competition resulting in new design options in
7 2011 to the Manhattan Borough President Mark Levine
8 shed the shed strategy and the Mayor's own Get Sheds
9 Down plan and the legislation before this Committee
10 today.

11 I look forward to hearing updates from the
12 Administration regarding how they intend to address
13 the issue of sidewalk sheds that are up too long
14 without necessary repairs across our city, while also
15 keeping our street safe. What has the Administration
16 identified as the major issues around sidewalk sheds?
17 How have these initiatives been implemented? And
18 what additional steps still need to be taken? To
19 that end, we will hear a number of pieces of
20 legislation today aimed at addressing these issues by
21 Council Member Powers. 369 in relation to a pilot
22 program for the use of unmanned aircraft systems in
23 the inspection of the exterior walls of buildings
24 greater than six stories in height. 391 in relation
25 to sidewalk shed design requirements. 392 requiring

2 permit holders responsible for sidewalk sheds or
3 scaffolding to repair or replace certain damaged city
4 owned street trees. 393 in relation to removing
5 construction related equipment and 394 in relation to
6 altering the timeline of initial façade examinations
7 for new construction and coordinating all façade
8 examinations on each city block, also sponsored by
9 Council Member Powers. Big day for you.

10 Intro. 503 by Council Member Abreu in relation to
11 requiring the Department of Buildings to create and
12 maintain an assistance and outreach program for
13 compliance with façade inspection requirements. 659
14 in relation to preventing interference of sidewalk
15 sheds in parks and playgrounds. 660 in relation to
16 required lighting under sidewalk sheds and 661 in
17 relation to penalties for failure to apply for
18 corresponding work permits after the installation of
19 a sidewalk shed, all sponsored by Council Member
20 Bottcher. Big day for you too.

21 Intro. 774, sponsored by Council Member Marte in
22 relation to sidewalk shed inspections, 796 by Council
23 Member Stevens in relation to providing local
24 community boards and elected officials with advanced
25 notice in the installation of sidewalk sheds. And

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2 proposed Intro. 956A, sponsored by Council Member
3 Carlina Rivera, in relation to the display of art
4 work on temporary protective structures on
5 construction sites. In addition, because that was
6 not enough, we will also be hearing remarks on Intro.
7 436 sponsored by me in relation to updating the
8 city's electrical code. The electrical code has not
9 been updated since 2011 and even then, we were
10 references from a 2008 national electric code. An
11 update is needed to incorporate modern requirements
12 into New York City's electrification movement.

13 The new code will live within Title 28, improve
14 safety, efficiency and innovation while aligning to
15 national standards. This is a project that the
16 Department of Buildings has been working on since
17 2018. I would like to thank my Chief of Staff Sam
18 Cardenas and Housing and Buildings Committee Staff
19 first of all Sam for literally getting me here this
20 morning. Thank you. Thank you Chief and to the
21 Committee Staff Taylor Zelony, Austin Malone, Jose
22 Conde, Andrew Bourne, Daniel Kroop, and Recce
23 Dotra(SP?) for all your work on today's very small
24 hearing now, very large hearing.

2 I will now turn it over to colleagues to say a
3 few words about their bills. I'm going to start with
4 Council Member Marte just because he has to head out
5 and then we'll go to Council Member Powers.

6 COUNCIL MEMBER MARTE: Good morning. First, I'm
7 like to thank Chair Sanchez, Committee Council and my
8 colleagues who have all introduced vital pieces of
9 legislation to address this gap holding crisis here
10 in New York City.

11 When scaffoldings are left up for years on end,
12 they start to fall apart. Lights break, wooden
13 panels fall off, metal beams get rusty and the
14 structures get vandalized. Property owners ignore
15 these scaffoldings, letting them waste away for years
16 and creating an unsafe environment for residents of
17 the building and the neighborhood as a whole.

18 Intro. 774 will mandate that DOB inspect these
19 structures every six months to ensure property owners
20 are keeping these scaffoldings intact and safe.
21 Additionally the bill will charge property owners a
22 fee for these inspections, which will incentivize
23 them to actually do the building construction work as
24 opposed to keeping the scaffolding up so they don't
25 have to pay the fee twice a year.

2 Intro. 774 together with the other bills being
3 heard today is a necessary step to stop the
4 scaffolding abuse we see across the city. I look
5 forward to working with my colleagues and the
6 Administration to get these bills passed. Thank you.

7 CHAIRPERSON SANCHEZ: Thank you so much Council
8 Member Marte. Council Member Powers.

9 COUNCIL MEMBER POWERS: Thank you Chair and good
10 morning and thanks everyone for being here today and
11 letting me speak about my package of five bills to
12 enhance the safety, efficiency, aesthetic quality of
13 scaffolding throughout our city and simply to get
14 sheds down a lot more quickly.

15 As I've said often, there aren't many things that
16 New Yorker can universally agree on and we famously
17 disagree on many things. Commissioner, you're a Mets
18 fan, I'm a Yankees fan. People debate about the
19 Giants the Jets, what's the best slice of pizza,
20 where's the best place to get a bagel. I have the
21 right answers to all of those if you need to know
22 them but one thing I've heard that everybody can
23 agree on is getting rid of sidewalk sheds and New
24 Yorkers want less sheds and more sunlight.

2 Scaffolding or sidewalk sheds play an important
3 role in protecting New Yorkers from falling debris,
4 facilitating regular inspections and keeping
5 construction workers safe and we, as we've said
6 often, understand the importance of scaffolding in
7 our lives. But often more than not, work slows,
8 repairs drag on and scaffolding is left up for months
9 or even years on end. Nearly 1,000 sidewalk sheds
10 have been up for more than three years. Each one
11 becoming a feature of our urban landscape and
12 something that New Yorkers have just accepted as a
13 way of life.

14 There are over 4,000 sidewalk sheds in Manhattan
15 alone and 9,400 citywide, meaning that miles and
16 miles of our city streets are covered in dark green
17 scaffolding that blocks sunshine, creates safety
18 concerns and gives the impression that New York City
19 is eternally under repair. And for our small
20 businesses to get buried underneath them for years or
21 even decades, that first signs of scaffolding going
22 up is the first sign of lost business and decrease
23 with traffic. I'm proud to have stood with a number
24 of my Manhattan colleagues here and the Manhattan
25 Borough President just about a year plus ago to

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2 introduce legislation to reform our city's approach
3 to scaffolding while keeping New York safe. We have
4 also stood of course with our Commissioner, the
5 Borough President and others and the Deputy Mayor to
6 talk about ways that all of us can work together in a
7 collaborative effort to make sure our city gets rid
8 of the scaffolding that's unnecessary and focus on
9 the things that we really need here.

10 I don't need to talk about all my legislation
11 because the Chair did a great job explaining it but
12 with this package of legislation, the ones I've
13 introduced but of course the ones that my colleagues
14 have introduced here as well, I'm confident we can
15 start to make progress on this issue which has gone
16 on for too long, has been too large and intractable.
17 What goes up must come down and we're here today to
18 finally get sheds down. I want to thank Chair
19 Sanchez and the Committee staff for holding the
20 hearing today. I look forward from hearing the
21 hearing Administration and other stakeholders. I
22 want to give my sincere thanks to my staff Dan and
23 Haley who have been working on this issue for quite
24 some time and I'd like to thank the Borough President
25 Mark Levine for his leadership in this issue and my

1 colleagues who are putting forward solutions today.

2 It's a conversation we've been having for quite some
3 time and I'm very eager to continue this conversation
4 as we move forward. As the Commissioner said or I
5 think the Borough President earlier, whether you're a
6 Mets fan or Yankees fan, let's just go after the
7 green monster, that a Red Sox reference, and I'm just
8 grateful for everyone's work here today. Thanks.

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10 CHAIRPERSON SANCHEZ: Thank you so much Council
11 Member Powers. I'd like to acknowledge that we've
12 been joined by Council Member Avilés, Feliz, Hudson
13 and Brewer and I'd next like to call on Council
14 Member Bottcher.

15 COUNCIL MEMBER BOTTCHEER: If you were to stop a
16 New Yorker on the street and ask what gets on their
17 nerves, there's a good chance they might talk about
18 sidewalk scaffolding. The presence of scaffolding in
19 New York is something - it's at a level that you
20 don't see in the other cities around the world. We
21 have over 280 miles of New York City sidewalks
22 covered by scaffolding. This is a public policy
23 failure that requires action and that's what we're
24 doing today. I really want to thank Chair Sanchez
25 for holding this hearing and hearing our legislation

1 to help address this issue. I have three bills today
2 being heard. One would establish a time limit for
3 pulling permits to do the work. A time limit of six
4 months after the scaffolding is erected for the
5 property owners to pull the permits.
6

7 Another bill that we're hearing today it's
8 legislation that would increase the lighting
9 requirements underneath sidewalk sheds. The lighting
10 requirements are outdated and don't take into account
11 the technology that has been developed with lighting,
12 LED light strips. So, this bill would require the
13 level of illumination to be uniformly distributed
14 along the entire length of the shed with more lumens
15 per watt.

16 Also, hearing today legislation regarding
17 sidewalk sheds in parks and playgrounds. It would
18 set higher design standards for sidewalk sheds when
19 they need to be parks and playgrounds. We've got
20 sidewalk scaffolding in Matthews Palmer Park, In
21 house Kitchen that is obstructing the basketball
22 court going on six years. Since the day that the
23 park was renovated. The scaffolding went up right
24 away and it's a fault of the co-op who owns that
25 wall. But we could do better with the scaffolding

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2 that's there and that's what this legislation is
3 aiming to address. I want to thank all my colleagues
4 and my Legislative Director Hannah Moses, my Chief of
5 Staff Carl Wilson and everyone else who helped make
6 today possible.

7 CHAIRPERSON SANCHEZ: Thank you so much Council
8 Member Bottcher. Council Member Abreu.

9 COUNCIL MEMBER ABREU: Good morning everyone and
10 thank you Chair Sanchez for the opportunity to
11 discuss my bill, Intro. 503. I'm very proud to join
12 you Council Member Powers, Council Member Bottcher
13 and Borough President Levine on this package of
14 legislation aimed at reforming sidewalk sheds and
15 stopping them from being up at a years at a time.
16 And of course, thank you to Council Member Marte as
17 well, who has been very key on this shedding the shed
18 coalition that we started about a year now.

19 You know, I'm not kidding when I say that a voter
20 once stopped me and said, if you take these sheds
21 down, you could become Mayor overnight. I know Mayor
22 Adams wouldn't like to hear that but seriously, if we
23 shed the sheds, you know from the upper west side to
24 Washington Heights, we're going to be improving
25 quality of life in our neighborhoods. And so, you

1 know we're making it a priority. Intro. 503 would
2 require DOB to create and maintain an assistance and
3 outreach program for compliance with façade
4 inspection requirements and look we believe very
5 fundamentally that removing sheds in a timely and in
6 an efficient manner, is not only a step towards
7 cleaner sidewalks but also a crucial safety measure.
8 I look forward to hearing the Administration getting
9 the bills moved forward. I would like to thank you
10 Commissioner Oddo for all the work that you're doing
11 day in and day out for New Yorkers. Thank you.

12 CHAIRPERSON SANCHEZ: Excellent, thank you so
13 much Council Member. I'll now turn it over to our
14 Committee Counsel to administer the oath.

15 COMMITTEE COUNSEL: Thank you. Please raise your
16 right hand. Do you affirm to tell the truth, the
17 whole truth and nothing but the truth before this
18 Committee and to respond honestly to Council Member
19 questions? Thank you. You can begin.

20 JIMMY ODDO: Thank you. Good morning Chair and
21 member of the Committee. Madam Chair, before I get
22 into my written remarks, I do want to say a word or
23 two of congratulations and of gratitude. Last week
24 the Council passed your bill Intro. 904 that allows
25

1 this agency and codifies the opportunity for this
2 agency to go on offense. So, as you can see, we are
3 rolling heavy yet again at this hearing and on behalf
4 of our agency, we want to thank you. Following the
5 bill is \$4.7 million from the Administration. It's
6 going to allow us to hire 60 staff, it's not just
7 inspectors. It's data analysts, it's lawyers and the
8 last thing I want to say is as you know I'm kind of,
9 as Gale Brewer knows, I'm old as dirt. I've been
10 around a long time. I've seen good, bad and ugly in
11 terms of elected officials, including in my own
12 borough and I've seen elected officials stand up
13 after a tragedy at a press conference and hoot and
14 holler and they do the rinse and repeat cycle as I
15 say and they go onto the next press conference and
16 never do the hard work. You are the Council Member
17 who represents 1915 Billings League. You were at
18 those press conferences on behalf of your
19 constituents but you followed it up by doing the hard
20 work and hopefully, your legislation allowing us to
21 be proactive and identifying problematic location and
22 problematic players stops another tragedy in your
23 district and across the city, best leadership.

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2 This is the fourth time in four months that we've
3 appeared before you. You and the Committee have been
4 tough but fair and we really appreciate the
5 collaborative spirit, the willing to listen and have
6 a dialogue and we will continue to try to reflect
7 that including on sidewalk sheds and we hear each of
8 the Council Members. We've heard you on this and we
9 share lots of your frustration and I think you'll be
10 happy with some of the updates that we have for you
11 and the public today.

12 So, again, good morning Chair Sanchez and members
13 of the Housing and Buildings Committee, as I
14 definitely change glasses so I can see. I am Jimmy
15 Oddo, Commissioner of the New York City Department of
16 Buildings and I am joined today at the dais and in
17 the gallery by several members of the Departments
18 leadership team. We are pleased to be here to
19 discuss the legislation before the Committee and the
20 Departments efforts to reimagine pedestrian
21 protection and address sidewalk sheds that are not
22 needed in connection with construction activity.
23 Sidewalk sheds serve an important public safety
24 purpose. They protect pedestrians from construction
25 activity which may include the construction of a new

1 building, demolition activity or the maintenance of
2 an existing buildings façade. Sidewalk sheds that
3 are up in connection with construction activity are
4 welcome news as they indicate that new residential or
5 commercial spaces may be coming or that a building
6 owner is fulfilling their important responsibility to
7 maintain their building on an ongoing basis.
8

9 However, when sidewalk sheds are erected and no
10 associated construction work is occurring, the public
11 is negatively impacted including pedestrians,
12 building residents and small businesses. Such
13 negative impacts include a diminished pedestrian
14 experience and a potential loss of revenue for
15 businesses.

16 Last summer, Mayor Adams announced Get Sheds
17 Down, a plan to reimagine sidewalk sheds that are
18 needed in connection with construction activity and
19 get sheds down more quickly in order to improve
20 public safety and the quality of life for New
21 Yorkers.

22 Since the announcement of Get Sheds Down, the
23 Administration has made great progress to implement
24 the reforms that do not require legislative action.
25 Reimagining sidewalk sheds, the Department has

1 selected two highly creative companies, Arup US and
2 Practice for Architecture and Urbanism, PAU to
3 deliver six new, more aesthetically pleasing scalable
4 and cost efficient designs for pedestrian protection
5 including sidewalk sheds. The new designs which will
6 be developed with cost for the end user in mind, will
7 include four options for sidewalk level sidewalk
8 sheds and two options for non-sidewalk level
9 pedestrian protection equipment such as mesh fiber
10 wraps or netting. The new designs, which will be
11 released by the summer of 2025, will be incorporated
12 into the New York City construction codes in order to
13 give every building owner, registered design
14 professional and contractor the ability to use them.

15
16 Reevaluating Local Law 11, Local Law 10 of 1980,
17 which was subsequently amended by Local Law 11 of
18 1998 established a requirement that the owners of
19 buildings greater than six stories in height have the
20 exterior walls of their buildings inspected every
21 five years.

22 This requirement resulted in the Façade
23 Inspection and Safety Program, FISP. While such
24 inspections do not result in more sidewalk sheds,
25 findings pursuant to FISP inspections may require

1 that sidewalk sheds be installed in the interest of
2 public safety.
3

4 These inspections are conducted by registered
5 design professionals with relevant experience who are
6 approved by the department and hired by building
7 owners. Following such inspections, technical
8 reports describing the results of the inspections
9 must be submitted to the department. Further, the
10 report must make recommendations for maintaining the
11 building's façade and for repairing any unsafe
12 conditions. When an unsafe condition report is
13 discovered, steps to protect the public must
14 immediately be taken and such unsafe condition must
15 be promptly repaired. Building owners who do not
16 comply with the inspection requirement, who submit
17 late filings or who fail to repair unsafe conditions
18 face penalties that accrue until compliance is
19 achieved.

20 While the department has strengthened its rules
21 pertaining to FISP over time, a comprehensive review
22 of a program has not been undertaken. As such, the
23 department has selected an engineering consulting
24 firm, Thornton Tomasetti, to conduct a comprehensive
25 review of FISP to determine whether any modification

1 of the program are needed. Any modifications of the
2 program are needed to align the program with today's
3 building stock and typology.
4

5 We look forward to keeping this Committee updated
6 on this work and partnering to strengthen the
7 regulations that exist to keep building facades in a
8 safe condition.

9 Targeting longstanding sidewalks and sheds. The
10 Department continues to focus on longstanding
11 sidewalk sheds, which have been erected for greater
12 than five years. Such sidewalk sheds receive
13 additional scrutiny by the Department, which includes
14 regular inspections and potential criminal court
15 actions or affirmative litigation if property owners
16 continue to disregard orders to make repairs to the
17 buildings. Since Get Sheds Down was announced, 240
18 longstanding sidewalk sheds have been removed and 25
19 criminal court summonses have been issued against
20 building owners with longstanding sidewalk sheds at
21 their buildings.

22 Of note, late last year the longest standing
23 sidewalk shed at a privately owned building, which
24 was in place for 21 years was removed at 409
25 Edgecombe Avenue in Manhattan. As it relates to

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2 city-owned an interagency taskforce led by Deputy
3 Mayor Joshi, Deputy Mayor of Operations is working
4 closely with city agencies to remove their
5 longstanding sheds.

6 The powering struggling property owners. The
7 Administration is partnering with Manhattan Borough
8 President Mark Levine to explore the creation of a
9 low interest fund to provide financial support for
10 struggling small property owners who lack the
11 financial resources to complete necessary façade
12 repair work. The Department is currently working
13 closely with the Borough Presidents Office to
14 identify the population of building owners that could
15 be assisted by such a loan fund.

16 Expanding the use of safety netting. The
17 Department has released a Building Bulletin setting
18 forth specific requirements governing the use of
19 safety containment netting as an approved form of
20 pedestrian protection that can, in certain
21 circumstances be used in place of a traditional
22 sidewalk shed.

