

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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December 13, 2016
Start: 10:14 a.m.
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HELD AT: Council Chambers-City Hall

B E F O R E: JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

Daniel Dromm
Elizabeth Crowley
Barry Grodenchik
Helen Rosenthal
Ritchie Torres
Rafael Salamanca
Rafael Espinal
Mark Levine
Rosie Mendez
Eric Ulrich
Robert Cornegy

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

Renaldo Hylton
Assistant Commissioner of Operations
Compliance
NYC Department of Buildings (DOB)

AnnMarie Santiago
Assistant Deputy Commissioner for the
Office of Enforcement and Neighborhood
Services
NYC Department of Housing
Preservation and Development (DHP)

Francesc Marti
Assistant Commissioner
NYC Department of Housing
Preservation and Development (DOB)

Patrick Wehle
Assistant Commissioner for External
Affairs
NYC Department of Buildings (DOB)

Alex Gleason
Policy Associate
NYC Central Labor Council AFL-CIO

Benjamin Arana
Business Representative
Local Union #3 IBEW
NYC

Carol Kleinberg
Owner/CEO
Kleinberg Electric
President
Association of Electrical Contractors

Stephen Gianotti
President
NY Electrical Contractors Association

Sal Ferrara
Chairman/Electrical Code Expert
NYC Chapter of Electrical Inspectors

Humberto Restrepo
Political Affairs Liason
Joint Industry Board of Electrical
Industry

Ellen Davidson
Staff Attorney
Legal Aid Society

Mohamad A. Mohamad
5-Boro Electrical Contractors
Association, Inc.

Donald Ranshte
Senior Vice President
Building Trades Employers' Association

CHAIRPERSON WILLIAMS: Good morning. My name is Jumaane Williams, chair of the Committee on Housing and Buildings; joined today by Council Members Dromm and Crowley. We are here today to hold a hearing on three bills. The first bill, Intro Number 116, sponsored by myself, would expand the time frame for owners to enter dwelling units in order to make repairs or home inspections from weekdays between the hours of 9:00 a.m. and 5:00 p.m., to also include evening and weekend hours.

The second bill, Intro Number 247, sponsored by Council Member Crowley, would increase the penalties for performing electrical work without a required license.

The third bill, Intro Number 648, sponsored by Council Member Dromm, would require owners of certain residential buildings to provide annual reports to HPD regarding past bed bug infestations occurring in their buildings and would also require owners to annually provide each tenant with additional information on bed bug infestations that have occurred in their buildings, as well as information on the prevention, detection and removal of bed bug infestations.

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2 And I'm going to see if any council
3 members I assume want to make some opening
4 statements. We could start with Council Member Dromm
5 and then Council Member Crowley.

6 COUNCIL MEMBER DROMM: Thank you very
7 much, Chair Williams, for hearing my bill on a vexing
8 problem facing New Yorkers: bed bugs. I have heard
9 from many constituents about the enormous disruption
10 caused by these little unwelcome visitors. The best
11 weapon we have against bed bugs is knowledge. The
12 more apartment tenants and owners know, the better
13 prepared they will be to take measures and detect any
14 burgeoning infestations.

15 In 2010, the state legislature passed and
16 the governor signed the New York City Bed Bug
17 Disclosure Act. While this was a welcome step
18 forward, it impacted only vacancy leases. While
19 incoming tenants should now receive disclosure of a
20 property's bed bug infestation history, existing
21 tenants are left in the dark.

22 Intro 648 will fill this gap by requiring
23 annual disclosure to each tenant, as well as
24 information on the prevention, detection and removal
25 of bed bugs. To aid in the gathering of information,

1 tenants in individual unit owners will be required to
2 give building owners, upon request, bed bug
3 infestation histories of their apartments. Finally,
4 the Department of Housing Preservation and
5 Development will be required to report the
6 information it receives from building owners.
7

8 I look forward to hearing from the
9 administration and the advocates on this measure.
10 Thank you very much.

11 CHAIRPERSON WILLIAMS: Thank you.
12 Council Member Crowley?

13 COUNCIL MEMBER CROWLEY: Thank you. I'd
14 like to thank Chair Williams for including Intro 247
15 in today's hearing and for recognizing the importance
16 of ensuring that electrical work is performed by
17 licensed contractors. When electrical work is not
18 performed by licensed contractors, individuals are
19 put at grave risk of either fires or explosions, as
20 improper electrical work can serve as a catalyst for
21 gas explosions.

22 In order to deter the performance of
23 unlicensed electrical work, I introduced a bill;
24 Intro 247, that would make performing unlicensed
25 electrical work an immediately hazardous violation

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2 and would increase the criminal and civil penalties
3 for such work. This bill increases the maximum fine
4 from \$5,000.00 to \$25,000.00 and lengthens the term
5 of imprisonment that may be imposed from six months
6 to one year. The bill also codifies the civil
7 penalty for first-time violation at \$4,800.00.

8 I believe that these stiffer penalties
9 are necessary to effectively deter unlicensed
10 contractors from engaging in this work that puts the
11 public at risk.

12 I look forward to hearing from all of
13 those who have come to testify. I would also like to
14 thank my 23 colleagues who have co-sponsored this
15 bill. Again, I want to thank Council Member and
16 Chair Williams for having today's hearing. Thank
17 you.

18 CHAIRPERSON WILLIAMS: Thank you, Council
19 Members, for your opening statement. I'd like to
20 thank my staff for the work that they did to assemble
21 this hearing, including Nick Smith, my deputy chief
22 of staff; legislative director, Jen Wilcox and Meagan
23 Chen, counsel to the committee; Guillermo Patino and
24 Jose Conde, policy analysts to the committee and
25 Sarah Gastelum, the committee's financial analyst,

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2 and now we'll have representatives from the
3 administration who will testify: Deputy Commissioner
4 AnnMarie Santiago from HPD; Francesc Marti, HPD. I
5 hope I pronounced your name correctly. Renaldo
6 Hylton, Assistant Commissioner; Patrick Wehle,
7 Assistant Commissioner.

8 Can you please all raise your right hand?
9 Do you affirm to tell the truth, the whole truth and
10 answer questions honestly as they are asked to you?

11 ALL: I do.

12 CHAIRPERSON WILLIAMS: Thank you so much,
13 and you can begin in order of your preference.

14 ASSISTANT COMMISSIONER HYLTON: Good
15 morning, Chair Williams and members of the Housing
16 and Buildings Committee and other members of the City
17 Council. I'm Renaldo Hylton, the Assistant
18 Commissioner of Operations Compliance at the New York
19 City Department of Buildings. I'm joined by
20 Assistant Commissioner of External Affairs, Patrick
21 Wehle.

22 We are pleased to be here to offer
23 testimony on Introductory Number 247, which increases
24 penalties for performing electrical work without a
25 license. Electrical work can be extremely dangerous,

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2 requiring specialized skill and expertise; therefore,
3 the department requires that electrical work be
4 performed by a licensed electrician or someone under
5 their direct supervision. To secure a license from
6 the department, an applicant must demonstrate several
7 years of experience and pass a written and practical
8 exam. Being licensed or working under a licensee
9 helps ensure that the work can be performed safely
10 and in compliance with the electrical code. Before
11 hiring an electrician, the department encourages the
12 public to check the department's website to ensure
13 the electrician is in fact licensed.

14 Intro 247 increases the criminal penalty
15 for performing electrical work without a license to a
16 maximum of \$25,000.00 and up to one year in prison.
17 Additionally, Intro 247 codifies in the
18 administrative code the minimum civil penalty
19 established through rule of \$4,800.00 for performing
20 electrical work without a license. The department
21 supports these increased penalties for performing
22 electrical work without a license, as they are more
23 in line with the severity of the offense.

24 Although not addressed in Intro 247, the
25 department also supports increasing additional civil

1 penalty for performing electrical work without a
2 permit. Working without a permit is typically
3 closely associated with unlicensed work, since a
4 licensee is required to obtain such a permit.
5 Currently under the electrical code, the maximum
6 additional civil penalty for electrical work
7 performed without a permit is 10 times the
8 application fee required to secure the permit. This
9 typically results in a penalty of approximately
10 \$1,000.00. The department proposes establishing a
11 minimum civil penalty of \$500.00 for one or two-
12 family homes and \$5,000.00 for all other occupancies,
13 which is in line with the severity of the offense
14 again, and in keeping with how the other construction
15 trades are treated. Together these increased
16 penalties will increase the likelihood that
17 electrical work is performed in a safe code compliant
18 manner throughout New York City.

19
20 Thank you for your attention and the
21 opportunity to testify before you today. We welcome
22 any questions that you may have.

23 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

24 Good morning, Chair Williams and members of the
25 Housing and Building Committee. My name is AnnMarie

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2 Santiago and I am the Assistant Deputy Commissioner
3 for the Office of Enforcement and Neighborhood
4 Services for the New York City Department of Housing
5 Preservation and Development. Here with me today is
6 Francesc Marti, Assistant Commissioner for Government
7 Relations.