23 The Department has proactively engaged registered
24 design professionals and contractors to encourage
25 broader adoption of netting. Further, the city

1 agencies are now tasked with considering whether the
2 netting is a viable option before installing a
3 sidewalk shed.
4

5 Allowing art on temporary construction equipment.
6 The New York City Department of Cultural Affairs in
7 collaboration with the Department has launched a
8 permanent city canvas program, which will expand
9 opportunities for artists and building owners to
10 install public art work on temporary construction
11 sheds, fences and scaffolding. While the department
12 has made great progress implementing Get Sheds Down,
13 a number of important reforms that would improve the
14 look and feel of existing sidewalk sheds and bolster
15 the Department's enforcement efforts to get sidewalk
16 sheds down more quickly require legislative action.

17 As such, we welcome your partnership to implement
18 the following reforms in order to address public
19 safety and quality of life issues sidewalk sheds
20 create together.

21 Paying New Yorkers for Occupying public space.
22 Currently, buildings owners can erect sidewalk sheds
23 and leave them in place, while no active construction
24 work is occurring without incurring any financial
25 penalties. These results in building owners delaying

1 needed repair work in order to remove sidewalk sheds.
2
3 The department proposes establishing a new penalty
4 which would start 90 days after the shed is first
5 permitted and escalate over time. In which will
6 continue to accrue until the sidewalk shed is
7 removed. These new penalties would not apply to
8 building owners who have repair work in progress or
9 where a sidewalk shed is up in conjunction with new
10 construction, enlargement or demolition work.

11 Doubling down on commercial districts. Given the
12 adverse impacts of sidewalk sheds on small
13 businesses, the Department proposes imposing
14 additional financial penalties where the owners of
15 the buildings subject to the FISP program located in
16 commercial districts fail to meet key milestones to
17 complete required façade repairs. Under this
18 proposal, property owners could be assessed a penalty
19 when a shed is in place due to an unsafe façade and
20 the property owner fails to meet any of the following
21 deadlines during the repair process. That is filing
22 a repair application within three months, obtaining
23 required work permits within six months and fully
24 completing repairs within 24 months.

1 These three milestones would supplement existing
2
3 monthly penalties issued by the department when
4 owners fail to make progress on façade repairs
5 required under FISP.

6 Redesigning existing sidewalk sheds. As the work
7 to reimagine sidewalk sheds is underway, the
8 Department proposes improving the look and feel of
9 existing sidewalk sheds by improving existing
10 lighting requirements for sidewalk sheds and allowing
11 for more color options for temporary construction
12 equipment, including sidewalk sheds and construction
13 fences. These proposals build upon the permanent
14 program that allows for art to be installed on
15 temporary construction equipment and would go a long
16 way towards improving the pedestrian experience until
17 new sidewalk shed designs are released and made
18 available for use.

19 Strengthening oversight of shed permits.
20 Currently, sidewalk shed permits are valid for one
21 year. In order to improve oversight of sidewalk
22 sheds, including to monitor the progress of repair
23 work at buildings, the department proposes shortening
24 the duration of sidewalk permits to 90 days subject
25 to 90 day renewals.

1 Now, turning to the legislation before the
2
3 Committee. Intro. 369 would require the Department
4 to establish a pilot program for the use of drones in
5 conjunction with physical examination and close up
6 inspections in the inspection of building facades.
7 The Department performed a study in 2021 regarding
8 the use of drones to conduct façade inspections in
9 conjunction with hands on inspections.

10 The Department found that drones are a useful
11 tool for collecting significant amounts of visual
12 data such as photographs, videos, thermal images and
13 other similar outputs. Further, the Department
14 concluded that drones may support the requirement to
15 conduct façade inspections in a beneficial way.

16 In 2023, the New York City Police Department
17 promulgated rules that allow for drone use in New
18 York City provided the NYPD permits are obtained.
19 Given that drones can now be operated with proper
20 permits and that there is no prohibition on the use
21 of drone in the Departments rules regarding façade
22 inspections, the Department does not believe this
23 proposal is necessary.

24 The Department encourages building owners to
25 utilize drones to support their required façade

1 inspections or any other building inspections
2 provided that they have the proper permits and abide
3 by applicable regulations.
4

5 Finally, as I mentioned earlier in the testimony,
6 the Department has engaged Thornton Tomasetti to
7 perform a comprehensive review of FISP. As part of
8 that work, they are also tasked with considering how
9 drones and other technology can be used to support
10 the program.

11 Intro. 391 would create a new sidewalk shed
12 design - would create new sidewalk shed design
13 requirements, upgrade existing lighting requirements
14 and allow for additional color options for sidewalk
15 sheds. As it relates to the sidewalk shed design
16 requirements in this bill, the Department proposes
17 that the Council defer changes to existing sidewalk
18 shed design requirements until after the Department
19 has completed its work with Arup US and Practice for
20 Architecture and Urbanism to deliver six new designs
21 for pedestrian protection.

22 The Department again, anticipates releasing such
23 designs by summer 2025 and looks forward to working
24 with individual Council Members in this Council and
25 Committee to incorporate such designs into the New

1
2 York City construction codes, which would make them
3 available for use by building owners, registered
4 design professionals and contractors.

5 In the interim, the Department is supportive of
6 the provisions of the bill that upgrade existing
7 lighting requirements and that allow for additional
8 color options as such proposals would improve the
9 look and feel of the sidewalk sheds in use today.

10 Intro. 392 would require the permit holder
11 utilizing a sidewalk shed or scaffolding to repair or
12 replace within six months any city owned tree that is
13 damaged as a result of the use or placement of such
14 temporary construction equipment.

15 The Department is supportive of this proposal as
16 it would ensure that trees that are damaged during
17 the course of construction are replaced in a timely
18 manner. However the Department encourages the
19 construction industry to take great care to protect
20 trees during the course of construction work to avoid
21 such damage in the first instance.

22 Intro 393 creates timelines for the removal of
23 construction related equipment when there is no
24 active construction. The Department is supportive of
25 the intent of this bill, which is to remove

1 construction related including sidewalk sheds in a
2 timely manner. However, the Department is concerned
3 about the timelines being imposed in the bill that
4 would trigger the removal of temporary construction
5 equipment as such equipment may still be needed to
6 protect the public from construction activity beyond
7 those timelines. As such, the Department proposes
8 that the bill be amended to shorten the duration of
9 sidewalk shed permits to 90 days to improve the
10 Departments oversight and sidewalk shed permits.
11

12 Further, the Department proposes that the bill be
13 amended to introduce new penalties that would start
14 accruing after 90 days and gradually increase over
15 time where a sidewalk shed is installed and there is
16 no active construction work occurring. The goal of
17 these new penalties would be to prompt building
18 owners to conduct the side repairs and remove
19 temporary construction equipment in a timely manner,
20 rather than allowing such equipment to remain in
21 place for long periods of time.

22 Intro. 394 would require that the critical
23 examination of building facades for newly constructed
24 buildings currently due five years after completion
25 of any exterior wall or appurtenance be submitted

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2 eight years after completion, extended to eight
3 years. As I mentioned earlier in my testimony, the
4 Department has selected an engineering consulting
5 firm, Thornton Tomasetti, to conduct a comprehensive
6 review of FISP to determine whether any modification
7 to the program is needed to align the program with
8 today's building stock and typology. Following the
9 completion of the review, the Department looks
10 forward to making recommendations to this City
11 Council regarding whether any modification to the
12 program, including any changes to the existing
13 inspection schedule are appropriate.

14 Intro. 503 would require that the Department
15 establish and maintain an online technical assistance
16 program providing outreach and guidance to building
17 owners regarding compliance with FISP. The
18 Department is supportive of the intent of this bill
19 as it regularly engages with building owners and
20 registered design professionals to provide them with
21 guidance regarding compliance with FISP.

22 However, the Department is concerned about the
23 requirement in the bill that building owners be
24 provided with assistance acquiring the services of a
25 qualified exterior wall inspector. As a regulatory

1 agency, it would be inappropriate for the Department
2 to provide such assistance. However, the Department
3 has published a list of all qualified exterior wall
4 inspectors who are approved by the Department to
5 conduct inspections pursuant to FISP. As such,
6 building owners are encouraged to consult that list
7 to ensure that the registered design professionals
8 they are engaging are qualified to perform façade
9 inspections for the purpose of complying with FISP.

10 Intro. 659 would require that sidewalk sheds
11 located in parks and playgrounds be constructed to
12 have a minimum ceiling height of 12 feet. The
13 department is supportive of the intent of this
14 proposal and looks forward to working with the
15 Council on the technical aspects of the proposal. It
16 should also be noted that this proposal will need to
17 be coordinated with the Departments ongoing work to
18 redesign sidewalk sheds in the future.

19 Intro. 660 would upgrade existing sidewalk sheds
20 lighting requirements. This proposal is duplicative
21 of provisions in Intro. 391 that upgrade existing
22 sidewalk and shed lighting requirements which the
23 department is supportive of. As such, this bill will
24

1
2 be needed to be coordinated with Intro. 391, which
3 addresses the same subject matter.

4 Intro. 661 would create penalties for property
5 owners who fail to apply for corresponding work
6 permits within six months of installing a sidewalk
7 shed. The Department is supportive of the goal of
8 this proposal which is to prompt building owners to
9 conduct façade repairs after installing a sidewalk
10 shed. The Department proposes strengthening this
11 proposal by establishing additional milestones of
12 buildings subject to FISP must meet if they are
13 located in commercial districts. Specifically, the
14 department proposes that the owners of such buildings
15 be subject to penalties where they do not file plans
16 to repair unsafe façade conditions within three
17 months of the issuance of the initial sidewalk permit
18 where they do not obtain a permit to repair unsafe
19 façade conditions within six months of the issuance
20 of the initial sidewalk shed permit and where they do
21 not complete façade repairs within 24 months of the
22 issuance of the initial sidewalk shed permit.

23 Intro. 774 would require that the department
24 conduct sidewalk shed inspections every six months
25 and charge fees for such inspections. The Department

1 is concerned that the proposal would strain our
2 inspectorial resources. Further, given that the
3 majority of sidewalk sheds are removed within a year,
4 the Department does not believe inspecting the entire
5 universe of sidewalk sheds as a wise use of
6 inspectorial resources. It should also be noted that
7 sidewalk sheds should not be the focus of the
8 departments inspections. The Departments primary
9 concern is the condition of the building where the
10 sidewalk shed is located. As mentioned earlier in
11 the testimony, longstanding sidewalk sheds that have
12 been placed for greater than five years receive
13 regular inspections and potential and criminal court
14 actions or affirmative litigation. If property
15 owners continue to disregard orders to make repairs
16 to their buildings. The Department feels strongly
17 that regular inspections is a tool that should
18 continue to be limited to long standing sidewalk
19 sheds in order to prompt the removal of such sidewalk
20 sheds.
21

22 Intro. 796 would require at least 72 hours before
23 a new sidewalk shed is installed. The bill would
24 require that at 72 hours before a new sidewalk shed
25 is installed the Department notify the Council Member

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2 and Community Board in which the sidewalk shed will
3 be located and provide the reason for the
4 installation of such sidewalk shed.

5 The Department is not supportive of this
6 proposal, as it is not privy to when sidewalk sheds
7 are going to be installed. The sidewalk shed permits
8 that are currently issued are valid for one year and
9 a contract can install sidewalk sheds so long as they
10 have a valid permit. However, the Department has
11 published a map, which is updated daily, which
12 provides valuable information regarding every
13 sidewalk shed permit, including the location of the
14 sidewalk shed, its expiration date, its age, its
15 length and the reason why such sidewalk shed is being
16 installed.

17 The Department encourages community members to
18 use this tool to find out more about sidewalk sheds
19 in their respective areas and looks forward to
20 working with the City Council to ensure that this
21 tool provides the information being sought.

22 Last two bills. Intro. 956 would allow approved
23 or alternative artwork to be painted directly on a
24 sidewalk shed or construction fence and would allow
25 such artwork to remain on display for as long as the

1 sidewalk shed or construction fence has a valid
2 permit. The Department is supportive of this
3 proposal, as it supports ongoing efforts to encourage
4 the installation of art on temporary construction
5 equipment.
6

7 And lastly, Intro. 436 would make comprehensive
8 updates to the New York City Electrical Code, which
9 was last dated in 2011, and which references national
10 standards from 2008. In addition to aligning with a
11 more recent edition of the National Electrical Code,
12 this proposal would make improvements to safety,
13 recognize new technology and innovation and support
14 the city's electrification efforts.

15 The Department worked closely with subject matter
16 experts, who participated on committees, to review
17 and propose the changes incorporated in this
18 proposal. I would like to thank those committee
19 members who volunteered their time and expertise and
20 of course the DOB staff for their efforts to put
21 forward the comprehensive updates to the electrical
22 code before you today.

23 I would also like to thank the Committee for its
24 ongoing partnership to keep our codes up to date. We
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look forward to working with you to update the Electrical Code in the near future.

I think that is it. A couple times, I have to admit, I got a little lightheaded. That's not a commentary on any specific bill, it might be a commentary on my overall health but again, to recap Madam Chair and members, we hear you. We see a lot of common ground where there is not exact alliance, we'll work with you but we think we are attacking the problem on all fronts and we look forward to being able to answer your questions.

CHAIRPERSON SANCHEZ: Thank you and thank you to the Sergeants for providing us with water as well. Thank you. Thank you Commissioner for your kind words at the outset. I'm just going to ask a few follow up questions from your testimony, then I want to turn it over to my colleagues before I continue but I think in preparation for this hearing and thank you for the prehearing discussions as well. It does seem to me that the problem is not the requirement to have sidewalk sheds erected in the City of New York to protect New Yorkers but it's the structure of our policies to allow for improved designs, provide proper incentives and enforcement tools for the

1 agency to get folks to actually take the sheds down
2 in a safe way. So, that has become you know very
3 clear to me and I look forward to progress on the
4 policies that we need change here. So, the first
5 clarifying question is about longstanding sidewalk
6 sheds, you mentioned the agency is focused on
7 longstanding sheds that have been up for more than
8 five years. How long is the permit for? The permit
9 duration currently for sidewalk sheds?
10

11 JIMMY ODDO: Currently the New York City
12 construction codes allows for a one year permit.

13 CHAIRPERSON SANCHEZ: And so, how is it that they
14 are up for more than a year? It's just the
15 enforcement capacity, the agency?

16 JIMMY ODDO: They're allowed to renew those
17 permits on an annual basis.

18 CHAIRPERSON SANCHEZ: Understood thank you and
19 for these longstanding sheds, is the agency finding
20 that most of these properties are doing the - are
21 seeking the appropriate renewals?

22 JIMMY ODDO: Yeah, yeah, so we are proud of the
23 work that the agency has done on longstanding sheds.
24 Some of the work predates the Adams Administration
25 when the Buildings Department put in a program that

1 spoke to longstanding sheds. I want officially
2 Deputy Commissioner Shamash to update you on some of
3 those numbers from the beginning of the longstanding
4 sheds, again pre-Adams Administration. Maybe give
5 you some numbers. Since we did the Get Sheds Down
6 announcement in July of last year and talked to you
7 about how we are attacking it from various
8 perspectives and then I want to come back to do a
9 couple of sorts on the longstanding shed staffing
10 level.
11

12 CHAIRPERSON SANCHEZ: Thank you.

13 YEGAL SHAMASH: With regards to our longstanding
14 shed program, we're really trying to wake up these
15 owners that have had sheds up for over five years.
16 In order to do that, we are routinely inspecting
17 these buildings, issuing commissioners orders to
18 these buildings to repair their buildings and that's
19 our first priority is to ensure that these owners are
20 meeting their requirements in the code and
21 maintaining their buildings in a safe condition.

22 We issue orders for the maintenance of the
23 building and if those orders are not complied with,
24 then we follow up with our legal team and issue
25 criminal court summons or enhanced enforcement. With

1
2 regards to the program, just in the last year alone,
3 240 sheds have been removed. That is three times
4 more than the year before. The year before between
5 July 2022 and July 2023, 81 longstanding sheds were
6 removed. We think the program is working. We're
7 seeing owners paying attention to our orders and
8 complying with those orders, and it takes an effort
9 but we are going through that effort and waking up
10 these owners and letting us know that we will not go
11 away. That we are paying attention and that we're
12 expecting them to repair their buildings.

13 JIMMY ODDO: Madam Chair, if I could just add, I
14 want to do a shout out to Rachel McDonald on our
15 team. I mentioned it in our testimony and it may not
16 sound a lot when we're talking about close to 9,000
17 sheds and it may not sound like a lot, 25 criminal
18 court summonses. It is a lot. It is a lot of work
19 and these are the worst of the worst who continue
20 thumb their nose and not respond to us at all. In
21 each of these criminal court actions by Rachel, has
22 an outside impact. So, 25 is significant and the
23 word reverberates and also, as we mentioned, there's
24 the work that we do with the Law Department on
25 affirmative litigation and we are limited by

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2 resources but we are very aggressive on that front
3 and we will continue. The [INAUDIBLE 00:47:19] of
4 sorts that I want to own is that we want to expand
5 the universe of longstanding sheds from five years to
6 three years. In addition to all of the other work
7 and we had a plan in place to bring on around seven
8 staffers, three inspectors, a supervisor, an
9 attorney, a paralegal to allow us to do that work. I
10 need to find the resources to do that. It's a
11 balancing act of priorities within the sort of façade
12 program. We had to find the money for the designed
13 RFP for the Local Law 11 RFP and then it's balancing
14 it with all the other needs in the agency. We are
15 still committed to that because we've seen the
16 success of the longstanding sheds program going after
17 five years plus. We will get - one way or another we
18 will get to the resources we need to expand it
19 because it's a component and we want to attack this
20 from all fronts.

21 CHAIRPERSON SANCHEZ: Thank you. Thank you
22 Commissioner. I'm going to turn it over to Council
23 Member Powers for his question and if Council Member
24 Bottcher has questions, I'll turn it over to him
25 next.

2 COUNCIL MEMBER POWERS: Thank you. I'm worried
3 about your health after that testimony. Thanks for
4 that extensive feedback. Of the 240 that have been
5 part of your - I just wanted to do two quick number
6 checks, one is you said the 81 or the year before you
7 started your increased efforts, is that correct? And
8 240 now of longstanding five years plus sheds have
9 been taken down. Is that correct? Okay, how many of
10 those are city owned? How many of those are
11 privately owned? Yeah, it's 240 that are privately
12 owned.

13 YEGAL SHAMASH: No, the 240 is the total and give
14 me a second.

15 JIMMY ODDO: A dozen or so I think were city
16 owned.

17 YEGAL SHAMASH: Correct, 14 of those 240 are city
18 owned.

19 COUNCIL MEMBER POWERS: Okay and is the focus on
20 five years as a sort of your criteria, you're
21 thinking about what might constitute being up way too
22 long? You guys made that decision at 5 was the
23 number the number to choose from and just, which
24 makes sense. Just, that seems to be the number we're
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working from when we start looking at which ones need to come down, is that correct?

YEGAL SHAMASH: Correct, when we first started looking at instituting this program in 2020, we were taking a look at the average age of a sidewalk shed and that is a little bit over a year. I believe it's about 1.4 years and what we were looking at is uhm, how many sheds were up, two times that length and then how many sheds were up three times that length and seeing what we could tackle with the existing personnel. We were funded with some lines and we were able to tackle the five year plus mark and as the Commissioner said, we would like to expand that program and really go after the three year plus sheds.

COUNCIL MEMBER POWERS: Got it, okay. That's helpful. And uhm, what is yeah for when you talk about city owned property to move city agencies? I know they're not the entirety of the problem but it does feel like we have some very longstanding sheds that are up that are on city owned property. Some are in my district. Some are nearby my district on first avenue I think have been part of that. So,

1
2 just how are we talking with other city agencies to
3 ensure that they are also part of this effort?

4 JIMMY ODDO: Yeah, I think just that we as an
5 agency are communicating with them but I think the
6 most important thing is that the Mayor has made it
7 clear so all the agencies that this is a priority.
8 So, Deputy Mayor Joshi has been heading a taskforce
9 and you know like the private side, there are many
10 different reasons why sheds are up. There are sheds
11 on a couple of city owned buildings that have been
12 intended to be demolished and the issue has been
13 about what's the point of doing the work on the
14 facades if the building is coming down?

15 So, there's like on the private side, there's
16 lots of different variables but the agencies know
17 that this is a priority. Agencies know that when,
18 where they can, we want them to use netting. There's
19 one particular building where we think we might be
20 close, which would be a major relief because the shed
21 has been up for a very long time. We might be able
22 to use netting in its place. Agencies know but the
23 Deputy Mayor is the running point on coordinating
24 that effort to get them - to ensure that the city is
25 you know walking the walk.

1 COUNCIL MEMBER POWERS: Thanks. Just a few short
2 questions. When we talk about, one of the challenges
3 and you highlighted this earlier in your remarks at
4 the press conference earlier, was that the - one of
5 the issues I've heard a lot about from property
6 owners and from folks who are in the real estate
7 world is that the - one of the issues is the neighbor
8 to neighbor property owners, mediation and issues
9 related to getting consent, negotiating fees perhaps
10 when it comes to taking over or encroaching on
11 neighboring property to be able to put up the
12 scaffolding and that process itself, which I think is
13 unknown to a lot of folks. That's a known issue.

14 That seems to be driving a lot of the duration
15 too. I think you had maybe said it was maybe number
16 one. I know there's a legislative effort in Albany
17 trying to get something passed and I wanted to just
18 hear more about what your feedback is on that. We
19 don't have that as part of our legislative package
20 today. I am hopeful Albany will take action on that,
21 setting up a mediation process or something that will
22 accelerate that.

23 Can you tell us how that legislative effort is
24 going in Albany and also, I know it didn't pass, so
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what that conversation looks like and also just more context about exactly what that issue is?

JIMMY ODDO: So, back in the day when I was a Council Member and a VP, we used to call it neighbor on neighbor and they were the worst kind of constituent cases because people get stubborn and people act out of spite too. There's a building, I won't get too specific, but there's a building close to our headquarters where Deputy Commissioner Shamash reached out a building owner and basically said, yeah, out of spite, I'm not doing it. So, it's a Comrie bill in the senate and Arage Kamar(SP?) bill in the assembly and at one point, we were hopeful that it was going to pass the senate and the legislation creates like this mediation, creates rules, to sidewalk sheds and beyond. And listen, I mean I respect the rights of both property owners in this instance. The person who wants to do the work - the property owner who wants to do the right thing, wants to comply with Local Law 11, who wants to get the shed up to do the work, but I also understand that adjoining property owners are nervous. They're worried about liability. They're worried about damage to their property. This notion of creating

1 this mediation process where there's a set of rules,
2 it's more timely, this is critical because as we've
3 learned, and by the way, we heard this when we
4 brought in the industry, right? The industry is the
5 one who said like this is actually a bigger challenge
6 than the issue of small property owners not having
7 the financial wear with all. I don't know if there
8 is a role, a legislative role for the Council. I
9 don't know if you're preempted. Uhm, but this
10 legislation again, we have to attack this universe of
11 9,000 from 6 or 7 different fronts. This is
12 certainly one of them but beyond sidewalk sheds,
13 getting a more organized professional established
14 protocol to hear out neighbors would be a good thing
15 across the board.

17 COUNCIL MEMBER POWERS: Yeah, thanks for that and
18 my last question on drones, you said talk with the
19 NYPD using a program right now or having a permitting
20 process I believe right now to allow for drones to be
21 flown. I don't know if that's just for building
22 inspections or for other uses as well. What is the
23 utilization of that program today? Like how many
24 permits have been issued for that? Is it being
25 effective and used? Do we have sense of?

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2 JIMMY ODDO: We can't speak to how many permits
3 have been sought through the NYPD and we get the end
4 product of that, would be part of the pictures that
5 they would submit as part of their reports. So, we
6 can't see what the uptick is but it's interesting,
7 part of the great work that Thornton Tomasetti is
8 doing in the RFP on Local Law 11 is they are uhm
9 looking not only about the use of drones in other
10 jurisdictions but they're also contemplating how the
11 use of drones and other technology that allows
12 building owners to look at buildings on an ongoing
13 basis. How that should speak to the duration of the
14 cycle between really in depth formally. If you get a
15 drone and we accept drone footage every you know
16 every six months or whatever it is, would that inform
17 us for certain building typologies to extend those
18 cycles?

19 We don't know but Thornton Tomasetti understands
20 that technology exists today that hasn't previously
21 and that should empower us, educate us, and allow us
22 to have a better set of rules. So, we're excited to
23 see their work. They will have deliverables to us
24 over the next 12 months. They'll get us a draft
25 report of all their recommendations in May of 2025.

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So, of all of the work, this one to me is my favorite. I think it's going to be the most impactful because as we sit here right now, I think it's 40 or 42 percent of the sheds on the street, a Local Law 11 related. That's a huge universe and we should have updated rules. As I made the joke outside, you know one Met championship since '86, that's one more than comprehensive review by New York City of our façade inspection rule, so we're overdue.

COUNCIL MEMBER POWERS: Yeah, thank you. I just want to say hearing that number and hearing how much inaction there's been around this issue and understanding why there's a lot of safety concerns. We like sheds going up when it means there's new construction going on, when there's new building happening, new housing being built, economic development. We like it of course to make sure that people are safe but we also want to get rid of the excess and so, I'm glad in this Council with this Administration, with the borough president we have a collaborative effort to take on something I think has languished for a very long time, add some political urgency to that and use all of our talents and skill

1 sets to actually try to find a better path forward
2 and you know New Yorkers are very excited about that.

3
4 JIMMY ODDO: We appreciate your partnership and
5 your work on this and we say this at every occasion.
6 Not every shed as you just said is the same. A shed
7 going up for new construction is a sign of vitality,
8 we welcome it and I truly believe that when we get
9 better designed sheds and it's the kind of the
10 analogy I made outside about the real feel
11 temperature. I think we feel sheds today and we're
12 focused on that raw number because we feel it.
13 They're not lit well, they're ugly looking, there are
14 crossbars everywhere. I think when we have a better
15 design and we work together to take those sheds down
16 that should be down, the number will be less
17 important than it is today because we will feel a
18 better city and small businesses will not be impacted
19 by it.

20 COUNCIL MEMBER POWERS: Yeah, great, thanks so
21 much. Thanks Chair.

22 CHAIRPERSON SANCHEZ: Thank you Council Member
23 Powers. Council Member Bottcher.

24 COUNCIL MEMBER BOTTCHEER: Hi. Regarding Intro.
25 661, my bill that would create penalties for property

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owners who fail to apply for work permits within six months of installing a sidewalk shed. The Department proposes additional milestones within those six months but only if they're located in commercial districts. Is there a reason that additional milestones shouldn't apply in all districts?

CONSTADINO SIRAKIS: Hi Council Member. So, one of the proposals that we're putting forward is also triggering penalties at 90 days. We're proposing that in connection with a separate bill that's 393 and those penalties would apply to all sidewalk sheds facing a public right of way.

So, in terms of your proposal to have a milestone penalty, we're advocating for addition milestones but only in commercial districts where we see a greater impact on pedestrians, potentially a greater impact on businesses. So, we're looking at the missed companion proposals, so we are proposing that the bills be amended to take into consideration the Get Sheds Down Proposals but that's how we propose slitting them up so happy to have that conversation further.

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COMMITTEE ON HOUSING AND BUILDINGS

COUNCIL MEMBER BOTTCHER: So, commercial districts but also in other districts when it's in the right of way.

CONSTADINO SIRAKIS: The 90 day penalty would apply to all sidewalk sheds if they're -

COUNCIL MEMBER BOTTCHER: All sidewalk sheds?

CONSTADINO SIRAKIS: Yeah.

COUNCIL MEMBER BOTTCHER: And then, within the six months, what you're proposing is uhm, a penalty within three months if they do not file plans to repair unsafe façade conditions where they do not obtain a permit to repair unsafe façade conditions within six months and then they do not complete façade repairs within 24 months of the issuance of the initial sidewalk shed permit. You're making these recommendations now or are these also being reviewed by the consultant that you've brought on?

CONSTADINO SIRAKIS: These recommendations that we're making now, we fully support your idea to have a milestone whereby somebody doesn't pull a permit, they should be penalized but we want to catch them earlier on in the process and also take into consideration hiring an RDP, filing construction

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plans and then on the back end actually completing the work and taking the sidewalk shed down.

COUNCIL MEMBER BOTTCHEr: Some of the bills in today's package you're recommending that the Council wait until the consultant completes its work. Other bills, you're recommending passage now. Is that -

JIMMY ODDO: Yeah, the bills that speak to design while the design RFP is going on, things, issues that the Council seeks to address that will be better informed based on science, for instance Council Member Powers bill about the cycle from five to eight. It may be eight, eight might be the right number. It may be eight for some buildings, it may be twelve for others. It may, you know depending on the material type, so we think you know we're in agreement with much of what the Council is proposing. We think it just in some instances given that we have these three outstanding firms that are going to inform our thinking, grounded in some science, we think it's judicious to wait in some instances.

COUNCIL MEMBER BOTTCHEr: Thank you.

CHAIRPERSON SANCHEZ: Thank you so much Council Member Powers. Council Member Brewer.

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2 COUNCIL MEMBER BREWER: Thank you wonderful
3 Commissioner. Uhm, the question I have is why do we
4 not do ten years instead of five? I had to step out,
5 so maybe somebody asked that question. Why do we
6 have to do it every five years and why not 10, 15,
7 20? Why? Is it because of missed gold or what is
8 that we're making, why five years? Every five years
9 we have to as opposed to 10 or 20 or 30 or what's
10 Philadelphia? I'm so tired of people going to
11 Philadelphia and they say there's not shed Gale. So,
12 why do we have sheds? I don't know what
13 Philadelphia's law is but maybe Guillermo knows. Go
14 ahead.

15 GUILLERMO PATINO: Uh in terms of Philadelphia's
16 law, their law is very similar to ours. They have a
17 five year cycle and they're looking at buildings over
18 six stories as well. In fact when we speak with the
19 majority of jurisdictions, a lot of those
20 jurisdictions have relayed to us that they're waiting
21 to see what New York City does.

22 COUNCIL MEMBER BREWER: So, why can't we do ten?

23 GUILLERMO PATINO: I was just going to add, uhm I
24 think it's important for us to really uhm, take a
25 look at the data and have this report by Thornton

1 Tomasetti. They are an international renowned firm.
2 They've been doing work in this city for years.
3 They've been doing façade inspections in this city
4 for years. They know our building history, our
5 building housing stalk. I think it's important for
6 them to complete that study and we see what their
7 recommendations are. This will be the first time a
8 study on FISP or Local Law 10 or Local Law 11 is
9 being done in New York City but it's also the first
10 time it's being done across the country and from my
11 understanding, it's the first time it's being done
12 across the world. Folks from Singapore came here
13 about ten years ago and we met with them before they
14 implemented their inspection program of exterior
15 walls and we relay to them everything that we know
16 about our program and they simulated our program
17 here.

18
19 So, I think it's important that we be mindful
20 that this is the first time that anyone has been
21 doing a study like this and New York should be the
22 leader of what is being done on its existing housing
23 stock and others will follow.

24 JIMMY ODDO: Council Member Brewer if I could
25 follow? Can I just drill down a little deeper for

1
2 your on what Thornton Tomasetti is doing? So, it's a
3 regulatory review where they are looking for best
4 practices across the country. When they say you know
5 like cities, we're looking for cities comparable to
6 New York. We know that's difficult but there will be
7 a couple of cities that are as comparable to New York
8 as possible.

9 There will be some other small cities who may
10 have a wrinkle or do something that's interesting,
11 we'll look at. There may be an international city or
12 two that we look at. They will interview a few dozen
13 quies(SP?), those are the practitioners. Those are
14 the engineers, the qualified exterior wall
15 inspectors. Those are the folks who have been
16 applying this trade. They are the ones who are out
17 looking at this façade. So, they'll do a drilldown
18 of them. They will be doing a study of this wide
19 universe of material testing, academia, the industry.
20 Looking at New York's unique climate, thaw, freeze,
21 wind, increasing rain, to see if different material
22 types, different housing stock, should have
23 potentially different cycles. They're using
24 artificial intelligence in a few different ways.
25 They're going to take a bunch of the data that DOB

1
2 now has created. Look at photos, run it through AI,
3 take 3,500 of our FISP reports. Feed that into AI,
4 the text of the actual reports and see what they can
5 glean. And again deliverables over the next twelve
6 months, they'll give it to us periodically, a report
7 in May of 2025 that may have ten years, that may have
8 eight years, that may say x, y, or z. Having that
9 information to Council Member Bottcher's point, we
10 can then come back to the Council and say grounded in
11 this science, here's some of the things that we
12 believe we should legislate.

13 COUNCIL MEMBER BREWER: Okay, one more quick
14 question which is the construction industry. Can
15 they keep up with - say for instance we're stuck with
16 the five years, which I hate. Can they keep up with
17 the number of - I guess maybe this is part of the
18 study but can they keep up with the number of
19 scaffolds? Because one of the problems that I hear
20 is I can't get anybody to fix anything blah, blah,
21 blah. So, is that something that's also part of this
22 study? How does the industry do their work that
23 keeps up with the uhm, you put your scaffolding up
24 and then six months later, shows up Local 79 or

1 whatever it is, the union and the construction folks.

2 Does that work together?

3 JIMMY ODDO: I'm not sure I'm getting -

4 COUNCIL MEMBER BREWER: What I'm saying is you
5 put, what I hear often is there is nobody to fix the
6 roof. There's not body to - exactly, so Gale I can't
7 take it down because I'm waiting for the guy to come
8 fix everything. They call up and tell me that all
9 the time.

10 JIMMY ODDO: I will let anybody on the DOB team
11 who's been doing this longer than me respond but in
12 my year at DOB, we have not, I have not heard that we
13 are concerned about not having a universe of folks to
14 do the underlying work. What I've heard is the delay
15 that you'll appreciate is we're waiting for a boat
16 where the terracotta is being shipped to.

17 COUNCIL MEMBER BREWER: Well, that's what I'm
18 saying, I mean the whole enchilada or they don't have
19 the money to put into the work. The co-ops don't
20 have the money to put into the work but there's some
21 barrier. I should be clearer. Go ahead.

22 GUILLERMO PATINO: So, what we've heard
23 historically is the number one issue is economics
24 right and we need time to raise the funds. We need
25

1
2 time to hire architect, procure a contractor. That
3 shifted a few years ago. I would say starting about
4 three years ago, we started hearing from the industry
5 that economics was no longer the scheduling hiccup
6 that is the number one issue. The number one issue
7 right now that we are hearing from the industry is
8 not in terms of personnel or equipment or getting
9 folks to do the work but actually the neighbor on
10 neighbor issues that the Commissioner discussed
11 earlier is the now number one cause for the delay in
12 having buildings do that work. That is the
13 repetitively the thing that we are hearing constantly
14 from consultants, construct, owners and contractors
15 that they want to do the work but they are being held
16 up.

17 COUNCIL MEMBER BREWER: By the neighbor who wants
18 more money. That's my experience.

19 GUILLERMO PATINO: Correct.

20 COUNCIL MEMBER BREWER: Yes, and the other
21 question, it was like some of the synagogues and
22 churches however, today, I mean I have one church in
23 particular, it's going on 30 years because there's no
24 money to fix, hopefully we'll have it soon but I'm
25 saying, I think there are other buildings where their

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money still continues to be the issue. Maybe some of the nonprofits, so it's -

JIMMY ODDO: Yeah, so this is and we addressed it a little bit in the testimony. This is -

COUNCIL MEMBER BREWER: I heard you.

JIMMY ODDO: This is a point that borough president Levine has spoken about.

COUNCIL MEMBER BREWER: Like trying to find some loans or grants or something like that. No, I understand that.

JIMMY ODDO: Yup.

COUNCIL MEMBER BREWER: I'm still for ten years. I think as we're doing this work, hopefully we can try to explain it but it would be helpful for our newsletters, some - whatever you want us to say about the process because as Bottcher said, I'm so tired of people screaming and yelling at me and unfortunately the Post had a story that there's more scaffolding on the upper west side than any other place in the City of New York. West End Avenue is just one big scaffold, so something to help us address what you're trying to accomplish because I do think, hopefully this report comes back and says ten years is fine.

2 JIMMY ODDO: We would happily share with you a
3 much more pithy version of -

4 COUNCIL MEMBER BREWER: Well, you're quite pithy
5 yourself. Sorry.

6 JIMMY ODDO: I get less pithy as I get older.

7 COUNCIL MEMBER BREWER: I don't think so. Thank
8 you.

9 CHAIRPERSON SANCHEZ: Thank you Borough
10 President. Can you just say - clarify one more time.
11 What are these neighbor to -

12 COUNCIL MEMBER RESTLER: Which Borough President
13 are we referring to?

14 JIMMY ODDO: I am so happy to say Council Member
15 Restler that there's only one borough president in
16 this room. Oh, actually no, what am I saying?

17 CHAIRPERSON SANCHEZ: There are two.

18 JIMMY ODDO: Yeah, never mind.

19 COUNCIL MEMBER RESTLER: There you go but I love
20 it.

21 CHAIRPERSON SANCHEZ: Yeah, that was a slip.

22 COUNCIL MEMBER RESTLER: Then you called Council
23 Member Bottcher Council Member Powers.

24 CHAIRPERSON SANCHEZ: Did I?
25

1 COUNCIL MEMBER RESTLER: Yeah, you did. We love
2
3 you Chair.

4 CHAIRPERSON SANCHEZ: Oh, I'm sorry I have a
5 small child and I'm also creating a small child.
6 Pregnancy fog. Okay, so sorry my clarifying question
7 was on the neighbor to neighbor issue. What is that?
8 What's going on? What are they claiming?