8 Thank you for the opportunity to testify
9 today on Intros 116 and 648. Intro 648 would require
10 residential building owners to annually report to HPD
11 the previous year's bed bug activity in their
12 buildings. Property owners would also be required to
13 annually provide tenants with information on bed bug
14 infestations, if any, and prevention, detection and
15 removal methods if employed.

16 Intro 116 expands a rental building
17 owner's right of access. The bill grants owner's
18 access to enter a unit during evening and weekend
19 hours to make necessary repairs, improvements or
20 inspections.

21 The initial appearance of bed bugs in
22 residential buildings is not due to the poor
23 condition of the building or to the negligence of
24 either the owner or tenant. Generally, bed bugs are
25 brought into a building by an unsuspecting tenant,

1 who has inadvertently picked them up while traveling
2 or visiting other buildings. Once the bed bugs are
3 there, they may be difficult to remove, even if both
4 the tenant and owner are cooperative and hire
5 appropriate professionals.
6

7 Early detection is the key to properly
8 treating bed bugs; however, due to the stigma
9 associated with bed bugs, people often delay
10 reporting this condition, which causes the problem to
11 grow beyond easy remediation. Responsible property
12 owners take swift and thorough once they are notified
13 by a tenant that the conditions exist, which includes
14 checking for bed bugs in adjacent units.

15 Some owners, however, do not use
16 appropriate and thorough eradication methods, and
17 some tenants are not cooperative in doing their part
18 to help stop the spread of bed bugs throughout the
19 building. If appropriate measures are not take,
20 tenants may face infestations that make it completely
21 uncomfortable to reside at their home.

22 Currently, tenants who believe that they
23 have bed bugs can call 311 to file a complaint.
24 Those complaints are referred to HPD for inspection.
25 If the tenant allows an inspection with a bed bug

1 sniffing dog, HPD may send an inspection team
2 consisting of a housing inspector and a beagle. HPD
3 beagles are trained at an accredited facility where
4 they learn to detect live bed bugs for viable eggs,
5 and are retrained annually to ensure that the dogs
6 and their partners continue to work effectively
7 together. If the beagle identifies an infestation,
8 an HPD code enforcement inspector will confirm the
9 beagle's finding through a visual assessment and if
10 the inspector also finds bed bugs, then a violation
11 is issued. If we are unable to inspect a building
12 with a beagle, the housing inspector will do a visual
13 assessment.

14
15 HPD supports the council's intent in
16 Intro 648 of making more information available
17 regarding bed bug infestations that is helpful to
18 tenants. We believe the reporting system that the
19 council has in mind is technically feasible and look
20 forward to working with the council of the details of
21 such a program. HPD agrees that building owners
22 should provide information about bed bug infestations
23 to tenants and prospective tenants. Current law
24 requires notice to a prospective tenant who is
25 signing a vacancy lease in a manner approved by the

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2 state division of Homes and Community Renewal about
3 the property's bed bug infestation history for the
4 previous year.

5 Intro 648 requires owners of a
6 residential building to notify each tenant annually
7 about the number and percentage of apartments that
8 had a bed bug infestation in the prior year and the
9 number and percentage of apartments in which
10 eradication measures were employed during the
11 previous year. In addition, the landlords must
12 provide the tenant with information on bed bug
13 prevention, detection and removal methods. An
14 individual who owns or controls an apartment located
15 within a residential building must annually provide
16 the residential building owner with a bed bug
17 infestation history and eradication measures for his
18 or her apartment.

19 The HPD understands that requiring this
20 exchange of information about bed bug infestations
21 and general information about remediation procedures
22 would be helpful to ensure the early detection and
23 removal of bed bugs. Therefore, we have no concerns
24 regarding these requirements set forth in the bill.

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2 The bill also requires an owner of a
3 residential building to annually report to HPD
4 various data regarding the occurrence and remediation
5 of bed bugs: (1) The number of apartments with bed
6 bug infestation during the previous year. Second,
7 the percentage of apartments infested. Third, the
8 number of apartments in which bed bug eradication
9 measures were employed during the previous year and
10 for the percentage of apartments in which eradication
11 measures were employed.

12 HPD is required to make this information
13 publicly available no later than 30 days after
14 receipt. Implementing a bed bug reporting system
15 through HPD is technically feasible, but will require
16 additional staff and technological resources. A bed
17 bug reporting program will be considerably more
18 costly if it accepts paper submissions than if it
19 allows electronic filing only, since paper
20 submissions require staff to process the forms.
21 There will also be a programmatic encoding cost
22 associated with the electronic reporting component,
23 since HPD online would have to expand its system to
24 receive, process and display information that is not
25

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2 a violation and does not flow from the 311
3 complaints.

4 In addition, further discussion is
5 necessary about the consequences of public disclosure
6 of bed bug infestation information. Once information
7 on a property is publicly available, tenants who live
8 in buildings reporting bed bug infestations could be
9 stigmatized. Even within the building, tenants may
10 seek to discover "apartment zero" and issues may
11 arise among neighbors. For instance, HPD has
12 witnessed that tenants who make bed bug complaints
13 show reservations about allowing inspections. Often
14 when asked why they do not want the beagle to
15 inspect, tenants tell HPD that they do not want their
16 neighbors to know they have a possible bed bug issue.
17 HPD can only infer that tenants do not want to be
18 stigmatized and stigmatization does occur. Further,
19 owners of buildings with infestations may have
20 trouble renting apartments, even if appropriate
21 eradication measures were taken and were successful.
22 We know from our own experience that when there are
23 bed bugs in the workplace, as there have been in the
24 past at HPD and many other workplaces, there is
25 considerable anxiety about whether the person who may

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2 be responsible for bringing them in or should be
3 identified. One way we can limit stigmatization in a
4 bed bug reporting program is to limit the information
5 available to only the last annual filing.

6 Turning to Intro 116, HPD supports what
7 we believe is the council's intent in this
8 legislation: to allow owner access during evening
9 and weekend hours as long as the tenant provides
10 permission for such access. Extended hours can
11 benefit working tenants who wish to be home during
12 repairs, and also allows owners more flexibility to
13 make such expeditiously. HPD's current rule allows
14 landlords to access a dwelling unit or rooms during
15 the hours between 9:00 a.m. and 5:00 p.m. on weekdays
16 and does not allow access in the evenings or on
17 weekends and holidays unless the tenant agrees. The
18 owner and tenant are free to make arrangements to
19 conduct work after hours or on weekends as long as t
20 this arrangement works for both parties. HPD has no
21 objection to codifying in statute what is already
22 allowed in our rules; that owners can, with a
23 tenant's permission, access an apartment during
24 evenings and weekends. However, as currently drafted
25 Intro 116 limits a tenant's right to refuse entry if

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2 the owner asks to enter at a reasonable time and in a
3 reasonable manner during evening hours and weekends.
4 The bill in effect limits a tenant's choice in ways
5 that the council might not have intended. For
6 instance, if an owner reasonably requests entry on a
7 weekend evening, a tenant who may observe a religious
8 practice prohibiting certain activities at that time
9 would not be able to lawfully refuse entry.

10 We look forward to working with the
11 council on changes to the legislation that addresses
12 these concerns. We thank you again for the
13 opportunity to discuss ways to ensure that all New
14 Yorkers can live in safe and comfortable homes. We
15 would be happy to answer any questions you may have.

16 CHAIRPERSON WILLIAMS: Thank you for your
17 testimony. For those who are watching at home, this
18 may serve to be a boring hearing because it's not
19 very often where you completely agree with all of the
20 bills that we put forth and I believe with some
21 reasonable tweaks that should be put in place. So
22 thank you for that and we look forward to making
23 those tweaks to try to move this legislation forward.

24 But I'm going to allow my colleagues to
25 ask some questions first. We've been joined by

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2 Council Members Grodenchik and Rosenthal. Put five
3 minutes on for now and then we can come back if we
4 need to and we'll start with Council Member Crowley,
5 then Council Member Dromm.

6 COUNCIL MEMBER CROWLEY: Thank you again,
7 Chair Williams. Good morning to the administration.
8 I have questions mainly about the Intro that I
9 sponsored, 247. So I'm going to ask a little bit
10 about current enforcement of the law, while we both
11 agree, which is good, that it's not strong enough,
12 does the Department of Buildings have enough
13 inspectors right now to go out and to make sure that
14 we're at least finding when there are unlicensed
15 electrical contractors working on sites in the city?

16 ASSISTANT COMMISSIONER HYLTON: Yes,
17 Council Member. Actually the Department of Buildings
18 operates mainly on complaints and so whenever there
19 is a complaint about unlicensed work that is what we
20 call an A complaint, meaning it gets the top
21 priority. Within 24 hours we respond.

22 COUNCIL MEMBER CROWLEY: And how many
23 violations are given out average a year?

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2 ASSISTANT COMMISSIONER HYLTON: On the
3 average for the past three years we have done roughly
4 around 8,200 violations.