9 JIMMY ODDO: Do you want to explain?

10 YEGAL SHAMASH: It's a great question and uhm,
11 and Chair, you mentioned Erica Tishman earlier in
12 your statement. A prominent architect December 2019,
13 piece of terracotta in Time Square off a building
14 fell and unfortunately killed her. Uhm, the FISP
15 process worked in that situation. What the hold up
16 in getting the public protection was, according to
17 the owner of the building, was the neighbor wasn't
18 allowing the shed to go up in front of their
19 building. So, this is what we're talking about on
20 neighbor on neighbor issues.

21 The extension of the sheds that's required in the
22 code to extend 5 feet or 20 feet depending on the
23 height of your building across onto your neighbors
24 sidewalk. Roof protection, that's if you're going to
25 do work or above your neighbors building, you are

1
2 required to protect their roof, which means if the
3 roof is occupied, that needs to no longer be occupied
4 and roof protection going down. In terms of general
5 access onto that roof to do that work or access to
6 the rear yard of the building and public protection
7 of that rear yard. So, all of these need licensing
8 agreements between the two owners and a lot of times
9 the hiccup as Council Member Brewer said, is about
10 financial agreements between the two neighbors but
11 that is a consistent theme that we are hearing.

12 CHAIRPERSON SANCHEZ: Got it, well, okay thank
13 you. Thank you for that clarification. Council
14 Member Restler.

15 COUNCIL MEMBER RESTLER: Oh great, thank you very
16 much Chair Sanchez, greatly appreciate your terrific
17 leadership of this Committee. It's good to be back
18 at the Jimmy Oddo fan club meeting. I know, we know
19 Gale, we know. Uhm, but we're all members proudly at
20 that. So, thank you for being with us today and I
21 really do want to thank Council Member Powers and
22 Council Member Bottcher in particular for their
23 leadership on this issue. You know like the both of
24 them, like Council Member Brewer, probably like all
25 of my colleagues, this is one of the issues that I

1
2 hear about most from constituents. I have been out
3 at train stations for the last number of days and
4 every single one of them, at least one person comes
5 up to me to complain about scaffolding here,
6 scaffolding there. So, I do have a few different
7 questions. I'd like to jump in on. I do think this
8 is in totality a very helpful package and appreciate
9 DOB's constructive response. You know in your
10 testimony today.

11 You had concerns about Intro. 774 that would
12 require DOB to inspect every six months and impose a
13 cost to the building owner for that inspection. I
14 just wondered, could we perhaps instead of and it's
15 not my bill, so I'm just sharing my ideas on the
16 record here. But instead of imposing, requiring the
17 inspection every six months, the permit renewal - at
18 the time of the permit renewal, we just significantly
19 increased the cost of the permit renewal on a
20 recurring basis and impose the fee in that way rather
21 than it being as much of a burden on the inspectors.
22 I don't know if that would get it the intent of the
23 bill's sponsor, so I apologize if I'm misrepresenting
24 what their interests may be but do you think that
25

1 could be an alternative approach that might have a
2 similar outcome?
3

4 CONSTADINO SIRAKIS: Council Member, so our
5 permit fees have to be based on a user cost of
6 analysis, so we don't have the freedom to increase
7 them in the manner that you're suggesting. That's
8 why were proposing penalties in lieu of increasing
9 fees.

10 COUNCIL MEMBER RESTLER: We could not for every
11 six month renewal for given scaffolding, just
12 increase it by x percent, x percent, x percent, x
13 percent? If and over time, that could become a
14 significant financial responsibility. That wouldn't
15 be feasible you believe?

16 CONSTADINO SIRAKIS: Our fees have to be based on
17 the level of effort that it takes us to renew a
18 permit. So, we have to go through an analysis with
19 OMB but one of the proposals that we're putting
20 forward is moving to 90 day renewals and as part of
21 those 90 day renewals, requiring that the contractor
22 tell us what work they've conducted in the previous
23 renewal period. So, we might see an increase in
24 permit fees but that remains to be determined based
25 on our work with OMB.

1 COUNCIL MEMBER RESTLER: I think it's helpful. I
2
3 just think at the end of the day, unless we're
4 imposing a financial penalty on the bad actor
5 building owner who is choosing not to do anything,
6 you know I don't know that we're going to see the
7 improvement that we want to see and you know I am
8 sensitive to the Department of Buildings core
9 responsibility of keeping us all safe. We need to
10 make sure that the façades are not a danger to the
11 pedestrians of New York City. So, I recognize the
12 work has to get done to fix it but if we don't impose
13 meaningful financial penalties on people, they'll
14 submit the paperwork and avoid having to pay for the
15 significant costs of repairing their facades.

16 CONSTADINO SIRAKIS: Completely agree with you
17 and two other proposals that we're putting forward do
18 involve penalties. The first one triggers a penalty
19 starting at day 90 and that graduates over time as
20 the shed is there longer and then the second one
21 creates milestone penalties for buildings in
22 commercial districts that don't meet certain
23 milestones towards completing façade repair. So,
24 filing construction documents, pulling a permit and
25 completing those repairs but currently there is no

1 financial penalty that we can impose. That's a huge
2 issue that we're seeing, so we completely agree.

3
4 COUNCIL MEMBER RESTLER: And what just - and what
5 would be the high end of the financial penalties that
6 would be imposed for building owners that fail to
7 make improvements to their façade conditions?

8 CONSTADINO SIRAKIS: For the penalties that start
9 at day 90 we're proposing that they graduate until
10 they reach \$6,000 a month and then for the milestone
11 penalties, happy to discuss it further with Council
12 but we're looking at a range maybe between \$5,000 to
13 \$20,000 per milestone.

14 COUNCIL MEMBER RESTLER: Per milestone, per 90
15 days.

16 CONSTADINO SIRAKIS: Yeah.

17 COUNCIL MEMBER RESTLER: Got it and a couple of
18 other questions if that's okay Chair. Thank you.
19 Uhm, I, along with Council Member Marte proudly
20 represent the largest concentration of public sector
21 buildings and if you've been to the supreme court by
22 Borough Hall in downtown Brooklyn, in Brooklyn
23 Heights, we just celebrated the 17th Anniversary this
24 past month of the scaffolding being up at that
25 building.

1 17 years, what were we doing 17 years ago Chair.
2
3 Uhm, not this. Council Member Oddo on the other
4 hand, Commissioner Oddo on the other hand was right
5 here. Uhm, but neither here nor there. 17 years is
6 a long time. Thanks to our good friends at DCAS, we
7 finally have the money in the budget. We're starting
8 work on that project next year, 2025. We're going to
9 get the scaffolding down but I was wondering, what
10 analysis do you in partnership with DCAS do on public
11 sector, on our city owned buildings of scaffolding to
12 try and prioritize the façade improvements and the
13 investment, the capital investments that are needed
14 so that we avoid these situations of city owned
15 buildings that are our responsibility right? And
16 getting the scaffolding down and - because this is
17 one of the things that you know we have building
18 owners who are uncooperative and they are a pain in
19 the butt and we all call them and we call the
20 entities that own their scaffolding and they may or
21 may not listen to us. And I hope these new penalties
22 will make a difference when we get them signed into
23 law but this stuff is fully our job, and I know
24 you're not responsible for paying for it or making
25 the decisions of where those investments go but you

1
2 can help us sound the alarm and give the priority
3 lists for where the scaffolding has been and been the
4 problem over an extended period of time.

5 CONSTADINO SIRAKIS: We have had consistent
6 quarterly meetings with all our agency, sister
7 agencies. We've identified the locations where sheds
8 are up for more than five years. We've shared that
9 list with the Deputy Mayor's team and our sister
10 agencies and we're constantly reviewing that list
11 with them to see what the progress of their work is,
12 what the hold up on the work is and the Deputy
13 Mayor's team has really spearheaded this effort in
14 terms of pushing the other city agencies to fix their
15 buildings and make sure that they are also
16 maintaining their buildings in a safe and lawful
17 condition.

18 COUNCIL MEMBER RESTLER: How many buildings are
19 on that list that have had scaffolding up for more
20 than five years?

21 CONSTADINO SIRAKIS: There are 103 city owned
22 properties on the list since the beginning that we've
23 started this program in 2022 and since that time,
24 uhm, we've had I believe 21 locations removed and
25 repair their buildings and remove the sheds.

1 COUNCIL MEMBER RESTLER: Would you be willing to
2
3 share that with the Committee?

4 CONSTADINO SIRAKIS: The number of - yeah.

5 COUNCIL MEMBER RESTLER: No, the specific
6 buildings just because then we can follow up in our
7 districts for the building that are ours and try to
8 nudge the appropriate agencies to take priority.
9 Uhm, great, and then you know the last thing I just
10 wanted to ask from your all's perspective and
11 expertise at the Department of Buildings. When we
12 get complaints about individual buildings in our
13 district, I will call the building owner if I can
14 track them down. I will call the scaffolding company
15 and scream at them or cajole them, whatever seems to
16 work. Do you have any advice for us on what we could
17 and should do? We bug you all on the chronic sites
18 in our district where the scaffolding has been up
19 forever but do you have suggested playbook for
20 Council Members on the ways that we could and should
21 push more effectively beyond advancing this
22 legislative package and expanding you know the tools
23 in all of our toolkits.

24 JIMMY ODDO: What I would certainly recommend is
25 always reach out to us so that we can give you the

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latest status from our perspective. Uhm, status of any work permits. Is there a plan? You got on the team reach out to these folks constantly. So, we may have some updated information.

Uhm but yeah, I mean we find ourselves in the same situation. You know what we're doing? We're doing a pretty aggressive social media, whether it's buildings with scaffolds up for a long time, parking garages who haven't complied with the PIPS program and we're doing the old you know reward the good ones and shame the bad ones. Uhm but the only concrete suggestion I have for you is by all means, touch base with us and we can give you the latest from our perspective, that may inform you on - provide you with some information that you haven't had but you know some folks ignore all of our outreach and then they get to - the worst of the worst get to reach one and some of the lawyers. So, uhm, and this is why this is such a frustrating issue. This is why you have to go to the source, which the conversations about Local Law 11, let's get the best, most modern practical, grounded in science rules. This goes to the feel because I truly believe if it's a good feel, you don't notice it and it's uhm, so that goes to the

1 design. And then the sort of the universe of
2 hardcore, we have to come at them in various ways
3 including using the courts and that's what we're
4 trying to do. And be willing as I mentioned earlier
5 to expand the universe that is the sort of you know
6 longstanding.

8 COUNCIL MEMBER RESTLER: Yup, you know we just,
9 the Department of Transportation reached out to me
10 last week about a site on Atlantic Avenue where they
11 want to do a safety improvement and they can't
12 advance it because there's scaffolding up and they
13 haven't been able to figure out how to you know track
14 it down. So, we'll follow up with you guys on that.
15 We've been trying to just reach the building owner
16 ourselves but just to give examples of the kind of
17 ways in which this has negative impacts on our
18 communities.

19 I'll just say in closing because the Chair has
20 been more than you know as always very gracious.
21 Uhm, you know this is a major quality of life issue
22 for us and like we've long I think been aware of the
23 negative impact that scaffolding has on NYCHA
24 campuses and you know the lack of site lines and
25 safety issues, scaffolding is home to chronic

1
2 homelessness and street homelessness in New York
3 City. The poor lighting that we experience, the
4 inability for people to feel safe on their community.
5 It depresses economic activity in commercial
6 corridors. It blocks natural light in peoples homes.
7 Like, there's just - it is immensely frustrating and
8 when people see scaffolding up for year after year
9 after year, it just - it infuriates them and I think
10 rightly so. So, I'm pleased about this package.
11 Chair, I really appreciate you holding this hearing
12 today. I appreciate all the lead sponsors in helping
13 to drive it forward. I think there's even more that
14 we can do but appreciate the department of buildings
15 openness to you know partnering with us.

16 JIMMY ODDO: We are always open to hearing new
17 ideas on this in all fronts. Council Member, let me
18 just say one thing just on this issue of sheds and in
19 general. The working relationship between DOB and
20 NYCHA, I think it's at its all time best. Not saying
21 it's because there are two Staten Islanders at the
22 respective homes but Lisa Bovehiate(SP?) wherever she
23 lives is a superstar and a difficult job but we are
24 working in part credit to Chief of Staff Jason
25 Rozeski(SP?) and working.

1 The second thing I want - you referenced hearing
2 about sheds from constituents when you were at the
3 subway station. Thanks to the cracked staff, we now
4 -I now know that there are 493 roughly sidewalk sheds
5 within the entrance of a subway station slash a bus
6 shelter.

7
8 I think the central staff wanted to ask that
9 question. And lastly, again, that's why, of all -
10 this is all important. These bills are critically
11 important. I personally as a non-subject matter
12 expert, I'm not afraid to say that I am geeking out
13 big time on the Thornton Tomasetti work. This is a
14 first ever, first time ever right and it is going to
15 inform us and guide us in a way that has an impact.

16 COUNCIL MEMBER RESTLER: Thank you very much
17 Chair and thank you Commissioner.

18 CHAIRPERSON SANCHEZ: Thank you so much Council
19 Member Restler. Alright, let's see how many
20 questions we can get in in the next 20 minutes or so
21 because I know the members of the public are also
22 here and wanting to share their perspective and we
23 have a lot to get through. I want to make sure to
24 give my colleagues an opportunity.

1 So, my first question is just a follow up. I
2 think Commissioner you've answered this in four
3 different ways but I'm going to ask in one more way.
4 We have about 300 sheds citywide that have been up
5 for more than five years. Approximately another 500.
6 So, 800 in total that have been up for more than
7 three years. Of these roughly 800 sheds, how many
8 are city owned and then does that include NYCHA?
9 Since NYCHA is a preacher of the state and all.

10 YEGAL SHAMASH: Sure, since we started the
11 program in 2021, correct, correct. So, since we
12 started the longstanding shed program in 2021, we
13 found 755 locations that had a sidewalk shed up over
14 five years. That could have been a building that we
15 found in 2021 or that could have been a building that
16 we found recently. During that timeframe, uhm, we
17 identified 103 city owned properties, including NYCHA
18 that have had a shed up over that five year mark.

19 CHAIRPERSON SANCHEZ: Got it and if you scaled to
20 the three year mark, so sheds that have been up for
21 three years or more? Yeah.

22 JIMMY ODDO: Madam Chair, we will get back to you
23 or make sure that my answer is right but if I'm
24

2 reading my chart, it's 191 city owned sheds that are
3 three to five plus years.

4 CHAIRPERSON SANCHEZ: Thank you. So, okay, so if
5 I'm understanding your reading of the chart, that's
6 roughly a fourth of sheds that have been up for more
7 than three years from city owned property. So, I
8 actually have a lot of confidence in you know -
9 you're not supposed to have favorites but Deputy
10 Mayor Joshi is on the case. I know she and the DOE
11 team can make a dent on that but that is striking
12 that a quarter of the property that these
13 longstanding sheds are city owned right? So, yeah,
14 we need to practice what we preach.

15 Okay, so the Department of Buildings, do you have
16 the authority or do any city agencies have the
17 authority to direct emergency work for unsafe
18 buildings to erect sheds on behalf of an owner that
19 may need to but hasn't?

20 JIMMY ODDO: Deputy Commissioner will explain the
21 emergency deck ad the immediate emergency deck
22 process.

23 YEGAL SHAMASH: Any time our inspectors or
24 licensed professionals come across a building that
25 they see has an immediate situation where public

1 protection is required, first and foremost, we will
2 impress upon the owner that uhm, they need to install
3 public protection immediately. If the owner is not
4 present or not capable of installing that public
5 protection. The Department will issue an immediate
6 emergency declaration that is implemented by our
7 sister agency HPD. HPD will hire a contractor. They
8 have several requirements, contracts that are in
9 place and they can mobilize same day to install
10 public protection.
11

12 Over the last since the beginning of 2020, for
13 instance, we have issued over 2,000 immediate
14 emergency declarations for public protection. Uhm,
15 in those instances, either we've gotten compliance
16 from ownership or from HPD if ownership wasn't
17 willing to comply and had public protection
18 installed. So, again that's only if our enforcement
19 team sees a specific immediate need for public
20 protection. Either something has fallen off of a
21 building or it looks imminent that it will fall off a
22 building.

23 CHAIRPERSON SANCHEZ: Got it, thank you and the
24 converse I suppose, does DOB ever take down sheds
25

1 that maybe are deemed unnecessary? I see Frank
2 shaking his head.
3

4 YEGAL SHAMASH: In terms of doing you know work
5 in terms of putting up sheds or taking sheds down,
6 that's not the Departments role. The Departments
7 role is to identify whether conditions require public
8 protection and then issue those police powers that we
9 have, the emergency declarations or the immediate
10 emergency declarations to have HPD act out on the
11 city's behalf to do that work.

12 In terms of taking sheds down, the Department
13 does not have the authority to physically remove
14 sheds, no.

15 CHAIRPERSON SANCHEZ: Thank you. So, 240
16 longstanding sidewalk sheds have been removed since
17 the beginning of Get Sheds Down and 25 criminal court
18 summons have been issued. What have been the results
19 to the public? What does that mean when criminal
20 summonses are issued and what results are we seeing?

21 JIMMY ODDO: Madam Chair, I think it's only
22 appropriate that Rachel speak to it because she can
23 speak to it with much more specificity than anyone
24 else.
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COMMITTEE COUNSEL: Please raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth before this Committee and respond honestly to Council Member questions?

RACHEL MCDONALD: I do.

COMMITTEE COUNSEL: Thank you.

RACHEL MCDONALD: Hi, good afternoon at this point. Sorry, Rachel McDonald. That's a great question. It's a broad question. Criminal court summonses are issued where we find very jurisdictional avenues to do so and a number of factors are sort of met. So, we have a lot of longstanding sheds. Not all of them are right for criminal court summonses. We are actually hampered by the discovery laws at every single DA's Office is here too, so discovery requirements, service requirements, all those things must be met within our per view and with our resources. Thank you. Sorry, you caught me by surprise.

That does mean that we can only bring certain cases at certain times. However, what it means to the public is, we are using the most enforcement capacity that we can, right? We do have a carve out to bring criminal court summonses with the permission

1 of the Law Department so we try to actually bring
2 enforcement cases to show we see seriousness, we see
3 safety. I also use a number of factors, right?
4 Different Council Members have mentioned in the past,
5 311 complaints, referrals. Those we take seriously.
6 Pedestrian experience, pedestrian safety, actually
7 blocking bus stops, I'm reading those. I count them.
8 I use it for my analysis and I should bring those
9 cases where we think that a punitive response, which
10 criminal court does right will actually do some good.
11 There are other cases and I think Councilperson
12 Brewer mentioned this too, nonprofits, churches. A
13 punitive response for a lack of funds for a church is
14 not necessarily the best reaction because in criminal
15 court all we can do right is ask for punishment. A
16 crime has been committed, right? So, in that
17 instance, we're asking for as high as \$25,000. A
18 fine added to the already huge cost of façade repair
19 for these large nonprofit buildings.
20

21 The Empire Masonic Temple in Brooklyn is a huge
22 building covered in terracotta, gorgeous mosaic.
23 It's all falling apart, right? They're going to have
24 to ship everything unfortunately too. So, another
25

1 marker of a fine being added to that isn't going to
2 help the process.
3

4 So, for the public, we want to show that we are
5 bringing cases for the better serious in nature, that
6 actually meet criteria of looking for 311 complaints,
7 seriousness, uhm, I think she wrote something else
8 down too. Uhm, yeah, there's a number of different
9 factors. Emergency work orders being issued and
10 ignored, right? I have to keep a spreadsheet of the
11 kinds of violations. Actually, yourself asked a
12 question earlier about shed permits being renewed. I
13 mark that tool. If there is a scofflaw in the idea
14 that they're not going to pay for permits, there is
15 scofflaw when it comes to failing to maintain the
16 buildings. So, we take that seriously, that's the
17 only level of analysis.