5 [interposing]

6 COUNCIL MEMBER CROWLEY: Wow.

7 ASSISTANT COMMISSIONER HYLTON: 820
8 violations every year...

9 [crosstalk]

10 COUNCIL MEMBER CROWLEY: Okay.

11 ASSISTANT COMMISSIONER HYLTON: On the
12 average.

13 COUNCIL MEMBER CROWLEY: Right.

14 ASSISTANT COMMISSIONER HYLTON: Sorry,
15 yes.

16 COUNCIL MEMBER CROWLEY: Uhm...

17 [interposing]

18 ASSISTANT COMMISSIONER HYLTON: For
19 unlicensed work.

20 COUNCIL MEMBER CROWLEY: Do you stay in
21 touch with the Fire Department after there are fires
22 to understand how often it is the electrical work
23 that causes the fire to happen?

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2 ASSISTANT COMMISSIONER HYLTON: I don't
3 believe we stay around really after a fire. The
4 fire...

5 [crosstalk]

6 COUNCIL MEMBER CROWLEY: To like
7 investigate it.

8 ASSISTANT COMMISSIONER HYLTON: Right,
9 right. After the fire, the Fire Department would
10 typically investigate the buildings. The Fire
11 Marshall would typically take some time to conduct an
12 investigation and if, in fact, they do find
13 unlicensed or that electrical work was done
14 unlicensed, I would suppose that the proper thing for
15 them to do would have been to notify us, Department
16 of Buildings of their findings and then we would take
17 action, but I cannot tell you any specifics of what's
18 happened in prior investigations.

19 COUNCIL MEMBER CROWLEY: It's a leading
20 cause of fires; faulty electrical wires, not that it
21 happens to be caused by an unlicensed contractor and
22 we don't know that information.

23 ASSISTANT COMMISSIONER HYLTON: Right.

24 COUNCIL MEMBER CROWLEY: Because I don't
25 think that level of investigation actually occurs.

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ASSISTANT COMMISSIONER HYLTON: Right.

COUNCIL MEMBER CROWLEY: But it's important to stop it before it happens.

ASSISTANT COMMISSIONER HYLTON: Yes.

COUNCIL MEMBER CROWLEY: And are you finding that the finding of unlicensed contracting work is happening more in one sector versus another; such as like residential versus commercial?

ASSISTANT COMMISSIONER HYLTON: I am not able to answer that right now.

COUNCIL MEMBER CROWLEY: Okay.

ASSISTANT COMMISSIONER HYLTON: From the information we have. We'd have to run some data for you.

COUNCIL MEMBER CROWLEY: Based on what you said about the permits, it seems that a lot of the times when there are contractors operating without a permit, it is happening in a smaller setting just because that it makes sense to put in a stiffer penalty for those operating without a permit.

ASSISTANT COMMISSIONER HYLTON: Right, because we think... well, you know automatically if you're doing work without a license, you're also violating another section because you couldn't have

1 obtained a permit for such work. What we are saying
2 is that they go hand in hand and we typically will
3 hold the owners of buildings responsible for not
4 having a permit for work being done on their
5 buildings, so if we create that disincentive for
6 owners to hire unlicensed workers, that would also
7 then help control this type of behavior because we
8 would have to actually catch this unlicensed person
9 doing the work to be able to know who to write this
10 violation to, but oftentimes we can also... if we are
11 able to hold the owner responsible for doing the work
12 and allowing the work to be done in their buildings..

14 [interposing]

15 COUNCIL MEMBER CROWLEY: Mm-hm.

16 ASSISTANT COMMISSIONER HYLTON: Then I
17 think that would also go hand in hand in making the
18 enforcement of this provision a little stronger.

19 COUNCIL MEMBER CROWLEY: Now when you
20 have people calling in about unlicensed work or
21 suspicion of such, have you seen an increase in
22 volume with the increase of construction happening in
23 the city?

24 ASSISTANT COMMISSIONER HYLTON: There
25 have been... you know, I don't know the actual

1 percentage of increase right now offhand in
2 construction activity percentages, but over the last
3 three years we have had a steady increase in
4 complaints of unlicensed electrical work. For
5 example, in 2014, there were 89 such complaints and
6 so far to date we have 172.

8 COUNCIL MEMBER CROWLEY: Oh, wow.

9 ASSISTANT COMMISSIONER HYLTON: So that
10 is at least double the amount, so we are steadily
11 increasing.

12 COUNCIL MEMBER CROWLEY: So can New
13 Yorkers rest assure that when a call is made [chime]
14 that a response happens within a reasonable amount of
15 time and what would that reasonable amount of time?

16 ASSISTANT COMMISSIONER HYLTON: That is
17 24 hours, yes.

18 COUNCIL MEMBER CROWLEY: Within 24 hours.

19 ASSISTANT COMMISSIONER HYLTON: Yes.

20 COUNCIL MEMBER CROWLEY: Thank you.
21 Thank you, Chair.

22 CHAIRPERSON WILLIAMS: Council Member
23 Dromm?

24 COUNCIL MEMBER DROMM: Thank you very
25 much, Chair Williams, and I too am glad that

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2 generally we're in agreement on my piece of
3 legislation, 648. I'm just curious to know if you
4 know how many bed bug complaints there were for the
5 last couple of years.

6 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

7 So there have been around 9,500 complaints a year
8 [inaudible]

9 [crosstalk]

10 COUNCIL MEMBER DROMM: 9,500?

11 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

12 Mm-hm.

13 COUNCIL MEMBER DROMM: Okay and what's

14 the biggest challenge for you regarding when an
15 apartment has been reported to have bed bugs and how
16 can we improve that?

17 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

18 We conduct inspections in response to every
19 complaint. We contact a tenant first and we try and
20 make that arrangement if we're sending the dogs. You
21 know, tenants are very fearful that they might have
22 bed bug complaints and so there is a lot of anxiety
23 around the inspection. I think providing more
24 information is absolutely helpful. We do hand out
25 during our inspections the Department of Health

1 pamphlet, which is also available on their website,
2 to also try and assist the tenants to understand what
3 they can do to help themselves. So providing the
4 information, as you said, prevention is key.
5 Knowledge is key. Knowing what to look for and how
6 to treat it is the way to address bed bugs.

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8 COUNCIL MEMBER DROMM: Just one issue I'd
9 like to bring up publicly that has been brought to my
10 attention is that I get sometimes phone calls from
11 seniors who have a bed bug infestation and they want
12 to cooperate and end it, but they have a difficult
13 time moving furniture.

14 ASSISTANT DEPUTY COMMISSSIONER SANTIAGO:
15 Mm-hm.

16 COUNCIL MEMBER DROMM: And I kind of just
17 want to throw it out there. I don't know what the
18 solution really is...

19 [interposing]

20 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:
21 Mm-hm.

22 COUNCIL MEMBER DROMM: To that problem,
23 but that remains an obstacle to many people who can't
24 actually physically move furniture to get at the
25 infestation.

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Yeah and we've heard that also. Other types of folks who are unable to comply on the tenant side who do want assistance. We have worked with DFTA on occasion. There are some community organizations that are very willing to come in and help tenants pack their things because for the treatment you do need to have kind of a clear space, so that is a continual struggle.

COUNCIL MEMBER DROMM: You mentioned community organizations. Do you know which ones?

ASSISTANT DEPUTY COMMISSIONER SANTIAGO: We can see if we can put together a list of ones we've worked with in the past.

COUNCIL MEMBER DROMM: That would be helpful, yeah. Thank you.

ASSISTANT DEPUTY COMMISSIONER SANTIAGO: You're welcome.

COUNCIL MEMBER DROMM: That's it. Thank you.

CHAIRPERSON WILLIAMS: Thank you. I do have one question. What's the current bed bug notice requirements that owners are required to give to tenants?

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

The notice that they're required to give is the Division of Homes and Community Renewal. That's the DHCR notice. That's a notice only on lease up of an apartment, so that is not an annual notice.

CHAIRPERSON WILLIAMS: So you use beagles. Does that mean Roscoe is a beagle? Is he a...

[crosstalk]

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

He is, yeah.

CHAIRPERSON WILLIAMS: Wow, okay.

[laughter] I guess that's good to know. We're going to go to Council Member Rosenthal, who I believe is going to say how much she loves the bill I've put forth.

COUNCIL MEMBER ROSENTHAL: Thank you so much, Chair Williams and thank you for that lay up and your dry sense of humor. [laughter] I really have a lot of problems with this bill, one... what is it? 116? 116 and I'm really surprised that HPD would be willing to entertain it and work on it with Chair Williams. I think it, from the perspective of a tenant, flies in the fact of Tenant Protection.

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Mm-hm.

COUNCIL MEMBER ROSENTHAL: Uhm...

[interposing]

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Can... if I could just take a minute to...

[crosstalk]

COUNCIL MEMBER ROSENTHAL: Did I mishear...

[crosstalk]

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Clarify...

[crosstalk]

COUNCIL MEMBER ROSENTHAL: You?