18 Unfortunately like a criminal court being
19 punitive, you can just go to criminal court as a
20 building owner and not comply, face a fine and will
21 have to sort of restart the process. So, it can mean
22 little to the public, I understand that. From the
23 viewpoint of a law and order perspective, if the shed
24 isn't removed at the end of the case, it's seen as a
25 loss when actually we're showing how much we care

2 about particular buildings that have safety issues
3 and are unfortunately, the case of Lennox Hill
4 Hospital, decrepit buildings are falling apart. They
5 have a building at 1080 Lexington that has just been
6 falling apart and it's a huge pedestrian
7 intersection.

8 So, hopefully that shed is maintained in great
9 condition but they plead out their case, right?
10 They'd rather pay \$15,000 in fines than fix that
11 building. So, we're bringing them where we think
12 they are appropriate.

13 CHAIRPERSON SANCHEZ: Thank you. Thank you so
14 much. So, you're saying that the result from one of
15 the criminal summonses could be more fines. It's
16 not, we're not seeing people locked up? Let's lock
17 them up. No, I'm kidding.

18 RACHEL MCDONALD: We've never attained a
19 misdemeanor for an individual. More likely than not,
20 pre-pandemic again, pre-discovery changes. The
21 discovery changes in the New York States legislature
22 have been huge for what we can and cannot bring in
23 criminal court. An individual is what we used to do
24 right? Hit a corporate officer as an individual for
25 possibly the corporate ownership and then also again

1 the corporation. More likely than not, the
2 corporation will take the blame for any kind of
3 maintenance issues and try to absolve the needed
4 individuals. So, that's our normal go to is actually
5 naming the corporation itself but yes, a fine is
6 usually the end of the equation.
7

8 CHAIRPERSON SANCHEZ: Thank you. Thank you so
9 much. That's helpful to understand. Okay, so moving
10 to Get Shed's Down, updates, thank you. You provided
11 many in your testimony and I just wanted to follow up
12 on a few tracks. So, first in July of 2023, DOB
13 posted a buildings bulletin, 2023-006, which allowed
14 for the use of containment netting systems in lieu of
15 sidewalk sheds to protect pedestrians from displaced,
16 deteriorated or loose façade materials.

17 The question is, for the public, again, you know
18 this is such a technical topic for the public. Can
19 you help us understand how safe are these? What -
20 how should the public understand the use of netting
21 versus the use of sheds? What impact if any has this
22 rule had on the amount of sidewalk sheds being
23 installed across the city and does DOE track how
24 often building owners are using safety netting
25 instead of sidewalk sheds?

1
2 JIMMY ODDO: So, Madam Chair, the Deputy
3 Commissioner will answer in detail but let me just be
4 clear that netting is not a replacement for sheds in
5 every instance. It's something that could be used in
6 a specific universe and Deputy Commissioner Harmash
7 will tell you about the bulletin and how many folks
8 have sought to use it.

9 YEGAL SHAMASH: The bulletin that we issued in
10 early 2023 spells out a lot of the different
11 criteria's that you can use netting for. Netting to
12 secure parapets, to secure building corners or
13 materials that are protruding from a building,
14 netting might be an ideal scenario for that use. But
15 if you have bricks that are deficient across the
16 entire façade, netting an entire façade is
17 considerably costly number one. But also, now you're
18 blocking windows. You're blocking light and air
19 coming into the residence of the buildings. So, as
20 the Commissioner said, netting is depending on the
21 situation, it might be an ideal case. In other
22 situations, then a sidewalk shed would be the ideal
23 situation. It all depends on the building type,
24 where the deficiency on the buildings are, the ease
25 of installing a sidewalk shed versus netting is

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2 apparent, right? You install the sidewalk shed right
3 there on the ground. Netting you have to physically
4 get up to the location and net the location
5 specifically.

6 In terms of the safety of netting, uhm, we have
7 outlined in the bulletin exactly how to file and
8 permit the netting application. There are special
9 inspection requirements for the anchors of the
10 nettings. We have specific criteria on what we call
11 is debris netting on top of a structural netting to
12 make sure no small pieces fall off. And that
13 structural netting is capable of withstanding the
14 loads, not only from wind but from the materials
15 themselves and ensure that those materials can get
16 caught in the netting. So, we have very specific
17 criteria in the bulletin that we put together. It
18 outlines exactly how to file with us the netting
19 application and it's something that we are advocating
20 for on private and public buildings.

21 When we speak with our sister agencies, when we
22 speak with the private owners, you know we tell them
23 about this netting bulletin and you can see - and ask
24 them see if netting is a possibility. One of the
25 things that we just spoke about with one of our city

1 agencies, the OCME building on First Avenue and 30th
2 Street that has had a shed up for a rather lengthy
3 time, we've talked with them about installing netting
4 potentially over specific areas of the building to
5 remove the shed along First Avenue and then possibly
6 keep the shed along, right, uh 30th Street.
7

8 So, you can use it in combination with the
9 sidewalk shed but what the Commissioner pointed out
10 is the netting is there for public protection. When
11 you go do the actual work, you have to then install
12 the sidewalk shed to take the netting down to perform
13 the work. So, the netting is just a stop gap in
14 terms of the actual work being performed has to have
15 a shed up in order to protect the public. So, it's a
16 stop gap between when you discover the unsafe
17 condition and when you go to start the work.

18 JIMMY ODDO: Madam Chair, the only other thing I
19 would add is just a reminder that in the designed
20 RFP, the six designs that are coming back, two are
21 above street level. So, we'll see exactly what that
22 looks like, exactly what that entails.

23 CHAIRPERSON SANCHEZ: Got it. Thank you. I mean
24 it sounds like there would be a lot of disincentive
25 for using netting, even when it is permitted and I

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know we're looking to expand, so what uptick are you seeing at this time after issuing the bulletin? Are owners opting for using netting even in that interim period before the work?

YEGAL SHAMASH: Uhm, we've had 50 permits issued just this past year alone for the use of netting, which is an increase over past years. So, that is something that I think building owners are taking advantage of. And specifically when they find specific instances where it's an emergency situation, we are seeing building owners use netting as well rather than just uhm, do the same old with the sidewalk sheds.

JIMMY ODDO: Just one cautionary addition to that Madam Chair with the 50 that Yegal just referenced, that's not to say 50 times we replaced - they replaced the sidewalk shed. In fact I think our analysis may be of the 50 permits sought, maybe two sidewalk sheds were replaced. So, just, I don't want to oversell what has happened today but the 50 percents are an interesting thing. I just want to make sure we put what that means in context, right?

YEGAL SHAMASH: Yeah, and I think the study will be very interesting to see what these two creative

2 firms come up for the two non-sidewalk levels, and it
3 doesn't have to be netting. It doesn't have to be a
4 wrap, maybe it's some sort of canopy that gets
5 installed at the second floor that can you know - you
6 know a canopy without legs coming down onto the
7 sidewalk. That is a form of public protection that
8 you can hang off the roof of the building, right?

9 So, all these things are creative ideas that
10 these two firms and they're really great firms with a
11 lot of creative ideas that we're expecting to come
12 out of this and we're excited about it.

13 CHAIRPERSON SANCHEZ: What are the names of the
14 two firms again?

15 YEGAL SHAMASH: Arup and PAU.

16 CHAIRPERSON SANCHEZ: No pressure Arup got it.
17 There's just so much excitement about how this can
18 all go differently. Okay and I think you said this
19 in your testimony but the timeline for the work of
20 these two firms, there's going to be interim reports
21 but by December of 2025, we should have the results?

22 JIMMY ODDO: Yeah, each of the RFP's has a 12
23 month deliverable. The work interestingly enough,
24 the work on the Local Law 11 started sooner, even
25 though we worked on the RFP later. Deputy

2 Commissioner Sarakis had the good idea of throwing a
3 Hail Mary and getting an emergency contract, which we
4 got passed. Uhm, and again, we've already had
5 meetings and that work has started with Thornton
6 Tomasetti. They will give deliverables throughout
7 the year and then a recommendation in May of 2025 and
8 a final report a couple of months after that and
9 we'll have the designs. The Arup and PAU, 12 months
10 the contract is almost finalized. They should start
11 actual work in July. So, you figure by the summer of
12 2025, we'll have the designs.

13 CHAIRPERSON SANCHEZ: Got it, thank you. Thank
14 you so much. So, the Get Sheds Down plan and then
15 Borough President Levine, actually a Borough
16 President, not like I said earlier. But Borough
17 President Levine and the Get Sheds Down plan both
18 talk about low - providing a low interest loan
19 program for repairs to struggling property owners.
20 Can you provide an update on that and specifically
21 money? Where would the money be coming from? Has
22 that been identified?

23 JIMMY ODDO: Yeah, I'll start and maybe Guillermo
24 if you want to - So, we've been talking with the
25 Borough Presidents Office and we kind of just took a

1 look at the universe and we realized that uhm and
2 Guillermo will give you perhaps some of the specifics
3 about the universe. It's just too big of a universe.
4 It would be too costly a number.
5

6 So, we've gone back and tailored it and we've
7 decided that if this concept has any chance of
8 reaching fruition, it's got to be sort of baby steps.
9 Build out a proof of concept and then beyond. So,
10 we've tailored the universe to folks, smaller
11 property owners that meet a certain amount of
12 affordability of rent is ect., and Deputy
13 Commissioner Patino can go into detail.

14 But in all candor, the conversations that the
15 BP's office has had and the initial conversation
16 we've had, getting private sector lenders to
17 participate and this is going to be a challenge in
18 these sort of fiscal times with these interest rates.
19 The model that we're seeking is the small SBS, again,
20 Guillermo can give you more details. Uhm, that's
21 private sector money, it's not government money and
22 so, we've kind of humbled ourselves a bit and become
23 less ambitious in the potential universe. Guillermo,
24 you want to?
25

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2 GUILLERMO PATINO: Yeah, I don't have much more
3 to add but I will say one of the challenges that we
4 ran into early on as we were thinking through this
5 program is the cost of façade repairs. We receive
6 estimates from building owners when they're going to
7 perform façade repair, so we have a sense of what
8 those costs are and they do tend to be costly in
9 certain instances.

10 So, as we've been thinking through this program,
11 uhm, we've been thinking through starting with a
12 limited pot of money. We've been modeling after
13 potentially the small business opportunity fund,
14 which SBS launched. That was about uhm, just shy of
15 \$100 million, that loan fund. So, we've been backing
16 into that number and trying to figure out what the
17 appropriate universe of building owners to assist is
18 and initially, we're thinking potentially rent
19 regulated buildings subject to FISP, given the
20 potential for more limited rent rules there but we're
21 still working through what that universe should be
22 with the Borough Presidents Office. So, look forward
23 to keeping you updated on that.

24

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2 CHAIRPERSON SANCHEZ: Have you spoken with your
3 sister agency about including façade repairs in the
4 new J51 authorization?

5 GUILLERMO PATINO: We have not but we can follow
6 up with partners on that.

7 CHAIRPERSON SANCHEZ: I think that would be a
8 good idea. Yeah, we're currently moving on that
9 legislation, so we can consider inclusion of that as
10 one of the benefits. Uhm, great thank you so much.
11 So, next question and we spoke a little bit about
12 this before the hearing Commissioner but according to
13 DOB's website, there's a sidewalk shed monitoring and
14 removal unit whose mandate is to address buildings
15 that have maintained a sidewalk shed for over five
16 years. So, just can you share updates on this unit?
17 You mentioned a little bit about seven staffers.
18 What has the existing team been able to do in terms
19 of actions taken against building owners? Is Rachel
20 a part of that team in terms of legal proceedings or
21 are there other tools that the agency is using?

22 YEGAL SHAMASH: So, the sidewalk shed monitoring
23 and removal unit is the longstanding shed unit. We
24 use those two terms interchangeably. In terms of
25 from the uh enforcement bureau side, we have one

1 supervisor and now five inspectors in that unit. And
2 then on the Administrative Enforcement side, on
3 Guillermo's side, Rachel and a paralegal. So, those
4 two groups work together to wake up building owners
5 that are - that have sheds up over five years. They
6 are - it's a challenge since we started the program.
7 I think we've gotten a lot of momentum in terms of
8 the court cases but in terms of outreach also. The
9 Council Members mentioned you know what can you folks
10 do to help us out and we've noticed that outreach
11 helps as well. So, any pressure that you can put on
12 building owners, we would certainly be glad to
13 partner with your folks and do the outreach together.
14 We've done that with other sister agencies as well,
15 where we've partnered with them to do outreach with
16 these building owners but all of the above, it really
17 takes all of these efforts, inspections, outreach,
18 court cases, Commissioners orders, all of the above
19 to wake up these owners and get them to maintain
20 their buildings in a safe condition.

21 And that's what we really want, right? The shed
22 is the biproduct of the uhm, the lack of maintenance
23 on these buildings and it's the maintenance that
24 we're really pushing for and our commissioners orders
25

1
2 and our court cases that Rachel brings up are for the
3 lack of maintenance.

4 CHAIRPERSON SANCHEZ: Thank you. Thank you so
5 much. That makes sense. Uhm, so are there specific
6 issues that landmark buildings face? Any special
7 considerations as we, you know as the agency and
8 these pieces of legislation considering altering
9 design standards and more?

10 YEGAL SHAMASH: The specific challenges with
11 landmark buildings specifically is and I think
12 Commissioner Brewer mentioned earlier is especially
13 in her district, the upper west side, is the specific
14 -

15 CHAIRPERSON SANCHEZ: I'm sorry, you just called
16 her Commissioner Brewer, so you're in my club now.

17 YEGAL SHAMASH: Oh, Council Member, sorry, sorry.

18 JIMMY ODDO: She has so many titles, why not
19 Commissioner?

20 YEGAL SHAMASH: No offense. Uhm, uh, specially
21 the use of and the replacement of terracotta and on
22 the upper west side, that's the use of terracotta is
23 prevalent on those historic buildings. There are
24 very few manufacturers of terracotta in the United
25 States and the lead time for those materials tends to

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2 be significant. We hear anything from 12 to 18
3 months lead time for those specific materials. So
4 there are specific challenges with procuring uhm,
5 historic materials. Terracotta is just one of them
6 but stone is definitely a second material that is
7 sometimes difficult to source. But they have their
8 unique challenges and those building owners need to
9 plan for that and really schedule out these repairs
10 not months in advance but years in advance to procure
11 the necessary materials for those buildings.

12 JIMMY ODDO: Madam Chair, I brought with me today
13 an email from April in anticipation of former Borough
14 President, former Council Member now, Council Member
15 maybe now Commissioner Brewer and again, these are
16 numbers from April so they might be a little bit
17 dated but they're interesting I think in terms of
18 landmark. So, this is from Mark Wallenberg on our
19 team, whose a data guru. Average shed age at a
20 landmark building, uh average shed age at a non-
21 landmark building at the time was 475. This is at a
22 landmark building 584, 23 percent longer.

23 Sheds due to Local Law 11 work at a non-landmark
24 578, at a landmark 631, so 9 percent longer. And
25 then for Council Member Brewer, citywide average 494.

2 Upper west side 576, west side around 76th Street 728
3 and the west end entirety 683. So, there's a
4 particular and we referenced it earlier that Yegal
5 just mentioned with that thing that bubbled up. I
6 think it was perhaps a New York Post story about this
7 whole block was consumed with sheds. It was
8 landmarked and it was a particular type of stone that
9 added to some of the delays in the underlying work.

10 CHAIRPERSON SANCHEZ: Yeah, no, thank you.
11 That's a lot of sheds on the upper west side. Okay
12 and so, you're saying that in terms of landmark
13 properties, it's the materials? It's the uniqueness
14 of their construction that is driving these delays?
15 Yeah, okay, thank you.

16 CONSTADINO SIRAKIS: That's correct.

17 CHAIRPERSON SANCHEZ: Thank you, so in connection
18 to Intro. 369 and drones, is it - yeah, is it the
19 department's opinion that NYPD is the appropriate
20 place to be considering the you know a permit to be
21 used for inspection of a façade? NYPD should have
22 that jurisdiction that shouldn't live within the
23 Department of Buildings?

24 JIMMY ODDO: Well, just to be clear, so the
25 change that happened with the use of drones was

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establishing a process to go through NYPD to get a permit to use a drone for everything. We in the agency encourage building owners to utilize the technology to help them in the report, but that doesn't today displace this sort of tactile parts of the inspection. Yegal, you want to detail that?

YEGAL SHAMASH: We definitely think technology and not just drones, right? So, there's a lot of other technologies out there. A lot of different types of imaging equipment that could be used to help with the inspection of an exterior wall and it's a tool in the toolbox. All technology, if used appropriately is a tool in the toolbox that the ques can use to help in their inspection.

And the industry agrees with us. It does not replace a person being on a building and doing that hands on inspection and you know, maybe it shows a bit of how much of a nerd I am but in my free time, I read you know industry magazines and documentaries and I saw for bridge inspections; they are using drones extensively to do those inspections. But again, it's just a tool in a toolbox that the inspectors can use that the replacement of a person being on a building and sounding the materials and

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really having a hands on, up close evaluation of those materials cannot be replaced with technology yet.

JIMMY ODDO: Madam Chair, obviously there is technology today, drones and otherwise that didn't exist in 1998 for Local Law 11. It didn't exist in 1984 Local Law 10 and again, forgive me for sounding like a broken record. Again, it's why we're so excited about the work we had done by Thornton Tomasetti because they're looking at drones and other technology in various ways and how that can be reflected in potential changes to Local Law 11 and our FISP program.

CHAIRPERSON SANCHEZ: Thank you. Yeah, times are changing. Uhm, we are also hearing the electrical code today, right?

JIMMY ODDO: I've been waiting to do this all day.

CHAIRPERSON SANCHEZ: Thank you Deputy Commissioner. Uhm, the electrical code is, this is a massive document. There has been so much work by so many entities, Committees, the professionals that have poured their time and energy into reforming the code and making sure that we are taking the pieces

2 from national standards that we should and leaving
3 others behind. So, just for the benefit of the
4 public and the record, can you just remind us, how
5 often does DOB implement or update the electrical
6 code? What is the process of updating the electrical
7 code and what changes in this electrical code are
8 making New York City safer?

9 GUILLERMO PATINO: Sure, thank you. The how
10 often question is the toughest one only because as
11 you know, the last time we updated the electrical
12 code was in 2011. It was based on the 2008 code.
13 The process that we're supposed to be following is
14 once every three years. That's how often the
15 national standard is updated. For various reasons, I
16 think we were unable to achieve that timeframe over
17 the years but what we have done to try and correct
18 some of the past complaints that we've heard about
19 the process was we made it a consensus stakeholder
20 based process. So, in the past we used stakeholders
21 but it wasn't necessarily consensus based. In this
22 incidence, the process that we utilize, we broke up -
23 we had an open casting call for Committee Members.
24 We reached out to the relevant stakeholder groups to
25 let them know that we were doing this but it was an

1 open casting call to anybody who wanted to apply. We
2 selected a broad spectrum of stakeholders from across
3 the industry, engineers, architects, labor, real
4 estate, other government entities were involved in
5 the process as well and we had them go through the
6 latest national standard and if any one member
7 disagreed with a particular proposal for adoption
8 that we were putting forward, the process would then
9 leave the consensus base process and go to what we
10 refer to as mediation. Where the Department would
11 take it out of the Committee's hands at that point
12 and then take position papers from everybody involved
13 on the various stakeholder issues. The mediation
14 items, when you total up the entirety of that bill,
15 the mediation IM's you know total up to a short memo
16 of items. So, that's really a testament to how hard
17 I think the Committee at large worked and I think
18 this is something that we have to be quite thankful
19 for that in the City of New York, we have all of
20 these stakeholders are willing to donate their time
21 and energy and expertise to make sure that we have
22 the best standards and that on top of that, they call
23 came to consensus on the vast majority of these
24 issues. So, we only had a few items that went to
25

1 mediation. The Department then issued a mediation
2 paper describing how and where we landed and most of
3 the time, we look to land where the national
4 standards go. This is where we are adopting again
5 codes from either the International Code Council, the
6 National Fire Protection Association, this code in
7 particular, the National Electric Code is an NFPA
8 document and in this particular instance, another
9 reason why it took us so long is we were moving the
10 electric code from Title 27 to Title 28.
11

12 In the past prior to this Introduction and
13 currently as it stands now, we have two different
14 sets of licensing provisions. We have two different
15 sets of enforcement provisions. We have two
16 different sets of permitting requirements. One in
17 Title 28 for everything but electrical and Title 27
18 for electrical and there's not always parity. They
19 don't always line up. We have to constantly remind
20 people that you know certain systems rely on both
21 standards, so you know we're constantly dealing with
22 things like energy storage systems that bridge the
23 gap between both electrical system and building code
24 requirements, and where do they get permitted? How
25 do they get permitted?

1
2 So, making this transition from Title 27 to Title
3 28 without upsetting the very delicate balance that
4 we have there with the industry and not wanting to
5 change current practices as far as who is filing.
6 For every other system primarily, the architect or
7 engineer is the applicant for construction document
8 approval. For electrical work, the licensed
9 electrician is the primary applicant and there are no
10 plans. They are filling out an online form that is
11 describing the scope of work that they are doing and
12 that is the sum total of the work and it goes
13 directly to a permit.

14 So, we had to weave all of these things together,
15 different permitting schemes, fee schemes together
16 and wanting to make sure that we have lots of
17 stakeholder input in that process, took us to where
18 we are.

19 CHAIRPERSON SANCHEZ: And there were a lot of -
20 there were major changes to even labor standards.
21 Can you talk about some of those licensing terms that
22 have changed? I think there was an elimination of
23 journeyman, journeyman title and even the, well, I'll
24 get to the electrician licensing board in a bit but
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can you just talk about some of those labor standards that have changed?

GUILLERMO PATINO: Sure, so the - I think the biggest change and I might look for some help here from our Assistant Commissioner for Technical Affairs and Code Development on that same point the licensing side, I think the journeyman really, I don't believe that there was much use - utilization of that license and I believe the consistent of what we're - consistent with what we're doing in other trades is what we were looking for. Parity largely with how we're running plumbing license types, fire or contractor licenses type. So, one of the changes that we were looking to make was extend the licensing term for electricians from one year to three year, which is how every other trade license is afforded.

So, why require the electrician to renew every year? This saves us time and effort, allows us to process applications faster, focus on the initial applications.

COMMITTEE COUNSEL: Please raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth before this Committee and to respond honestly to Council Member questions?

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COMMITTEE ON HOUSING AND BUILDINGS

JOSEPH ACKROYD: I do.

COMMITTEE COUNSEL: Thank you.

JOSEPH ACKROYD: My name is Joe Ackroyd, I'm the Assistant Commissioner for Technical Affairs and Code Development and I think Gus hit the major points as far as the uh, the changes related to labor. Uhm, I guess I would add with regard to licensing, we're now going to allow a licensed master electrician license to be issued to someone who if of the age of 18 as opposed to 21. That was a change and just racking my brain to think of anything else that's really significant. We're really trying to as Gus mentioned, uhm, to align the electrical licensing provisions with those for other trades. So, that's one of the main goals of transferring the administrative provisions from Title 27 to Title 28.

CHAIRPERSON SANCHEZ: Thank you. Uhm, that's helpful to understand. So, why was the Electrician License Board removed in this code update?

JOSEPH ACKROYD: Again, that's consistent with what we are looking to do with what we have done with the Plumbing Licensing Board. We felt that this was really an administrative step that having to staff a licensing board itself, having to wait 30-days for a

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licensing board meeting prior to the issue into the license having to run all of our Administrative operations, even enforcement operations through the board really slowed down and hampered the process from something that we could handle really through our licensing and backgrounds division and our licensing disciplinary unit.

CHAIRPERSON SANCHEZ: Thank you. Mediated items in when you brief me offline, outside of the hearing and again today, I just remain really surprised that in the extent, the extensiveness of revisions that we're talking about here with the electrical code, there are so few mediated items. I wonder if the public testimony is going to line up with that in a bit but just from your perspective, can you talk a little bit about what these mediated items were during the code revision?

JOSEPH ACKROYD: Sure, uh and we have issued a memo on these items themselves. I think one of them was the use of AFCI protection in residential units. This is an area of - it's a newer technology. It wasn't around in the 2008 addition of the NEC and this was about the applicability of when these outlet types would be provided in residential units and this

2 is something that we worked with all of the
3 stakeholders to come up with what we felt was the
4 proper applicability. This is to prevent arc fault
5 interruption here.

6 CHAIRPERSON SANCHEZ: And just for all of us
7 people out there, that's when outlets have the little
8 buttons, right?

9 JOSEPH ACKROYD: Yes.

10 CHAIRPERSON SANCHEZ: Okay.

11 GUILLERMO PATINO: Yes, there's different ones in
12 - there is now a new type of this device for use in
13 areas where you're susceptible to an arc fault as
14 opposed to a ground fault and this is something we
15 worked through with our stakeholders. We think we
16 came up with a reasonable solution as to where and
17 where to mandate the applicability of these types of
18 outlets that really fit everyone and we do deviate
19 here from the national standards I believe.

20 Second item and apologies I'm going from the memo
21 itself was the use of PVC. This would be plastic as
22 conduit and risers in buildings. This is something
23 that the national standards have had a much greater
24 allowance for since the 2008 code adoption that we
25 had. We also at that time were greatly limiting. I

2 think the use of plastic as a riser even for what was
3 allowed back then but the material science has
4 changed in that timeframe. The amount of plastics
5 and buildings has increased tremendously and our goal
6 after discussing with all of the stakeholders was to
7 go with the national standards. So, this would allow
8 us to match what is done honestly and the rest of New
9 York State as far as the use of PVC. The rest of New
10 York State and the rest of the country as far as PVC
11 is and conduit.

12 CHAIRPERSON SANCHEZ: And regarding using PVC and
13 risers, does the amount of hazard, of the potential
14 hazard, does it change based on the building size?

15 GUILLERMO PATINO: Uh, I would say in general
16 yes. That's a - there is always an increase but the
17 idea is still, the concern would be a fire in one
18 location spreading to another location. So,
19 obviously the number of people - we make greater
20 allowances in general for one and two family homes
21 that we do for let's say in multifamily building but
22 I think in this instance there's sufficient
23 protections in place that would make what we're
24 adopting here safe and adoptable.

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2 JOSEPH ACKROYD: If I can add just a little bit
3 more on the buildings, the code is going to require
4 where you are more than three stories in height that
5 the PVCB within fire protective enclosure, so that
6 gives some level of comfort previously the electric
7 code kind of made it a distinction between
8 residential and non-residential buildings and that's
9 no longer going to be the case and overall, we have
10 greater mandates for sprinklering of buildings, fire
11 alarm protections, things of that nature as buildings
12 get larger.

13 CHAIRPERSON SANCHEZ: Thank you and the issue
14 with PVC, the material, the fumes that they omit,
15 correct?

16 JOSEPH ACKROYD: That's one of the concerns in
17 and of itself, but I think that that have been
18 raised. I think the concern in general would be more
19 about the integrity of the wiring and the openings
20 that it would leave more so from that standpoint.

21 CHAIRPERSON SANCHEZ: Thank you. Thanks so much.
22 There's a couple more, per manufactured wiring
23 system.

24 GUILLERMO PATINO: Yeah, so this, I'll throw more
25 to Joe but the idea here is that this is systems that

2 are largely prewired and less for more of a layman
3 term more plug and play but the idea is they are
4 still more complex than your average electrical
5 appliance and they are you know a component of a
6 building system in and of itself. This is something
7 again, was not available in 2008 but is being
8 recognized now through the national standards.

9 CHAIRPERSON SANCHEZ: Can you give an example of
10 what some of these things might be?

11 GUILLERMO PATINO: Sure.

12 JOSEPH ACKROYD: Yeah, I guess in a retail
13 setting you might have some displays that could be
14 connected by way of these manufactured wiring a
15 little more simply so that if you have like a fluid
16 space, you know these displays can be moved. Another
17 example might be uhm, the furniture that we have in
18 offices now that have a lot of the electrified
19 aspects of it. I think this is where the mediation
20 and compromise allowed us to come to a decision the
21 Department felt comfortable with where the parties
22 were advocating that we really shouldn't be using
23 manufactured wiring for emergency systems like
24 emergency lighting and exit signs and we made that
25 clarification in the electrical code to really ensure

2 that the manufactured wiring which currently you
3 could use with a special permission from the
4 department, is now and is routinely given, is now
5 allowed without that bureaucratic process but still
6 putting a curb on it where we think it is
7 appropriate.

8 CHAIRPERSON SANCHEZ: Thank you. Great and then
9 low voltage installers?

10 GUILLERMO PATINO: That's the last mediation
11 item. So, this is an area where back in 2008 there
12 was a potential brought up that there would be this
13 low voltage work that would require some kind of
14 additional training and expertise and uh that never
15 seemed to materialize low voltage work, which is work
16 under 50 volts. It did not seem to rise to that
17 level for the largest part. And the current scheme I
18 believe also since that time we have fire alarm
19 installer criteria that the FDNY has a licensing and
20 criteria for the folks that do that work. The amount
21 of low voltage work though has increased in the type
22 of systems that are out there, potentially greater
23 things such as installing a ring doorbell for
24 instance could potentially fall under a low voltage
25 work.

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2 There were proposals here to you know go in
3 various different directions. Our selected choice
4 here was to align really with the national standards
5 and the current status quo for what's being done,
6 which is to rely on the competency of the people
7 doing this work and the training, the expertise that
8 they have without the need for additional licensure
9 but we did write in that we would have the authority
10 to adopt criteria by rule and we did also limit the
11 types of systems that this can be utilized with.
12 Joe, I can trust you to go over the different systems
13 themselves or?

14 JOSEPH ACKROYD: Sure, uhm, I think a couple of
15 examples where low voltage uhm, would require someone
16 other than a qualified person for instance where you
17 have fuel dispensing and low voltage wiring is used
18 with fuel dispensing. There are intrinsically safe
19 areas where you have the potential for explosive
20 gases to accumulate, such as like where you have
21 potentially spraying of paints or certain areas where
22 gases could potentially accumulate in mechanical
23 spaces. Those areas where there is that explosion
24 hazard is kind of carved out as not necessarily being
25

2 permitted to be performed without a permit by a
3 qualified person.

4 CHAIRPERSON SANCHEZ: Thank you.

5 GUILLERMO PATINO: And also life safety.

6 JOSEPH ACKROYD: Yes, that's right, life safety
7 systems such as the fire alarm wiring and uhm, I
8 think off hand I don't know what the other life
9 safety, maybe sprinkler related, wiring, yeah.

10 CHAIRPERSON SANCHEZ: So, and again, this is a
11 question for those of us following along at home.
12 So, something like the installation of a smart light
13 switch or something like that with this new code.
14 With these code revisions, would that be requiring a
15 certain kind of professional to install?

16 JASON ACKROYD: Where the wiring is actually
17 being connected to the regular uhm voltage then a
18 licensed master electrician would be required but for
19 the low voltage portions of it, that would not be the
20 case.

21 CHAIRPERSON SANCHEZ: Excellent okay, thank you.
22 Were there any other disagreements that maybe did not
23 rise to the level of mediation but may come up in the
24 aging process or the finalization process of the
25 updates?

2 GUILLERMO PATINO: Other than really the
3 licensing board, which you touched on already, I
4 think that's the only one that I can think of. There
5 are changes in fees that would be coming along with
6 this. There was previously a \$5,000 cap that was
7 identified in the previous electrical code. That cap
8 is being removed and consistent with other permits,
9 electrical permits will now also expire within one
10 year and require an annual renewal. Previously
11 electrical permits did not expire.

12 Those weren't necessarily disagreements; just
13 changes from current status quo practice I think that
14 came up. I'm trying to think if there's any other
15 items. Nothing that rose to the level of mediation.
16 We take the mediation process very seriously from
17 that standpoint and we present something as with
18 consensus. I mean, we have for the construction
19 codes revision cycle, it's typically 400 or so
20 stakeholders. Well, how many in this particular code
21 committee Joe?

22 JOE ACKROYD: I don't have that.

23 GUILLERMO PATINO: The idea is there are hundreds
24 of people that you know we are you know accountable
25 to from the standpoint of if we got consensus. There

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was a question that did come to us as far as if there was an intention to change who can file something called special installations. There is no intention to change who can file special installations. That we don't see - it did not come up as an issue until recently somebody asked a question. We're looking at the bill itself just to see if there's anything that we would need to clean up and potentially an A- bill as far as just to make sure that intention is not lost in what was drafted.

CHAIRPERSON SANCHEZ: Okay. Thank you and my last question on the electrical code and for this hearing for now is how do these changes to the electrical code help the city's electrification efforts, right? We're trying to lower our city's emissions. You know encourage the installation of heat problems, other more electric lead based HVAC systems. Having people install electric stoves, use electric vehicles. All of which are very high voltage uses. They have very high electrical requirements. So, how do these changes help New Yorkers to electrify and how are these changes keeping us safe?

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2 GUILLERMO PATINO: So, I think first and foremost
3 would be keeping up with the national standards.
4 Technology is advancing. The usage of this
5 technology is advancing and we need to have codes and
6 regulations that recognize the new technology along
7 with the safety features that are necessary for those
8 installations.

9 Systems like energy storage systems, battery
10 systems are recognized. This is also going to
11 recognize I think charging stations and how to
12 install them including the latest features for the
13 type 3 charging stations, which I believe what is the
14 greatest in demand right now.

15 It will help us keep pace and then also combine
16 this with the City Council's past work on emissions
17 limits, new building construction going up is not
18 allowed to use other forms of heating and electric,
19 heating and cooking from that standpoint. We need to
20 follow the latest standards here.

21 CHAIRPERSON SANCHEZ: And these revisions, they
22 don't require any work on existing properties, that
23 they require work on new properties or any upgrades
24 that are being changed that effect electric systems
25 correct?

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2 GUILLERMO PATINO: Correct, the types of - this
3 would only, there's no retroactive requirements in
4 this bill that change anything there. That's not
5 always true of our construction codes revisions, so
6 the things like parking structure inspections,
7 there's nothing like that in this bill. The
8 intention here though would be that new work, new
9 work in an existing building is also covered by this
10 to the extent of the work that you're doing.

11 CHAIRPERSON SANCHEZ: Alright, and just like
12 that, we've gotten through 14 pieces of legislation
13 13, 14. Uhm, and a lot of updates from the
14 Administration, so I just want to thank you so much
15 for this hearing, for your collaboration. There are
16 a lot of ideas that I see the agency wants
17 implemented or would like to have considered in the
18 legislation that my colleagues have so I look forward
19 to these conversations and getting to a good place
20 hopefully this year.

21 JIMMY ODDO: Madam Chair, again on behalf of the
22 entire Department of Buildings, thank you for your
23 partnership.

24 CHAIRPERSON SANCHEZ: Thank you. Thank you
25 Department of Buildings. So, now we're going to move

2 uh, we're going to transition over to public
3 testimony. [02:22:17]-[02:22:45]. We're going to
4 take just a three minute recess for those of us who
5 need bio breaks or other and we will resume right
6 after. [02:22:54]- [02:27:04] [GAVEL] Alright, I am
7 now going to open the hearing for public testimony.
8 I remind members of the public that this is a formal
9 government proceeding and that decorum shall be
10 observed at all times. As such, members of the
11 public shall remain silent at all times. The
12 witnesses table is reserved for people who wish to
13 testify. No video recording or photography is
14 allowed in the witness table. Further, members of
15 the public may not present audio or video recordings
16 as testimony but may submit transcripts of such
17 recordings to the Sergeant at Arms for inclusion in
18 the hearing record.

19 If you wish to speak at today's hearing, please
20 fill out an appearance card with the Sergeant at Arms
21 and wait to be recognized. When recognized, you will
22 have two minutes to speak on today's hearing topic of
23 sidewalk sheds including the following legislation
24 Intro.'s Number 369, 391, 392, 393, 394, 436, 503,
25 659, 660, 661, 774, 796 and proposed Intro. 956A.

1 If you have a written statement or additional
2 written testimony you wish to submit for the record,
3 please provide a copy of that testimony to the
4 Sergeant at Arms. You may also email written
5 testimony to testimony@council.nyc.gov within 72
6 hours of this hearing. Audio and video recordings
7 will not be accepted.
8

9 I will now call the first panel Adam Roberts,
10 Daniel Avery, Andrew Rigie and Barbara Blair.
11 Whoever is first maybe - whoever is ready first may
12 begin.