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Our... yeah, our position. So we already have in our rules the right for owners to access between 9:00 and 5:00 on weekdays or if the tenant and the landlord agree to some other agreeable time on weekends or in the evenings, but there's no requirement for tenants to provide access during those times and I think our testimony is basically saying that we're also concerned about how this bill is written because it would seem to imply that tenants then are required to provide access on these other times, and I think we

1
2 would be interested to work with the council based on
3 what the intent of the bill was to rephrase it to be
4 more like what we have in our rules.

5 COUNCIL MEMBER ROSENTHAL: Thank you for
6 that. I'm not sure I even like the idea of codifying
7 I mean or...

8 [interposing]

9 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:
10 Yeah and again, we're perfectly happy with how our
11 rules are working. We have not had a lot of pushback
12 from either owners or tenants about it being
13 problematic. If it can stay in the rules, that would
14 be preferable for us as well, but if there is a
15 desire to codify something, then we would prefer to
16 again reference our rules as the appropriate piece
17 and I...

18 [crosstalk]

19 COUNCIL MEMBER ROSENTHAL: And similarly,
20 I would reference only the 9:00 to 5:00 part of the
21 rule if I were codifying. There are multiple
22 horrifying cases. Constituents come into my office
23 and tell me about uninvited visits from their
24 building owners who are the building owner super or
25 worker who really just terrorize the tenants and the

1
2 notion that we could be opening the door or somehow
3 sending the signal that people coming in the evening
4 as well is not good.

5 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

6 Mm-hm.

7 COUNCIL MEMBER ROSENTHAL: I'm sure those
8 are... I mean of course, the work has to be done and of
9 course, the timing has to be agreed to by both
10 parties, but I hear less frequently about situations
11 where there is agreement about when the super comes
12 and more about supers or just local thugs coming into
13 an apartment with or without tenant agreement and
14 breaking sinks, toilets, walls and in general you
15 know, intimidating, particularly if it's a female you
16 know, including physical intimidation on the tenant.
17 So this one makes me exceedingly nervous. I would
18 almost... I mean if we're going to open the door on
19 this, I'd be interested in hearing from the advocates
20 about ways in which we could protect tenants more
21 again, keeping in mind that repairs... honest repairs...

22 [interposing]

23 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

24 Mm-hm.

25

1
2 COUNCIL MEMBER ROSENTHAL: Need to be
3 done, of course, in any home and you know, an honest
4 tenant and an honest landlord will certainly find
5 ways...

6 [interposing]

7 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

8 Mm-hm.

9 COUNCIL MEMBER ROSENTHAL: Building owner
10 will certainly find ways to make that happen you
11 know, to the extent to which we can close the door
12 even more to protect tenants. That is something I'd
13 be really interested in seeing and that I'm sure the
14 Chair would be open to, and I say that with a full
15 heart because I know that his interest in of course,
16 looking out for the building owners, but keeping
17 front and center the tenants. I don't know if you
18 have any ideas along those lines.

19 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

20 You know, and again, this type of criminal behavior
21 is you know, set aside I think. We have heard a
22 desire from some tenants for that language about
23 weekends; allowing it if it's agreed to because some
24 tenants don't want to take off during those hours...

25 [interposing]

COUNCIL MEMBER ROSENTHAL: Sure, sure.

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Between 9:00 and 5:00 and so they do [chime] need kind of that flexibility to work with the property owner if they're available nights or weekends and they can be there to see the work because they also don't want people coming in to do the work when they're not home, so we usually get...

[crosstalk]

COUNCIL MEMBER ROSENTHAL: And it sounds like your rules accommodate that, yeah.

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

And that's what... exactly.

COUNCIL MEMBER ROSENTHAL: Okay.

ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

Thank you.

COUNCIL MEMBER ROSENTHAL: That's very helpful. Thank you and thank you, Chair Williams.

CHAIRPERSON WILLIAMS: Thank you, Council

Member Rosenthal. We love democracy and transparency here, so I'm glad that we are able to have this discussion and if I was to use my ESP, I would believe that advocates would probably share your concerns and we'll be hearing from them shortly. And

1
2 I, of course, share some similar concerns and I was
3 very happy with the recommendations that HPD made. I
4 obviously don't want to make it worse on tenants. I
5 was going off of experiences that I've seen
6 personally where it's difficult to get repairs done.
7 I wanted to make sure we have maximum amount of
8 accessibility for owners to get those repairs, but I
9 welcome all the feedback. We don't want to have
10 unintended consequences. That's one of the good
11 reasons of having hearings like this.

12 I did have just a couple questions and
13 then I don't believe we have anyone else lined up.
14 So you mentioned a little bit just... well, how does
15 HPD enforce the times in which owners may access an
16 apartment now? Does HPD issue violations? How many
17 were issued and how many complaints received, if any,
18 about owners who weren't able to make access?

19 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:
20 So we don't generally get involved in the owner-
21 tenant issues about access. Where we do get involved
22 is we also are responsible to do emergency repairs.

23 CHAIRPERSON WILLIAMS: Mm-hm.

24 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:
25 So in those case we do hear from tenants or owners

1
2 about accessibility issues. Our Emergency Services
3 Bureau, who contacts property owners after a Class C
4 violation is issued does try to negotiate that, and
5 in most cases they're very successful. The access
6 issues that we mostly see are not around the time of
7 day though. Most of the issues are the tenant and
8 the owner have some personal you know, external issue
9 between them that doesn't really involve the time of
10 day that the owner's going to come. It's whether the
11 owner's going to come at all and how the repairs are
12 going to be done. So we haven't really seen
13 accessibility as a main issue causing repairs to not
14 be completed.

15 CHAIRPERSON WILLIAMS: So accessibility
16 of time you mean hasn't necessarily...

17 [interposing]

18 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

19 Yeah, exactly.

20 CHAIRPERSON WILLIAMS: So you don't think
21 that...

22 [crosstalk]

23 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:

24 The time factor hasn't...

25 [crosstalk]

1
2 CHAIRPERSON WILLIAMS: Changing the time
3 may not address the issues that you feel...

4 [interposing]

5 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:
6 Not the issues that we see when we do see issues
7 between owners and tenants and getting repairs done.

8 CHAIRPERSON WILLIAMS: Okay, thank you.
9 Okay, alright, I think that is it.

10 ASSISTANT DEPUTY COMMISSIONER SANTIAGO:
11 Great. Thank you.

12 CHAIRPERSON WILLIAMS: You're welcome.
13 Thank you very much for the testimony and the work
14 you're doing. I really appreciate it.

15 [Pause]

16 CHAIRPERSON WILLIAMS: So far we have two
17 panels. The first one will be Alex Gleason from the
18 Central Labor Council; Ben Arana from Local 3
19 I.B.E.W.; Carol Kleinberg, Association of Electrical
20 Contractors; Stephen Gianotti, Electrical Contractors
21 Association; Sal Ferrarra, Chapter of Electrical
22 Inspectors; Humberto Restrepo, Joint Industry Board
23 of the Electrical Industry. We have one more panel
24 after and that will be Ellen Davidson; Mohamad A.
25 Mohamad and Donald Ranshte.

1
2 That's all that we have signed up to
3 testify, so if anyone else wants to testify, please
4 feel free to fill out a slip.

5 [Pause]

6 CHAIRPERSON WILLIAMS: [background
7 conversation] Can all of you please raise your right
8 hand? Do you affirm to tell the truth, the whole
9 truth in your testimony and answer honestly to
10 council member question?

11 You can begin testimony in the order of
12 your preference. You'll have two minutes on the
13 clock for you to do your testimony and then we'll
14 answer questions after.

15 [Pause]

16 ALEX GLEASON: Good morning. My name is
17 Alex Gleason and I am the Policy Associate at the New
18 York City Central Labor Council AFL-CIO. Comprised
19 of 1.3 million workers across 300 affiliated unions,
20 the New York City Labor Council AFL-CIO strongly
21 supports Intro Number 247-2014, imposing civil
22 penalties for unauthorized electrical work. Intro
23 Number 247-2014 safeguards the city from adverse
24 consequences of improperly installed and maintained
25 electrical systems, protecting workers, tenants,

owners and communities from dangerous practices.

Intro Number 247-2014 states a common sense floor on safety standards and ensures electrical work is of the highest caliber and quality.

It is rational and intelligent for New York City to codify the necessity of a license to complete electrical work. As the National Electrical Manufacturing Association states in a recent issue of their publication, *Electroindustry Magazine*, unlicensed electricians "may avoid pulling permits or obtaining inspections prior to energizing electrical equipment. Further, unlicensed individuals are not likely to have required insurance coverage. The potential risks and hazards associated with work performed by unlicensed individuals are great."

Guidance offered by business experts in the industry fields compliments the advice *ABC News* gives homeowners, stating, "If an unlicensed contractor nails you, you have next to no recourse. There's no license that can be taken or threatened or their livelihood. If you complain about him, he'll just change his name and do it under another business."

Regardless of perspective or interest, there is

1
2 consensus hiring an unlicensed contractor can cause
3 financial havoc.