13 DANIEL AVERY: Good morning Chair Sanchez, I mean
14 good afternoon. I wrote that yesterday in the moment
15 of -.

16 My name is Daniel Avery, I'm the Director of
17 Policy at REBNY. Thank you for this opportunity to
18 testify today. I submitted my full testimony for the
19 record and will summarize it here. We share with the
20 Mayor and the Department of Buildings any Council
21 Members who believe that there are too many sidewalk
22 sheds in the city. That many are up for too long and
23 there is plenty of room to improve their aesthetics
24 and design. We also understand that these structures
25 play a vital role in protecting the public from

1 hazard to related to building construction and repair
2 and so reforms to sidewalk shed deployment and uses
3 must not compromise that safety. Therefore in
4 general we support or support with conditions
5 legislation that allows our alternative to sheds
6 where appropriate, such as netting or using drones to
7 help with Local Law 11 inspections. Legislation that
8 encourages faster removal of sidewalk sheds as long
9 as the owners have the ability to demonstrate that
10 sheds may need to be in place longer and as long as
11 safety is preserved and legislation then improves
12 sidewalk shed useability and safety such as adding
13 more lighting. Collectively the support or
14 conditional support would include Intro.'s 361, 369,
15 391, 393, 394, 503, and 660.

17 With that said, we do think in general that all
18 this legislation needs to recognize that there are
19 unique situations and that not all abilities can be
20 held to the same standards at all times. At the same
21 time, we do ask more legislation that we feel unduly
22 shifts work to DOB as they have more than enough to
23 do now with limited staff and budget that would
24 include Intro. 774 and 796.

2 We would also like to commend DOB for making it
3 to the finish line on the electrical code. Code
4 updates go through a painstaking building process
5 with a wide range of stakeholders including REBNY
6 participating. We would ask the Council to respect
7 the integrity of that process and only correct any
8 technical mistakes identified without altering the
9 substance of the new code.

10 Thank you once again for the opportunity to give
11 testimony. I'm happy to answer questions.

12 CHAIRPERSON SANCHEZ: Thank you.

13 ADAM ROBERTS: Thank you for holding this hearing
14 today. I am Adam Roberts, Policy Director for the
15 Community Housing Improvement Program, also known as
16 CHIP. We represent New Yorks housing providers
17 including apartment building owners and managers.
18 Our members operate rent stabilized housing, which
19 contains one million units of housing in New York
20 City making up 40 percent of its rental housing and
21 the vast majority of it is affordable housing.

22 We appreciate that the Council is considering
23 fixing outdated policies around sheds and façade
24 inspections. Intro. 391 is particularly beneficial
25 by removing burdensome design requirements for sheds,

1
2 it allows buildings to have more attractive sheds
3 that benefit residential and commercial tenants.

4 We do have concerns with Intro. 661, which would
5 fine owners who do not apply for a work permit within
6 six months. Façade work is dangerous and labor
7 intensive, requiring months of soliciting bids and
8 creating designs before applying for a permit. This
9 bill would incentivize the flooding of DOB with
10 rushed permit applications to avoid fines.

11 Looking more holistically, we want to be explicit
12 with the Council that these bills will do little, if
13 anything to actually reduce the amount of sheds and
14 façade inspections occurring in the city. The only
15 way to actually reduce them is to reform Local Law
16 11. Local Law 11 requires inspections every five
17 years. This places a huge burden on financially
18 struggling buildings like those which are rent
19 stabilized. It also disincentivizes the replacement
20 of facades since scaffolding and sidewalk sheds must
21 be erected every five years for inspections.
22 Therefore facades are continuously patched when
23 inspections are done rather than replaced.

24 This means our facades perform worse from a
25 safety and sustainability standpoint. The Council

2 must immediately begin drafting legislation to solve
3 this problem. For instance, Local Law 11 should be
4 required every ten years for buildings deemed safe
5 and at FISP and every 15 years for buildings which
6 replace their facades. Facades are designed to last
7 for decades not to be patched every five years.

8 For older rent stabilized buildings, Local Law 11
9 is now pushing too many buildings towards insolvency.
10 And that operating income has plummeted across the
11 city falling as much as 20 percent in the Bronx.
12 Local Law 11's financial stream forces maintenance to
13 be deferred and building staff to be let go. This
14 makes our city less safe, not safer. We look forward
15 to working with the Council on finding a true
16 solution to the problems caused by sheds and
17 inspections. Again, thank you for holding this
18 hearing today.

19 CHAIRPERSON SANCHEZ: Thank you. Also Adam, I
20 think get the gold star for attending the most H&B
21 hearings. So, thank you for always being here. I
22 think your mic is off.

23 BARBARA BLAIR: I'm Barbara Blair, President of
24 the Garment District Alliance, a bid in Midtown
25 Manhattans west side. Thank you Chair Sanchez and

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members of the Committee for this opportunity to voice my support, specifically for Intro. 391, 393, 394, 659, 660, 661, and generally for the others.

For many years, the Garment District has spent urging DOB and our elected officials to address the deplorable design of current sidewalk sheds and the seemingly impossibility of getting sheds down that have been up for egregious lengths of time. DOB started this work in 2009 with a design competition. The product of that work was the urban umbrella. Above the design was dramatically better, apparently the cost of property owners was prohibited.

The Garment District strongly supports a new design that allows for mesh netting, requires the ceiling height of at least 12 feet, eliminates cross bar, bracing bars, dramatically improves shed lighting and eliminates allowing sheds to be erected to avoid litigation in the event of façade instability. Rather than creates a process where when the work is done by the city with a lien placed on the building for the work or some other mechanism that disallows sheds to be up for an egregious length of time.

1 With over 12,000 feet of sidewalk sheds in our
2 district, in addition to the blighted optics of the
3 neighborhood, they are also a magnet for individuals
4 in deplorable human condition who take refuge under
5 them, creating an ominous situation. I thank Council
6 Member Power and Bottcher for turning their attention
7 to this matter and to our other Council Members that
8 took up the topic.

9 CHAIRPERSON SANCHEZ: Excellent, thank you.
10 Thank you so much. I just want to ask on sidewalk
11 sheds in particular, as we are seeing the results
12 from the studies that DOB has commissioned on Local
13 Law 11, as well as on the design centers, I'd love to
14 have your feedback in real time as we have that
15 information because we're - the Council is going to
16 be required to legislate at least some of the changes
17 that come out of the recommendations from those
18 reports.

19 BARBARA BLAIR: I'm sure my colleague from REBNY
20 knows far more about this than I but two things that
21 came up here today, including from Council Member
22 Brewer was the idea that the inspections have a much
23 longer period of time between inspections. Ten years
24 was mentioned by the Council Member, by my colleague
25

2 from CHIPS. I don't know if REBNY made a
3 recommendation but also, I concur with so much of
4 what was said today. That the problem is Local Law
5 11. I mean in addition to just the design and the
6 social conditions that have been created but
7 certainly Local Law 11 needs to be revisited.

8 CHAIRPERSON SANCHEZ: Yeah. The sheds are, our
9 current sheds are just awful looking.

10 DANIEL AVERY: I would just add, I have had
11 conversations with DOB about the Local Law 11 study,
12 primarily to make sure that industry was going to
13 have proper feedback going through the process and
14 not just wind up with the final product. That we had
15 to you know sign off on or not and I'm sure that
16 stakeholders will be involved throughout the process.
17 So, we will be following it closely and we will be
18 happy to work with you on anything that comes out of
19 it.

20 CHAIRPERSON SANCHEZ: Excellent, thank you.
21 Thank you so much for attending and staying and
22 testifying, appreciate it.

23 Next, up, I believe Andrew Rigie had to go and he
24 will be submitting testimony. I'd now like to call
25 up Kevin Elkins, who I believe had to go and will be

1 submitting testimony. Jim Quent and - I will repeat
2 the names Kevin Elkins who had to go, Jim Quent, who
3 is walking up to the dais, and Ken Buettner, Buettner
4 okay, Ken Buettner thank you. You may begin when
5 ready.
6

7 KEN BUETTNER: Good afternoon Chairwoman. My
8 name is Kenneth Buettner, I'm President of York
9 Scaffold in Long Island City. I'm the third
10 generation of our family owned and operated business.
11 For almost 49 years, I have erected scaffolding and
12 sidewalk sheds in New York City and the surrounding
13 areas. I'm past President of the Scaffold and Access
14 Industry Association of the United States. I'm a
15 board member of the Hoisting and Scaffolding Trade
16 Association. The New York City Special Riggers
17 Association and the Building Trade Employees
18 Association, and I've been a member of all four of
19 the Department of Buildings Building Code Review
20 Committees. I'm testifying on my own behalf.

21 There is not sufficient time to offer distinct,
22 significant specific comments on each of the 13
23 proposed Intro.'s, so my comments should be looked
24 upon to apply to all. Like any proposed legislation,
25 they must be viewed in consideration of three things:

1 Safety to residents and visitors; quality of life;
2 and economic impact.

3
4 Regarding safety to residents and visitors, no
5 sidewalk shed should remain in place any longer than
6 it's absolutely necessary for the completion of the
7 work to be done on a property. All encouragement
8 assistance to perform more quickly is to be
9 applauded. However, please keep in mind that the
10 permit holder for a sidewalk shed is usually a
11 specialty scaffold contractor who has nothing to do
12 with the actual façade work.

13 Any penalties for delayed façade work should be
14 directed to the property owner and not the sidewalk
15 shed permit holder. Execution of the actual work is
16 totally the responsibility of the property owner who
17 is in total control.

18 Quality of life, lighting, sidewalk sheds should
19 be of uniform light color and intensity throughout.
20 Varying lighting is a logistical nightmare to install
21 and is visually confusing. Vehicular impact, on
22 occasion a vehicular accident spills onto a sidewalk
23 and strikes a sidewalk shed. They also hit trees,
24 land posts and other street furniture. In placement
25 of protected jersey barriers, it would require the

2 closure of miles and traffic in parking lanes and it
3 with disproportionate response to the rear hitting of
4 the sidewalk shed.

5 Shed heights, with your indulgence, if I could
6 finish?

7 CHAIRPERSON SANCHEZ: Please do, yes.

8 KEN BUETTNER: Thank you. Sheds are often taller
9 than the eight foot minimum height. However, eight
10 foot allows shed decks to not be in the middle of a
11 first floor window of many residential buildings.
12 Sheds that are eight feet high are usually below the
13 spreading branches of street trees and offer the
14 least impact on street trees.

15 This allows a minimum of sunlight disruption to
16 street trees and color. The opportunity for all
17 sidewalk shed contracted to offer building owners a
18 choice from a larger selection of approved colors
19 will visually improve the city's scape. Economic
20 impact on the city, vehicular impact, this would
21 require many additional days for the installation and
22 removal of sheds as well as the use of knuckle boom
23 trucks for the barrier placements and removals.

24 This additional time costs money, which will be
25 passed to property owners and their residential and

1 commercial residents. Shed height, material,
2 currently existing material as you used many times
3 thus reducing costs. If all eight foot equipment is
4 to be replaced, the cost of millions of dollars for
5 new equipment will be passed to property owners in
6 their resident and commercial residents. Most of
7 this impact will be on smaller, residential buildings
8 and their tenants.
9

10 Sidewalk shed labor, as sidewalk sheds get
11 taller, they require additional material and labor to
12 install and dismantle. This cost is passed to
13 property owners and their residential and commercial
14 residents. Again, most of this impact will be on
15 smaller residential buildings and their tenants.

16 Inspection of sheds, currently the building code
17 requires that all sheds must be inspected every six
18 months, and the inspection report be kept available
19 at the building where the shed is located. Requiring
20 the DOB to undertake these inspections would place an
21 unnecessary heavy personnel burden on the department.
22 Requiring that the current inspection reports be
23 filed with the DOB may help improve concerns about
24 accountability.
25

2 These concerns are the most important I can offer
3 in this short amount of time. There are many more.
4 I'm happy to make myself available to any Council
5 Member who wishes to better understand how sheds
6 operate and as sidewalk shed contractors are subject
7 to conditions outside their control. I urge you to
8 amend these Intro.'s so they are safely,
9 economically, and aesthetically appropriate to
10 sidewalk sheds and to New York City. In their
11 current form, most of them are not.

12 CHAIRPERSON SANCHEZ: Thank you. I just have a
13 quick follow up question for you on vehicular
14 impacts. Which bill introduction does this
15 particular concern relate to?

16 KEN BUETTNER: I believe it was 391.

17 CHAIRPERSON SANCHEZ: Thank you.

18 JIM QUENT: Good afternoon Chair Sanchez and
19 Committee Council. Thank you for the opportunity to
20 testify. My name is Jim Quent, I'm with Statewide
21 Public Affairs.

22 CHAIRPERSON SANCHEZ: It's on?

23 JIM QUENT: Yes, I can move a little closer. Is
24 that better? My name is Jim Quent, I'm with
25 Statewide Public Affairs and I'm here to represent

1 the New York City Special Riggers Association. The
2 Special Riggers Association was created just over ten
3 years ago. It includes scaffold erectors, sidewalk
4 shed erectors and uh façade restoration, water
5 proofing, contractors, all of the above, right. So,
6 we hit all of the industry as it pertains to these
7 bills.
8

9 We want to applaud the Council for taking steps
10 to address the problem of having sheds up too long.
11 We agree with you, the association agrees that sheds
12 should come down. We want to get the work done and
13 we want the sheds to come down, however, the sheds
14 cannot come down until the work is done because the
15 sheds are only there to create a safer situation,
16 right, protect the public and the workers.

17 So, on behalf of Veronica Sikorski who is the
18 President of the New York City Special Riggers
19 Association, I'd like to read into the testimony some
20 comments we have about some of the 13 bills that
21 we're discussing today.

22 On 391, there is a section that talks about not
23 requiring a shed for construction of a new major
24 building. We think that this allowing sheds on new
25 construction for major buildings is impractical and

1
2 it could lead to increased time for the construction
3 to be completed. A sidewalk shed would have to be
4 erected for any demolition to clear the site, then
5 the shed would have to be erected so that a
6 cantilever structure can be installed on the building
7 and then the shed would then be removed. Then the
8 shed would have to be reinstalled to allow the
9 removal of the cantilever structure.

10 Ken mentioned the vehicular impact piece where if
11 you're going to protect sheds, you would have to use
12 a boom truck to place bollards on the street and that
13 would then take up parking lanes, bike lanes, bus
14 lanes etc..

15 Ken already addressed the height and the lighting
16 issues, so I'm going to skip through those. We'll go
17 to 393 from Council Member Powers about removing
18 equipment. The timeframes to remove a shed are
19 impractical right? Shed contractors stating that
20 after 60 days, a shed has to be removed, is not
21 practical right? The decision for removing the shed
22 should be made by the New York City Department of
23 Buildings and not the permit holder who doesn't
24 control that aspect.
25

1
2 We're skipping over 394, 436, Council Member
3 Abreu's bill. We applaud the actions that would
4 occur with this bill to provide building owners with
5 more technical information and with access to
6 information on loans to be available and other
7 financing options.

8 Uhm, on Council Member Marte's bill about DOB
9 inspections every six months, there's already an
10 inspection process in place where the shed erector
11 themselves has to inspect the sheds. So, we would
12 just suggest and I believe Ken said this as well that
13 DOB may require that those six months inspections
14 done by the shed erectors then be filed with the DOB
15 electronically.

16 And the last thing I wanted to talk about was
17 Council Member Rivera's bill on artwork. Where
18 owners want artwork, that's great but proper
19 engineering has to be done and proper insurance has
20 to be put in place for those installing the artwork
21 to protect the integrity of the shed and to protect
22 the public.

23 We have a lot of technical comments that we're
24 going to be submitting to you and to the sponsors of
25 the bills. Many of whom we've already had

1
2 discussions with. We thank you very much for the
3 opportunity to present and look forward to working
4 with you all.

5 CHAIRPERSON SANCHEZ: No, thank you. Thank you
6 for coming and testifying. I believe there's a lot
7 of alignment between your testimonies and some of
8 what the Department of Buildings themselves has said,
9 so I think there's a lot of room for changes in the
10 legislation.

11 Yes, if you have spoken to the members who are
12 the sponsoring members, that's great. If you have
13 not and you have any concerns, please, please, please
14 let them know in addition to your comments here
15 today. And I just want to state for the record, we
16 are going to take our time in considering all of
17 these changes, so you know over the next couple of
18 months, you know just encouraging you to continue the
19 conversation and flag for me any additional concerns
20 that may arise.

21 JIM QUENT: Great, thank you very much.

22 KEN BUETTNER: Thank you.

23 CHAIRPERSON SANCHEZ: Thank you. Next up, I'd
24 like to call Daniel Alam and Mark Levine, Borough
25 President Mark Levine.

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DANIEL ALAM: Good morning Chair Sanchez and members of the Committee on Housing and Building. My name is Daniel Alam, I'm a Senior Policy - There we go. Good morning Chair Sanchez and members of the Committee on Housing and Building. My name is Daniel Alam, I'm a Senior Policy Analyst with the Borough Presidents Office and I'm testifying on behalf of Borough President Mark Levine today. Thank you for the opportunity to testify at today's hearing tackling the longstanding issues sidewalk sheds pose in our neighborhoods.

I am proud to partner with Council Members Powers, Abreu, and Bottcher on Intro.'s 0391, 0392, 0393, 0394, 0503, 0659, and 0660, a package of bills that expedites façade repair, changes the design of sidewalk sheds, and limits their impact on quality of life.

In my time as an elected official, no issue has unified all New Yorkers quite like scaffolding reform. According to the Department of Buildings, there are 8,957 active sheds in New York City, over 4,000 of which are in my borough of Manhattan. On average, these structures stay in place for 490 days. End-to-end, these total 2,044,426 linear feet which

1
2 is more than enough to create a covered walkway from
3 these chambers to Toronto.

4 Sidewalk sheds are essential to protect New
5 Yorkers from unsafe building facades, falling debris
6 or equipment. But far too often, exceptionally long
7 periods of time pass without any façade work being
8 completed due to the lack of available materials,
9 disputes with neighbors, issues with permitting, the
10 cost of doing the repairs overall, and more.
11 Meanwhile, these sheds clog sidewalks, negatively
12 impacting accessibility and the quality of life while
13 fundamentally changing the aesthetic of our
14 neighborhoods and hurting small businesses and
15 tenants.

16 As a result, 279 sheds up today have been up for
17 over five years. Some have been up for a decade,
18 even two. This is unacceptable. Longstanding sheds
19 create bottlenecks for pedestrians, making our
20 neighborhoods less walkable and less livable,
21 limiting accessibility by blocking access to curb
22 cuts or pushing the walkway into the street and
23 impacting the flow of traffic. Their dimly lit
24 walkways, cluttered with trash and other debris,
25 leave many New Yorkers feeling unsafe. Small

1
2 businesses underneath scaffolding suffer from
3 decreased visibility and foot traffic which puts
4 businesses at risk of closing.

5 In Spring 2023, my office released a series of
6 recommendations to address the root causes of
7 longstanding sidewalk sheds. We proposed strategies
8 for facilitating faster façade repair work; ways to
9 reduce delays in permitting; methods to hold building
10 owners doing the wrong thing accountable; updates to
11 Local Law 11; and more. This far-reaching,
12 comprehensive approach was needed because no single
13 fix was going to solve our sidewalk shed problem.