4 The trusted, comprehensive training
5 programs of IBEW Local 3 have ensured New York City
6 is equipped with well-educated screened licensed
7 electrical workers. Successful labor management
8 partners and training funds between Local 3 of the
9 Association of Electrical Contractors and the New
10 York Contractors Association ensures both the workers
11 and employers take appropriate [chime] steps and
12 protocol to ensure safe job sites and completed
13 projects.

14 Intro Number 247-2014 is an opportunity
15 to protect workers and the general public. The
16 codification for licensing electrical work will
17 incentivize high-road construction and contracting
18 practices, while protecting the public from both
19 practical [chime] impact and electrical safety, as
20 well as implicit costs associated with off-the-book
21 low-road construction. The New York City Central
22 Labor Council AFL-CIO urges the passage of Intro
23 Number 247-2014 and thank you for your time.

24 BENJAMIN ARANA: Thank you, Committee
25 Chair, Jumaane D. Williams and committee members for

1 holding this hearing and giving me the opportunity to
2 testify on behalf of Local Union #3 International
3 Brotherhood of Electrical Workers. My name is
4 Benjamin Arana and I am a business representative for
5 Local Union #3.
6

7 Local Union #3 IBEW strongly supports
8 Intro 247-2014. This legislation will protect the
9 safety and well-being of all New York City residents
10 by increasing both civil and criminal penalties for
11 the performance of unlicensed electrical work.

12 Intro 247-2014 is vital to helping ensure
13 that buildings are constructed safely in New York
14 City, and is similar in intent to legislation that
15 has been introduced before the council regarding
16 safety concerns related to gas explosions that have
17 occurred in the past two years. By increasing civil
18 and criminal fines, Intro 247-2014 will create a
19 strong disincentive for individuals who engage in
20 unlicensed electrical work, which is a growing
21 problem in New York City, especially on smaller jobs
22 in the outer boroughs.

23 Simply put, performing unlicensed
24 electrical work can cause fires. Since there is no
25 way to determine the competence, training, safety

1
2 procedures of or insurance held by unlicensed
3 electricians, consumers engaging such individuals or
4 businesses are taking a big risk. Of additional
5 concern, unlicensed electrical contractors may use
6 undocumented workers and not pay proper payroll and
7 income tax, as well as applicable permit fees and
8 workers compensation insurance. Unlicensed
9 electricians may not comply with applicable local
10 energy codes, equal employment opportunity laws and
11 other federal, state and city requirements that
12 licensed electricians comply with as a matter of
13 course. This legislation addresses that problem.

14 Intro 247-2014 [chime] updates the
15 outdated penalty provisions of the electrical code by
16 allowing for the imposition of stiffer civil and
17 criminal fines for unlicensed electrical work;
18 [chime] perhaps most important, by allowing for the
19 imposition of much heavier fines for the first
20 offense. By passing Intro 247-2014, the council will
21 send a strong message to the contracting community
22 that unsafe, unlicensed work will not be tolerated in
23 New York City. Intro 247-2014 can help save lives.

24 Local Union #3 helps build New York,
25 serves our communities in times of crisis, provides

1
2 opportunities for minority and women-owned business
3 and promotes the highest standards of worker safety
4 in the industry. For these reasons Local Union #3
5 strongly supports Intro 247-2014 and urges its
6 passage into law. The residents of New York deserve
7 nothing less. Thank you.

8 STEPHEN GIANOTTI: Good morning, Chair
9 Williams, members of the committee. I am Stephen
10 Gianotti, President of New York Electrical
11 Contractors Association, New York's leading trade
12 association of electrical contractors.

13 New York Electrical Contractors strongly
14 supports Intro 247, which updates criminal penalties
15 to make them consistent with the sections of the
16 Administrative Code pertaining to many other licensed
17 construction trades, and adjusts existing civil
18 penalties to the current DOB fine schedule for
19 violations for performing unlicensed electrical work.

20 New York City is experiencing a
21 construction boom, and as a direct result is also
22 experiencing an increase in unlicensed electrical
23 work. Not only does this violate the law, it
24 jeopardizes the health and safety of all new Yorkers.

1 The problem can take one of two forms.
2
3 First, an unlicensed person performs electrical work
4 or second, a licensed contractor firm farms his
5 license out to an unlicensed individual. Either way,
6 the result can be substandard work that can cause
7 fires and cost lives.

8 There have been many instances of fires
9 and deaths in New York City, likely caused by faulty
10 electrical work. Addressing the risks of taking
11 these kinds of shortcuts after a deadly gas explosion
12 earlier this year, Manhattan DA Cyrus Vance said, and
13 I quote, "Development, construction and renovation is
14 happening all across new York City. Financial
15 incentives for property owners to take shortcuts have
16 never been stronger. Our message is simply this:
17 they have to resist temptation to take these
18 shortcuts. When you tinker around with gas systems
19 and electrical hook up, you have in effect weaponized
20 that building."

21 Unlicensed individuals also neglect to
22 pay proper taxes and insurance, and fail to comply
23 with other important laws and regulations. Using
24 these unlicensed workers means taking a big risk for
25 the consumers.

A few brief comments on the bill.

[chime] Section 1 increases civil penalties, which could act as a real deterrent; however, several council members have expressed concern that Intro 247 eliminates the three-tier of structure found in present law, [chime] but the bill tracks them verbatim. The criminal penalties in Section 28-203.1 of the business Admin Code, which governs the other Title 28 Chapter 4 businesses, trades and occupations. So the approach in this bill, as written, actually makes a lot of sense, but if you decide to change the bill to maintain the present three-tier set-up, the minimum and maximum penalty ranges should be increased dramatically and should be increased significantly from present levels. Section 2 increases civil penalties from \$1,000.00 to \$4,800.00 for the first offense by tracking the current DOB schedule of violations, which is logical and consistent.

We therefore support this section of the bill as written. By increasing penalties for falsifying a permit application, Intro247 helps dissuade people from farming out their license, another positive result. The bill will also help

1
2 MWBE contractors because unscrupulous and unlicensed
3 individuals are now stealing their work.

4 We thank the 24 council members who have
5 already signed on as co-sponsors to Intro 247, as
6 well as the other groups testifying, representing
7 Union, non-Union, management, labor and other
8 industries.

9 On behalf of more than 135 members of the
10 New York Electrical Contractors Association, I thank
11 you for the privilege of speaking today and allowing
12 us to submit more detailed written testimony for your
13 further consideration.

14 I'm happy to answer all questions and
15 thank you very much. [background conversation]

16 CAROL KLEINBERG: Hi. Good morning. I
17 want to thank Elizabeth Crowley and the council in
18 advance, just in case I forget, and I would like to
19 introduce myself. My name is Carol Kleinberg and I
20 am the owner and CEO of Kleinberg Electric, a
21 certified WBE firm that I started in 1979. My
22 company specializes in complex transportation and
23 infrastructure projects performed mostly for city and
24 state agencies.

1
2 I am speaking today as President of the
3 Association of Electrical Contractors, an
4 organization of about 100 electrical contractors and
5 suppliers. The AEC is active in the five boroughs
6 and affiliated with the IBEW Local Union #3 and the
7 New York City Chapter of the National Association of
8 Electrical Contractors. I was also recently elected
9 to be President of the New York State Association of
10 Electrical Contractors, but I am most proud to be the
11 chairperson of the Joint Apprenticeship and Training
12 Committee of Local Union #3, which oversees over our
13 union's best in class Apprentice Education Program.
14 I am the first woman to break through the glass
15 ceiling to chair this most important labor management
16 committee and to lead two major trade associations in
17 our industry.

18 There are many barriers in the path to a
19 successful business ownership that are challenging to
20 overcome. I have spent my entire life as a female
21 and have worked hard to promote the idea that
22 legitimate women-owned small businesses should have a
23 fair opportunity to compete against the big guys for
24 electrical construction contract opportunities.
25 Fortunately, my union is committed to inclusiveness.

1
2 Local Union #3 does not tolerate any form of
3 discrimination, sexism or racism.

4 But now we are facing the specter of also
5 competing for these against unlicensed electrical
6 shops, who spend little or nothing for skills and
7 safety training that we unionized contractors pay
8 millions for in total. If an electrical contractor
9 has no license, there is [chime] no way to know
10 whether the company has a record of performing safe,
11 competent and reliable work. The firm may have no
12 insurance. They may not be paying for workers
13 compensation. The electricians may not be familiar
14 with electrical code or could even knowingly cut
15 corners to skirt code compliance, increasing dangers
16 [chime] to themselves and the public.

17 The unionized electrical industry spends
18 a great deal of money on safety through our state
19 certified apprenticeship school, that I have helped
20 oversee, and our continuing education for training
21 programs. All our member contractors are licensed
22 and our electricians are trained and skilled at their
23 jobs, thanks to the labor management partnership with
24 Local Union #3.

1 On the other hand, untrained electrical
2 workers, employed by unscrupulous open shop,
3 unlicensed contractors frequently become part of an
4 underground economy. They may end up hurt and
5 treated in emergency room at taxpayer expenses
6 because their employers do not appropriately take
7 safety measures. They often put the general public
8 at great risk because they do not know how to work safely.

9 It is critical that we modernize the
10 outdated penalty provisions of the electrical code by
11 providing stiffer fines for unlicensed electrical
12 work. This will more effectively deter unsafe
13 contractors from performing such dangerous work.
14 Therefore, I urge you to support enactment of Intro
15 247. It's important. Thank you.

16 HUMBERTO RESTREPO: Good morning, Chair
17 Jumaane Williams and distinguished committee members.
18 My name is Humberto Restrepo. I thank you for the
19 opportunity to testify at this hearing on behalf of
20 the Joint Industry Board of the Electrical Industry.

21 The Joint Industry Board of the
22 Electrical Industry strongly supports Intro 247, a
23 Local Law to amend the Administrative Code of the
24 city of New York in relation to criminal and civil
25

1
2 penalties for the performance of unauthorized
3 electrical work.

4 The JIB is a labor management
5 organization founded in 1943. It is comprised of
6 Local Union #3 of the International Brotherhood of
7 Electrical Workers and the New York Chapter of the
8 National Electrical Contractors Association and the
9 Association of Electrical Contractors. The JIB is
10 the ERISA administrator for a family of multi-
11 employer benefit plans serving Local Union #3 and its
12 affiliated contractors in the Greater New York City
13 area.

14 On April 12 of 2016, the Housing and
15 Buildings Committee held a public hearing on a
16 package of bills that addressed safety issues and
17 other concerns with gas explosion, gas piping
18 systems, gas-related violations and commercial in
19 residential buildings, and called for annual reports
20 on the state of New York City's gas infrastructure.
21 Similarly, the performance of unauthorized electrical
22 work is no less a safety threat or hazardous
23 condition.

24 It is imperative that the Housing and
25 Buildings Committee support and recommend the

1
2 enactment of Intro 247. Intro 247 increases the
3 maximum criminal fine, as well as lengthens the terms
4 of imprisonment that may be imposed from six months
5 to one year. Additionally, it codifies the civil
6 penalty for first time violations. The enactment of
7 this sensible bill will serve as a strong deterrent
8 to the performance of electrical work by unlicensed
9 contractors. The imposition of the recommended
10 criminal fines and civil penalties will go a long way
11 in ensuring the safety of the public and the proper
12 installation of electrical work as per New York
13 City's stringent electrical code.

14 The Joint Industry [chime] Board of the
15 Electrical Industry urges the passage of Intro 247.
16 Its enactment will send a clear signal that New York
17 City will impose severe penalties and fines on
18 unlicensed contractors [chime] that put the safety of
19 the public at risk. Thank you very much.

20 SAL FERRARA: Chairman Williams, members
21 of New York City Committee on Housing and Buildings,
22 good morning. My name is Sal Ferrara. I'm the
23 Chairman of the New York City Chapter of Electrical
24 Inspectors and also as an electrical code expert.

1
2 I'm here this morning on Intro 247-2014,
3 which increases criminal and civil penalties for
4 performing unlicensed electrical work in New York
5 City. My message is very simple. Can anyone perform
6 surgery on a person? The answer is no. You must go
7 through many years of education to understand how to
8 perform a particular surgery. This is true for the
9 master electrician. Let me explain two important
10 definitions so you understand our industry that will
11 help you better understand why there should be
12 penalties for unlicensed electrical work.

13 First, in the New York City
14 Administrative Code Title 27 3004, master
15 electrician's license. What exactly is a master
16 electrician? The license issue; and here's the
17 definition: the license issued to an individual who
18 has passed the required examination and test and who
19 otherwise qualifies for the insurance of such license
20 pursuant to this chapter. An individual who holds a
21 license shall be known as a master electrician. Then
22 we have in the New York City 2011 code a qualified
23 person: one who has skills and knowledge related to
24 the construction and operation of electrical
25 equipment and insulation and has received safety

1 training to recognize and avoid the hazards that are
2 involved.

3
4 What does this mean? We'll keep it
5 simple. Suppose someone other than a master
6 electrician, especially an unlicensed contractor,
7 installs a ceiling fan in your living room of a
8 dwelling unit. I'm going to cite 10 violations... 10
9 code requirements that should be performed to install
10 that ceiling fan safe, so there's requirements to
11 install just a ceiling fan box, and I'm going to go
12 through them very simple in one minute.

13 110.2 approval for material; [chime]
14 110.3 examination, identification, installment of
15 equipment must be listed and labeled; 314.27 the
16 outlet box, make sure that [chime] the paddle fan or
17 the ceiling fan... the box can hold the weight of the
18 ceiling fan; 314.16 how many conductors can you put
19 in that outlet box; 250.148 how do you ground, how do
20 you bond everything with the electrical continuity
21 for safety for a ground fold; 300.2 what are the
22 temperatures of the conductors inside that outlet
23 box; 300.11 securing and supporting the cable
24 assemblies; 300.14 how many inches of wire has to be
25 out of that outlet box; 210.24 knowing the right size

1 wire. In New York City there's an amendment you've
2 got to use number 12 wire. And the last, but not
3 least 110.12 mechanical execution, electrical work
4 shall be installed in a neat and workman like manner.
5

6 As you can see, installing a ceiling fan
7 requires someone with knowledge and experience, not
8 someone that is unlicensed. Thank you.

9 CHAIRPERSON WILLIAMS: Thank you very
10 much for all of your testimony. We have questions
11 from two council members. We'll give five minutes
12 each. We've been joined by Council Members Torres
13 and Salamanca. We have questions from Council Member
14 Crowley and Rosenthal. We'll start with Council
15 Member Crowley.

16 COUNCIL MEMBER CROWLEY: Thank you,
17 Chair. Today is very much a Buildings hearing, but I
18 chair the Fire and Criminal Justice Committee at the
19 City Council, so this bill is very important to that
20 committee as well because I do believe that we're
21 really raising awareness of just how hazardous and
22 dangerous it is for electrical contractors to be out
23 there pretending to be contractors when they're not
24 licensed and I don't think we know the extent of just
25 how much harm happens each and every day when we have

1 an industry where you have so many people out there
2 performing this type of work that don't have the
3 right to do that, and we heard it from the Department
4 of Buildings; just more and more contractors are
5 pretending to be licensed and I want to thank this
6 panel for coming in today, for testifying and for the
7 work that you do, especially Miss Kleinberg as a
8 woman chairing a labor management committee. I want
9 to thank you for your commitment to the industry and
10 also for the members who are trained in safety first
11 because safety is so important, not only for the job
12 sites, but for what happens when the construction
13 site is no longer a construction site and is a
14 habitable building or a workplace. So we need to
15 make sure that safety is always first and I thank you
16 again for being here.

18 CHAIRPERSON WILLIAMS: Thank you, Council
19 Member. Then Council Member Rosenthal followed by
20 Council Member Grodenchik. We have been...

21 [crosstalk]

22 COUNCIL MEMBER ROSENTHAL: [inaudible]

23 CHAIRPERSON WILLIAMS: Joined by Council
24 Members Espinal and Levine.

1
2 COUNCIL MEMBER ROSENTHAL: I also don't
3 have a question. I just want it on the record that I
4 am signed onto this bill 247, even though it doesn't
5 show it in the committee report, so I'm proud to be
6 one of the 24 who's co-sponsoring this bill. It's
7 incredibly important for tenants and for residents
8 throughout the city and I really appreciate
9 Councilwoman Crowley for introducing this bill,
10 keeping your eye on the ball and you know, just
11 absolutely in the right place, so thank you very
12 much.

13 CHAIRPERSON WILLIAMS: Thank you.
14 Council Member Grodenchik.

15 COUNCIL MEMBER GRODENCHIK: Thank you,
16 Mr. Chair. I want to thank the people from the Joint
17 Industry Board, which I have a long and very proud
18 history with. I was recently honored to be at the
19 opening of the Local 3 Training Center in Long Island
20 City and I wonder... I'll ask one of you to talk about
21 the investment that Local 3 and the Joint Industry
22 Board made to ensuring that the people; the men and
23 women of Local 3; the journeymen who travel around
24 our city every day, how much of an investment was
25 made? Can you tell us?

1
2 CAROL KLEINBERG: [off mic] For the
3 Training Center?

4 COUNCIL MEMBER GRODENCHIK: Yeah.

5 CAROL KLEINBERG: For the Training Center
6 it was so far around \$43 million and it's not quite
7 finished yet, but it's an incredible amount of money
8 that we spend based on the fact that so many things
9 have changed in our industry, whereas that we have to
10 do so much more; so much different type sophisticated
11 work and so we've done everything possible, including
12 the safety programs that we have in other areas. The
13 Union is very, very committed to safety and we make
14 sure that our people go on the jobs in proper hazmat
15 uniforms. They go on the jobs; they know that they
16 have to wear work boots and hard hats and vests. Our
17 men and women are very, very committed and I just
18 want you to know the fact that we want to ensure
19 their safety as much as we want to ensure the safety
20 of the people that we represent; you know, builders
21 and the developers and whatever. So I just want you
22 to know that, and I'm very proud of the Training
23 Center because not only are we doing training in just
24 one area, but we're teaching them how to go on the
25 safety tracks in transit. We put tracks in the

1 building. We put an elevator shaft in the building.
2 We have a residential house in the building now that
3 you know, they just know that they're being taught
4 exactly what needs to be done and they're tested and
5 we also put them through college and they walk out of
6 that training in five and a half with an Associate's
7 degree, so we're getting the educated electrician as
8 well.
9

10 COUNCIL MEMBER GRODENCHIK: I want to..

11 [crosstalk]

12 CAROL KLEINBERG: Thank you.

13 COUNCIL MEMBER GRODENCHIK: I want to
14 thank you for that information. Do you know how
15 many.. I don't know, Mr. Chair, if we have been given
16 the statistics on how many fires a year are started
17 thought shoddy electrical work?