14 This package makes clear that the Council understands
15 the need for comprehensive reform, and I applaud you
16 for it. Each bill addresses a key part of the
17 problem, from changing Local Law 11 to proposing
18 design changes that are needed for the sheds
19 themselves, like allowing different colors, more
20 lighting and higher ceilings. Let's get them passed.

21 The Department of Buildings has also been hard at
22 work, and I'm enormously grateful for their efforts
23 and for the leadership of Commissioner Oddo. They
24 are taking steps to re-examine Local Law 11, step up
25 enforcement, and examine building standards. But we

1 must continue the work of right-sizing local laws and
2 regulations that at this point have gotten out of
3 control. Look no further than city-owned buildings
4 to see that we have a serious problem. I'm proud to
5 work with the sponsors of this legislative package
6 and look forward to reducing the barriers preventing
7 efficient and effective façade repair and achieving
8 meaningful reform to Local Law 11 and what sidewalk
9 sheds look like.
10

11 CHAIRPERSON SANCHEZ: Excellent thank you. Thank
12 you so much Daniel and thank you for waiting. I
13 appreciate the Borough President. I know that he
14 couldn't be here but I know this is an important
15 package to him, so congratulations to your team, and
16 I look forward to getting this passed to the finish
17 line. Thank you.

18 DANIEL ALAM: Thank you Chair.

19 CHAIRPERSON SANCHEZ: I'd now like to call Trina
20 Semorile. Apologies if I'm mispronouncing that.
21 Trina.

22 TRINA SEMORILE: My name is Trina Semorile. I
23 will send written testimony after sitting through
24 today's Committee Hearing. I live in Hell's Kitchen
25 directly across from Matthews Palmer Playground and I

1 was the impetus for raising issues about the
2 scaffolding problems in the playground, which were
3 lengthy and basically the scaffolding company engaged
4 in gaslighting. They had cyclone census with holes
5 in them. Kids were going in and playing under the
6 scaffolding and on the scaffolding, and their
7 solution was to use stolen NYPD barricades to block
8 the holes, which the kids just moved.

10 When I called the buildings department because
11 the building next door, which is directly next to my
12 apartment was putting up scaffolding in an unsafe
13 manner, I was told that they wouldn't come out
14 because the building owner, because it was a small
15 building didn't need to have a permit. This is
16 unacceptable.

17 Building permits need to be gotten by everybody
18 for any form of scaffolding before they put the
19 scaffolding up, not afterwards. If you want to come
20 out and inspect afterwards, great. If I call up and
21 say that the people who are putting up the
22 scaffolding are working in an unsafe manner for their
23 safety, somebody needs to come out and inspect
24 immediately and not tell me they'll show up in a week
25 or two when the scaffolding is already up.

1
2 There are ongoing problems on my block with
3 scaffolding and work being done on brick - on the
4 brick faces, where brick dust is spreading down the
5 block. One of the buildings on my block put up
6 scaffolding and to do so, they cut down a tree, and
7 it was a fairly young tree and we now have a stump on
8 the ground.

9 So, these are ongoing problems and uhm frankly, I
10 have no sympathy with building owners whining about
11 how they can't afford to do the work. The conditions
12 of these buildings are such because for decades, the
13 City of New York has ignored requiring owners to
14 maintain their buildings.

15 CHAIRPERSON SANCHEZ: If you want to conclude.
16 Great, okay.

17 TRINA SEMORILE: Let me think if I have anything
18 else I have to conclude with. Oh, the other thing I
19 wanted to say, which I think is rather important, is
20 I was not amused by the what I can only call the over
21 excitement about using AI. AI is in the most basic
22 of bata design levels and the only reason it's being
23 pushed as the answer to all of our problems is
24 because the tech companies want to make money right
25 now already and under no circumstances should any

1 agency or the City of New York be using AI for design
2 for making decisions about design or making decisions
3 about legislation. It's unacceptable. You may or
4 may not remember the lawyer who presented an argument
5 that had been written entirely by AI here in New York
6 who discovered or I guess the judge discovered that
7 the AI had invented laws and citations that did not
8 actually exist. So, this will give you a good
9 example of why this is problematic.
10

11 I'm as much a fan of tech as anybody but yes, it
12 is actually a tool. It's not a solution to all
13 problems and should not be seen as that. And
14 frankly, if the Buildings Department needs more staff
15 to do inspections, hire them. If they don't have
16 that money in their budget, it's the responsibility
17 of the City Council to provide the funding for
18 essential, life saving city services and that
19 includes the Buildings Department, the Health
20 Department, the Education Department.

21 CHAIRPERSON SANCHEZ: Thank you. Thank you. Got
22 it.

23 TRINA SEMORILE: I know you know what they all
24 are.
25

2 CHAIRPERSON SANCHEZ: Yeah, well, I just wanted
3 to congratulate you on the legislation moving forward
4 regarding playgrounds and look forward to your
5 written testimony as well.

6 TRINA SEMORILE: Yes, please, the playgrounds are
7 really an issue because I watched kids climbing the
8 cyclone census, moving the barricades, playing under
9 there.

10 CHAIRPERSON SANCHEZ: I may or may not have been
11 one of those kids.

12 TRINA SEMORILE: I don't know if they were her
13 kids or she was watching them.

14 CHAIRPERSON SANCHEZ: Okay, I'm sorry, we do have
15 to move on but thank you. Thank you so much. I
16 really appreciate your testimony.

17 TRINA SEMORILE: Alright, thank you.

18 CHAIRPERSON SANCHEZ: Okay, we're now going to
19 hear from folks who are waiting for us on Zoom. I'd
20 like to call up Lori Gold, Mary Ann Rothman, followed
21 by Ben Wienberg.

22 SERGEANT AT ARMS: Your time is starting.

23 LORI GOLD: Hi, I'm trying to - uh, there we go.
24 Good afternoon Chair Sanchez, members of the New York
25

1
2 City Council, Borough President, Commissioner Oddo,
3 nice to meet you finally and honored guests.

4 I am offering to you for your consideration the
5 opportunity to look at and humanize one of the most
6 significant laws in New York City. I'm looking at
7 repositioning and augmenting the way we approach what
8 is now Local Law 11 and FISP, and looking at the
9 center of everything that is on today's agenda, every
10 discussion item, every proposal and every nuance that
11 has gone on all morning. Because at the heart of
12 everything is Grace Gold.

13 I'm not usually so informal at such meetings but
14 I did want to show off this T-shirt. Different
15 story, very interesting story behind it. In any
16 event, Grace, my sister, at the age of 17 was a
17 freshman at Columbia at Barnard. She stayed to watch
18 friends graduate. As you know, a brick fell at the
19 corner of 115th and Broadway and killed her and six
20 months later, we got Local Law 10, which has been
21 cited as one of the most important building safety
22 and building development laws since the triangle
23 Shortway Factory Fire and his elevator. When its
24 followed, it saves lives and has made New York City
25 safer for the past 45 years. But when it's not, we

1
2 lose people like Gretta Green, the two year old in
3 her grandmothers arms, Erica Tishman, who we've
4 spoken about and Mario Salos Vittorio who was
5 actually an immigrant working on the façade of a
6 building at the time he was killed.

7 SERGEANT AT ARMS: Your time is expired. Thank
8 you.

9 LORI GOLD: May I continue?

10 CHAIRPERSON SANCHEZ: You may conclude Lori.

11 LORI GOLD: Grace's legacy was the start of
12 proactive forward thinking laws, most notably
13 recently the Billingsley Terrace Structural Integrity
14 Act and all the modifications to Local Law 11 since.
15 What you might not have heard today is that because
16 of Local Law 11 in addition to the legislation, a new
17 body, a new discipline of engineering science was
18 developed, and has since been rolled out. Both
19 legislation as well as engineering science in about
20 15 cities.

21 Grace's death and the building inspection and
22 repair methods that came with it also created a
23 multibillion dollar expansion industry that employees
24 thousands of architects, engineers, masonry
25 contractors and scaffolding erectors in New York. 45

2 years of safer streets. Now, for the conundrum, 45
3 years later and I will give you a solution. The
4 scaffolds, which have been abused are really just
5 missed risk mitigation technique, not part of Local
6 Law 11. But the two generations who have been born
7 and or came to New York City since 1980 lack insight,
8 have no history, have no understanding of why Local
9 Law 11 and scaffolding or risk mitigation. Education
10 is needed and we are losing the war on public
11 relations. At the moment, Local Law 11 is a number
12 and FISP is a cluster salad. It's just a mishmash
13 that makes no sense, doesn't role off the tongue. No
14 understanding here.

15 So, while we're fighting the scaffolding laws,
16 let's also employ an education for these new
17 generations who are only seeing the seamy side of
18 streetscape aesthetics without any safety back story.
19 Not just for Grace's legacy but more importantly to
20 build understanding among New Yorkers and others to
21 reinforce why we are all doing this to help focus on
22 what is most important. Safe buildings and safe
23 streets by putting a face on the law. The entire
24 meeting, we're talking about Local Law 11, let's put
25 the face on it.

1 Grace was a real person. This was Grace, a
2 beautiful young woman. Actually in the beginning of
3 entering her woman life, she was a little more than a
4 child at 17 and with all of her talents, let me say
5 that she could have been any one of you or any one of
6 your children and now, you Council Members on the
7 Housing and Buildings Committee have a compelling
8 story and one that will resonate over generations to
9 come going forward.
10

11 So, I really wish that you would consider this
12 I'm going to offer two ways to approach it. One is,
13 don't change existing policy. Make it an exception.
14 Why should it be an exception? I'll just reiterate
15 some of the reasons mentioned earlier, the
16 significance of the law saves lives. Lives lost when
17 not enforced, adopted by 15 cities, the body of
18 engineering science that developed to keep streets
19 safe and buildings to have some integrity, the
20 significant contribution to the local economy and
21 frankly, the sustainability issue, the climate
22 change. We're trying to make our buildings safer as
23 we move forward under changing conditions.

24 I'd like to shift away from my topic at hand to
25 just comment -

1
2 CHAIRPERSON SANCHEZ: Lori, Lori, I'm sorry if
3 you could just conclude please.

4 LORI GOLD: Okay, my conclusion is there have
5 been thousands of people who have signed petitions
6 backing this up. There have been other Council's.
7 This isn't my first waltz in this ballroom but there
8 have been other Council Members, other Chairs who
9 have backed such legislation with many Co-Chairs
10 going along. It's been killed at different points in
11 time, which is why I offered you two solutions of how
12 to approach it. There's very strong support and just
13 having a compelling story and a face will help you
14 with this whole public relations thing as you are
15 taking overdue warmed over scaffolding off the
16 street. Changing how Local Law 11 is implemented at
17 the heart of it all is Grace and to use her as your
18 poster child, that's what I'm pushing. I hope you
19 will support me in that regard.

20 CHAIRPERSON SANCHEZ: Thank you. Thank you Lori
21 Gold for speaking with my team in advance of this
22 hearing and for sharing your sisters story. It's a
23 really powerful one. It's one that I've tried to
24 recite and talk about every time that we've had a
25 hearing here on these structural issues. Beautiful,

1 she's beautiful. Thank you for that and I just want
2 to say how much I wholeheartedly agree with you on
3 DOB's acronyms. They really need help from FISP to
4 SWARMP to whatever other acronyms but I look forward
5 to talking more with you about this and we are
6 looking into the suggestions that you have made.
7 Thank you.

8 Now, I'd like to call Mary Ann Rothman.

9 SERGEANT AT ARMS: Your time is starting.

10 MARY ANN ROTHMAN: Uh, thank you Chair Sanchez.

11 My name is Mary Ann Rothman and I'm the Executive
12 Director of the Council of New York Cooperatives and
13 condominiums, which is a membership organization
14 providing information, education and advocacy for
15 housing cooperatives and condominiums located
16 throughout New York City's five boroughs and beyond.

17 More than 170,000 New York families make their
18 homes in our member buildings which exist at every
19 level of the economic spectrum. These shareholders
20 and unit owners in New York's Housing Cooperatives
21 are committed to the city and invested heavily in its
22 future. We want our city to be safe, well run, an
23 attractive place to visit and a pleasant place to
24 live.
25

1 We appreciate the opportunity to be part of this
2 marathon hearing. We've submitted testimony in
3 writing on all of the 13 bills under consideration
4 today but we'd like to just highlight our views on
5 four of the bills. We strongly support Intro. 369,
6 which calls for a pilot study of drone usefulness for
7 façade and climate inspection and we're frankly very
8 pleased that Commissioner Oddo is considering the
9 drones and other technology could help expand the
10 time between future FISP cycles.

12 We also highly support Intro. 436 updating the
13 electrical code, which is so necessary with our goals
14 on electrification now and in the future. But we
15 have serious concerns about Intro. 393. We oppose
16 enabling the city agency to completely delay - to
17 complete delayed work as -

18 SERGEANT AT ARMS: Your time is expired, thank
19 you.

20 MARY ANN ROTHMAN: I'm sorry? That was my two
21 minutes?

22 SERGEANT AT ARMS: Yeah, your time has expired.
23 Thank you.

24 CHAIRPERSON SANCHEZ: Yeah, you may conclude Mary
25 Ann.

1
2 MARY ANN ROTHMAN: Thank you. 393 could create
3 long term financial risk management and financial
4 issues for the effected co-ops and condo's. We
5 respectfully request that this section be removed
6 from Intro. 393 or the co-ops and condo's be
7 exempted.

8 As to Intro. 503, we appreciate the intent of
9 having the city provide technical assistance for FISP
10 buildings, but since most such buildings have already
11 complied for many cycles, we suggest instead that the
12 city offer technical assistance just smaller
13 buildings. This could be extremely effective,
14 enabling them to benefit from aggregation and from
15 the support of the city in finding professionals and
16 contractors to perform necessary work.

17 We would respectfully offer an additional
18 suggestion. With the number of compliance
19 requirements currently in existence across all
20 agencies, it would be extremely helpful if the city
21 had a program to alert all building owners every
22 December to their requirement, their compliance
23 requirements for the coming year. Particular
24 sensitive to the discussion that was held on Neighbor
25 to Neighbor Access issues with FISP compliance. It's

2 a huge problem for our members and a system like this
3 might be helpful. With the suggestions on modifying
4 the length of the FISP compliance cycle and thoughts
5 on other aspects of the 13 bills under consideration
6 today, please see our written comments for those
7 details and thank you for this opportunity to express
8 our views.

9 CHAIRPERSON SANCHEZ: Thank you. Thank you so
10 much and I'm just going to encourage you to also
11 forward your remarks on legislation to the sponsors
12 including for 393, Council Member Powers. Very
13 powerful for them to get it directly as well. Thank
14 you so much Mary Ann. I appreciate your time.

15 I'd now like to call Ben Weinberg.

16 SERGEANT AT ARMS: Your time is beginning.

17 BEN WEINBERG: Thank you Chair Sanchez and
18 members of the Committee on Housing. My name is Ben
19 Weinberg, and I am the Policy Director at Citizens
20 Union. Thank you for giving us the opportunity to
21 speak before you today.

22 Citizens Union is a nonpartisan good government
23 group committed to reforming New York City and State
24 governments to advance accountable, ethical, and
25 effective government. And as such, we occasionally

1
2 examine policy areas where a noticeable systematic
3 problem results in poor services or negatively
4 impacts New Yorkers. Now, the regulatory system that
5 governs the construction of sidewalk sheds is such an
6 issue. It encourages noncompliance with city code,
7 it incentivizes building owners to maintain these
8 structures longer than they are legally allowed, and
9 the result is a proliferation of sheds that have
10 damaged urban life in our city. They obstruct
11 sidewalk sheds and entrances, cover landmarked
12 buildings, attract trash, and often become safety
13 risks themselves.

14 In December of last year, we issued a report on
15 the state of sidewalk sheds in the city, which
16 reviewed the evolution of FISP and also known as
17 Local Law 11, the problems associated with it and the
18 proposals in the past and present to address the
19 issue. Past attempts tackle this issue have not
20 curbed down the problem but the current convergence
21 of interest with the Mayor and Manhattan Borough
22 President and several members of the City Council
23 advancing real practical solutions for this problem
24 is a hopeful sign.

1 So, we at Citizen's Union are here to commend the
2 sponsors, Manhattan Borough President Mark Levine as
3 well as DOB Commissioner Oddo for advancing this
4 important reform package. But the bills before the
5 Committee today would assist in reducing the amount
6 of sidewalk sheds that aren't necessarily up and then
7 they get the impact that they hold. Now, we won't go
8 into specifics about each bill we do urge all
9 stakeholders to utilize -

11 SERGEANT AT ARMS: Your time is expired. Thank
12 you.

13 BEN WEINBERG: Collaboration to ensure that the
14 necessary legislation is approved this calendar year
15 and that programmatic changes resolve in tangible
16 improvements that New Yorkers can see in their
17 neighborhood.

18 Now in our written testimony, we recommend a few
19 other key issues to explore. One is to study the
20 direct impact of penalties on sidewalk sheds because
21 several of the proposals have the assumption that
22 increasing fines and penalties would reduce the
23 amount of sidewalk sheds. And we do need we believe
24 more precise information on how the last increase of
25 financial penalties have effected noncompliance as

2 well as it would be helpful if the DOB's map of
3 active sidewalk sheds would provide information about
4 the penalties associated with each shed or the façade
5 they protect. This was mentioned -

6 CHAIRPERSON SANCHEZ: I'm sorry, I'm sorry Ben,
7 can you please conclude, your time expired a little
8 while ago.

9 BEN WEINBERG: Oh, sorry I didn't hear the -
10 apologies. I'll just say we also recommend tailoring
11 solutions to each districts, which has been mentioned
12 and dedicated particular efforts to NYCHA
13 developments and lastly, as was done in other reforms
14 like in the area of police accountability, we believe
15 the Mayor's Office should or the DOB should publish a
16 reform initiative tracker that so many proposals and
17 suggestions. That would be helpful to have a public
18 tracker that follows the status of each initiative.
19 Thank you again.

20 CHAIRPERSON SANCHEZ: Thank you. Thank you Ben.
21 I look forward to your submitted testimony,
22 appreciate your time today. Thank you.

23 I'd now like to call Jonathan Ehrlich.

24 SERGEANT AT ARMS: Your time is starting.

25 CHAIRPERSON SANCHEZ: Dolores Spivack?

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SERGEANT AT ARMS: Your time is starting.

CHAIRPERSON SANCHEZ: Hearing no one. Karl Jones?

SERGEANT AT ARMS: Your time is starting.

CHAIRPERSON SANCHEZ: Uhm, okay, so with that, that concludes the names of individuals who have signed up to testify. If there is anyone else present, please speak now or forever hold your peace or submit online testimony, that's great too.

Excellent, okay, well with that I just want to thank everyone who participated in this hearing. Again to our Committee Counsels and our legislative staff for all your support preparing for today. We look forward to continuing the conversation on sidewalk sheds and the electrical code. Thank you.

[GAVEL]

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 26, 2024