18 CHAIRPERSON WILLIAMS: I don't have it.
19 I think Council Member Crowley asked a similar
20 question for the administration and they didn't have
21 the number, so..

22 [crosstalk]

23 COUNCIL MEMBER GRODENCHIK: Okay.

24 CHAIRPERSON WILLIAMS: We can get that
25 for you.

1
2 SAL FERRARA: I could tell you
3 nationwide. It's 23,400 from the FEMA, which is part
4 of the... I forget what the... it's part of FEMA. If you
5 go to FEMA's website, google electrical fires.

6 COUNCIL MEMBER GRODENCHIK: Okay, I'll
7 check that.

8 STEPHEN GIANOTTI: Yeah, there are more
9 than we recognize that are categorized under
10 electrical fire, as it's one of the most prevalent
11 things that happen in homes and residential
12 buildings; not totally, but the numbers are
13 stagnating. I don't have those numbers with us here
14 today, but it's eye opening. It really, really is.

15 COUNCIL GRODENCHIK: Thank you, Mr.
16 Chair. Thank you...

17 [crosstalk]

18 HUMBERTO RESTREPO: And if I can just add
19 something. This is an example here. I mentioned
20 before the Joint Industry Board is a labor management
21 organization, so this is a perfect example or model
22 that we have people from all over the world come to
23 study labor and management working together; whether
24 it's safety; whether it's educating the future
25 workforce of our city. So we appreciate the support

1 of the council to ensure that this bill becomes law
2 because it is very important that we continue to
3 operate and do the electrical installation in the
4 city according to code, and I believe in New York
5 City electrical fires account for 13% of the fires.
6 Thank you.
7

8 COUNCIL MEMBER GRODENCHIK: I am very
9 long familiar with the Joint Industry Board having
10 **(inaudible)** as a young boy and..

11 [interposing]

12 HUMBERTO RESTREPO: Wow.

13 COUNCIL MEMBER GRODENCHIK: I go back
14 even further. I can show you pictures of my in my
15 stroller with my mother watching the Joint Industry
16 Board being erected.

17 [interposing]

18 COUNCIL MEMBER ROSENTHAL: I want to see
19 that for sure.

20 COUNCIL MEMBER GRODENCHIK: You'll see
21 it; not..

22 [crosstalk]

23 COUNCIL MEMBER ROSENTHAL: Bring it in.

24 COUNCIL MEMBER GRODENCHIK: Today, not
25 today though. [laughter] Thank you and I want to

1
2 thank my colleague, Elizabeth Crowley, for
3 introducing this legislation, which will save lives
4 undoubtedly. Thank you all.

5 CHAIRPERSON WILLIAMS: Thank you, Council
6 Member Grodenchick. We've been joined by Council
7 Member Mendez and we'll have two minutes for Council
8 Member Rosenthal, who has additional questions.

9 COUNCIL MEMBER ROSENTHAL: Thank you so
10 much, Chair Williams. I actually want to ask about
11 solar panels and it's my understanding that Local 3
12 will be doing the work of the installation of the
13 city's solar panels, and actually I'm asking for
14 confirmation...

15 [interposing]

16 STEPHEN GIANOTTI: Yeah.

17 COUNCIL MEMBER ROSENTHAL: About that
18 because as Chair of the Contracts Committee, I'm
19 going to be having a hearing about this in January.

20 STEPHEN GIANOTTI: I would like to for
21 the record be noted that yes, Local 3 IBEW, the New
22 York Electrical Contractors Association, Association
23 of Electrical Contractors are involved and will be
24 involved with the city and the solar panels. My
25 company does... every day we're installing panels

1
2 throughout the city on residential homes, commercial
3 buildings. As a matter of fact, on the Training
4 Center at IBEW it's a green building. We've
5 installed solar panels that provide most of the
6 power; not all of it, but most of the power within
7 that building. So yes, we will be a formidable force
8 out there, making sure that things are installed
9 correctly for the Building Department codes and the
10 New York Fire Department codes, which are just as
11 important that things are situated so that Fire
12 Department can access the roof without danger and
13 problems. So yes, thank you.

14 BENJAMIN ARANA: Helen, thank you for
15 supporting us because I know you were out there with
16 the line ACLC and us. We were going up the stairs
17 last time, and I'll be at the hearing in January
18 myself. Again, my name is Benny Arana from Local 3
19 and I'm the business representative also responsible
20 for solar installations on the Union end in Local 3,
21 and the 88 remaining buildings in the contract with
22 New York Power Authority tangent is the solar broker
23 that has the contract and they have come to the Local
24 and have been speaking with our contactors, three
25 already, and we do have confirmation that it is

1
2 prevailing rate and I started an audit on the 24 jobs
3 that were done and I found some wage violations
4 already at this point and one of those contractors
5 [chime] are also unlicensed. So I will be following
6 through with the audit and will be contacting the
7 Building Department with that company.

8 ALEX GLEASON: And if I could just add
9 one thing. Alex Gleason, New York City Central Labor
10 Council. We have a complete commitment to being
11 involved at the public level and at the private level
12 to ensuring that as many renewable resources are
13 installed with labor standards and with pathways to
14 apprenticeship and local hire as possible. That is
15 our commitment in preparing for the 21st Century and
16 for the ravages of climate change.

17 CAROL KLEINBERG: [off mic] Can I just
18 say one more thing? There's been a mandate by the
19 governor to have on the jobs 30% minority, MWBEs DBs;
20 minorities and MWBEs and I want you know that they
21 should when they.. I know I went through a major
22 certification thing. It took me 12 years. They
23 didn't believe I could do anything, but the truth of
24 the matter is is that I persevered, but some of the
25 people that aren't persevering are getting in very

1 quickly and a lot of them aren't licensed. So I
2 think that we have to be stricter about who we think
3 are the minorities, just because they're minorities
4 and women doesn't mean that they should be licensed.
5 So I'd like to take that into consideration.
6

7 COUNCIL MEMBER ROSENTHAL: Is that one of
8 the questions on the MWBE certification; whether or
9 not they're labor?

10 CAROL KLEINBERG: Yeah, it started in
11 around 2000... I want to say in the 2000 area. That's
12 when that started that they asked if you were the
13 licensee because if you remember, in the late
14 seventies when I became a DBWB, there wasn't even a
15 licensed electrical inspector, no less a licensed
16 electrical contractor and there would be no way that
17 a woman could really get into it, so I was really put
18 in because the fact is that there was nobody else
19 there and the truth of the matter is that since the
20 program has run, there's a lot of changes, but they
21 never watched the changes. It's the same way that
22 they don't watch the lists that come out from the
23 different agencies. They don't watch it and so we
24 don't have any safeguard and that's something that I
25 think we need as well, is the fact that we have to

1
2 watch unlicensed. We need a safeguard on those
3 things too. So I think that that's something to be
4 looked into.

5 COUNCIL MEMBER ROSENTHAL: Thank you. I
6 look forward to following up and seeing you in
7 January.

8 CHAIRPERSON WILLIAMS: Thank you very
9 much and I appreciate you bringing up the
10 requirements for MWBE. I think the state has done a
11 little bit better than the city, but they both have a
12 long way to go to make sure we get MWBEs in there,
13 and I look forward to Council Member Rosenthal's
14 hearing as well. I think that's all that we have for
15 questions for this panel. I just want to say thank
16 you very much for the work that you're doing and
17 taking the time to come out to present to us today.
18 So I normally don't sign onto legislation as a
19 practice, normally speaking, before they have a
20 hearing, but I'd like to sign onto Intro 247 and 348,
21 and thank Council Members Crowley and Dromm for their
22 leadership on those issues. Our last panel will be
23 Mohamad A. Mohamad for 5-Boro Electrical; Donald
24 Ranshte from BTEA and Ellen Davidson from the Legal
25 Aid Society, one of my favorite people in the world,

1
2 so I know she will not be coming to testify against
3 the bill that I have put forth today. [background
4 voice; laughter]

5 [Pause]

6 CHAIRPERSON WILLIAMS: Thank you. Can
7 you each raise your right hand, please? Do you
8 affirm to tell the truth, the whole truth in your
9 testimony and answer honestly to council member
10 questions? We're going to put two minutes for each
11 of your testimonies. Because of the time; we had
12 some time, I've been pretty liberal with the time,
13 but people have also been very responsible, so
14 hopefully that will continue and you can begin in the
15 order of your preference.

16 ELLEN DAVIDSON: Good morning. My name
17 is Ellen Davidson. I am a staff attorney from the
18 Legal Aid Society and I will say that I think I
19 testify in front of this committee often and before I
20 get into my testimony, I do want to say that we
21 support Intro 648. We always believe that more
22 information that you give to tenants about their
23 living situation, the better.

24 As for Intro 116, we are in somewhat of
25 an unusual situation vis-à-vis this city council to

1
2 come to a hearing and say we are in complete
3 agreement with the administration and strongly oppose
4 this Intro. We agree with the administration to the
5 extent that landlords and tenants agree to provide
6 access in the evening hours or on weekends. They can
7 do so, so we see this changing the language to be
8 unnecessary.

9 We actually do see on our everyday
10 practice with our clients incredible problems around
11 access, but evening and weekend hours aren't that.
12 Although the regulations require notice, most of the
13 times our clients receive notice that their landlord
14 seeks to gain admittance because they get a knock on
15 their door demanding that the landlord be allowed to
16 come right in, and when they're taking their kids to
17 school they're told they need to stay home and their
18 kids need to stay home as well.

19 We additionally have... you know, it is
20 part of the landlord narrative in the city that the
21 reason that our clients live in terrible conditions
22 is that our clients either have destroyed the
23 apartment or haven't told them about the repairs or
24 haven't provided access or won't provide access, and
25 it seems to me that all this bill does is continue on

1
2 with that narrative that the people [chime] who are
3 at fault for the repairs are clients.

4 I will say, and I will make this quick,
5 that our clients are working clients who often lose
6 thousands of dollars in income because they have to
7 stay home and stay home all day waiting for landlords
8 to appear, who sometimes they do and sometimes they
9 don't. We've had clients actually lose jobs in
10 trying to get repairs done. Often request in court
11 that their landlords do repairs on weekends and
12 evening hours and are told by the court that the
13 court that the courts won't order it and told by the
14 landlords that they choose not to make those repairs
15 on those times.

16 So it seems particularly ironic that this
17 incredible problem that our clients have is being
18 ignored by this committee and instead, the landlord
19 [chime] who currently has the ability you know, with
20 the tenant agreement to come in in the evening hours
21 or on weekends is getting even more support for this
22 position. It seems like yet another tool that
23 landlords will be able to use to harass our clients
24 out of their homes and it is just immensely
25 disappointing. Thank you.

1
2 DONALD RANSHTTE: Good morning, Chair
3 Williams and members of the committee. I am Donald
4 Ranshte, Senior Vice President of the Building Trades
5 Employers' Association, an organization who's
6 representing 27 Contractor Associations with 2,000
7 Union construction managers, general contractors,
8 specialty and safety trades doing business in New
9 York City. Thank you for the opportunity to present
10 testimony today on Intro 247, which will amend
11 Section 273017 and Section 28201.2.1 of the New York
12 City Construction Code in relation to unlicensed
13 electrical work.

14 First, I would like to say that after
15 careful consideration given to the bill, we fully
16 support the legislation. Intro 247 is necessary to
17 suppress unlicensed underground electrical work,
18 making the penalties a real deterrent instead of the
19 cost of doing business. It isn't often that we come
20 here to ask for an increase in penalties; however,
21 those companies that are found doing unlicensed,
22 unregulated work put us all in danger.

23 This bill is similar in size and scope
24 and nature to the laws that were passed regarding gas
25 piping and plumbing and the problem of unlicensed

1 work is growing, especially in the boroughs and on
2 smaller jobs specifically, homeowners who think they
3 are hiring a licensed electrician and ultimately may
4 get a dangerous, reckless and potentially life
5 threatening job done to their home.

6
7 The BTEA appreciates the clarification
8 that performing electrical work without a license
9 shall be deemed immediately hazardous. This is long
10 overdue. The new construction codes created the
11 immediately hazardous designation to move a
12 classification of violations that will definitely
13 impact the safety of the end user, most often
14 homeowners.

15 The unionized electrical industry has
16 spent a great deal of time and money to train their
17 workforce. On the other hand, untrained electrical
18 workers and unscrupulous contractors put us all at
19 risk. [chime] Just real quickly. Intro 247 would be
20 a necessary upgrade to the current electrical code
21 and cannot wait the for the cyclical revision
22 process. By making this a priority, the council has
23 sent a message to the underground contracting
24 business that this type of unlicensed and dangerous
25 work will no longer be tolerated. The underground

1
2 construction trade endangers us all. Whether it's
3 doing unlicensed work, harassing and not paying
4 workers, cutting corners and breaking the code, the
5 underground industry is not safe. Thank you.

6 MOHAMAD A. MOHAMAD: Chairman Williams
7 and council members, I appreciate this opportunity to
8 talk on behalf of the 5-Boro Electrical Contractors
9 Association, Inc. The 5-Boro Electrical Contractors
10 Association, Inc. was organized in 1957 and our
11 current electrical licensed members are over 250
12 contractors and their employees. They have provided
13 responsible, safe electrical installations and
14 repairs since its inception throughout the city of
15 New York.

16 My name is Mohamad A. Mohamad and I hold
17 a master electrician's license in our city. I have
18 been an officer of the 5-Boro organization for many
19 years, and have represented the association on many
20 issues with the department. Our members have
21 developed their craft with safety in mind for our
22 employees and for those we serve. The purpose of our
23 organization is to advise each other of changes,
24 laws, regulations in connection with the New York
25 City buildings administrative and electrical codes

1 and technical codes and all other laws and
2 regulations pertaining to electrical repairs and
3 installations within the city of New York. 5-Boro
4 has also provided up-to-date continuing education to
5 all our members far before the continuing education
6 had become law in the city of New York. 5-Boro also
7 works with the Department of Buildings in helping to
8 revise the New York City electrical code. We also
9 participate on other committees. Currently I am, and
10 have been, a member of DOB's Electrical Code Revision
11 and Interpretation Committee, ECRIC.
12

13 After having read the proposed amendment
14 Intro 247-2014, sponsored by Council Member Elizabeth
15 S. Crowley, Rosie Mendez and Karen Koslowitz,
16 entirely, we, the 5-Boro Electrical Contractors
17 Association, wholeheartedly agree with your attack on
18 unlicensed, unsupervised electric work that creates
19 total havoc within our communities. These atrocities
20 [chime] are nothing new. They have been going on for
21 far too long, putting lives in harm's way while
22 allowing further unsafe conditions to go unchecked;
23 thus, fester in homes, workplaces and many other
24 buildings within our city. Unfortunately, we will
25 have to address these issues at a later time,

1
2 hopefully without incident or harm to life and
3 property.

4 One of our reasons of speaking to this
5 proposed legislation is to effect change in the
6 language of this very important document. Another is
7 to support the penalties that the amendment in Intro
8 247-2014 proposes. The changes we would like to see
9 and would be in favor of is in the title of the Intro
10 itself. For example, as now written, [chime] a Local
11 Law to amend the Administrative code of New York City
12 in relation to criminal and civil penalties for the
13 performance of unauthorized electrical work.

14 Change we would like to see directly in
15 relation to this, a Local law to amend the
16 Administration Code of the city of New York in
17 relation to criminal and civil penalties for the
18 performance of, and this is the change we're
19 recommending, unlicensed, unsupervised electrical
20 companies or individuals doing electrical work
21 without a license.

22 Council members, please note, licensed
23 electrical contractors do not begin or start
24 electrical work without first filing an application
25 e-file with our licensed seal attached. In each app

1 we submit and describe the target of the work. Once
2 the app is received by the building's agency, it is
3 reviewed, making sure all criteria by the governing
4 bodies are met. Then and only then will we receive a
5 permit authorizing us as licensed electricians to
6 begin our task described in the app. The systematic
7 process we just depicted is the authorization to do
8 licensed electrical work. Unless we go through this
9 process, the work is unauthorized.
10

11 Admittedly, there is always a possibility
12 of not filing an application due to distractions of
13 electrical emergencies or our office sending out
14 workers [chime] prematurely due to a contract or
15 possibility of our offices or even ourselves
16 forgetting to file an app for a permit due to rushing
17 out for personal emergencies, et cetera. These
18 instances are far and very few. Eventually we always
19 do file every job. We always remind our 5-Boro
20 membership to file all their projects and post their
21 permits so as to be conspicuously displayed.

22 The whole point we're making here is that
23 the word unauthorized electrical not only refers to
24 the unlicensed contractor, but can also include the
25 licensed electrical contractor without a permit.

[interposing]

CHAIRPERSON WILLIAMS: I'm going to have to ask you if you have a closing sentence, you're going to have to...

[interposing]

MOHAMAD A. MOHAMAD: Yeah, well, the closing sentence is this: I heard your committee sit there and state what can we do? This is only the beginning of what you have to do. What we have to do is monitor work outside, as way back in 1980, I, along with Director Sanchez...

[interposing]

CHAIRPERSON WILLIAMS: So just we're clear, I just want to make sure you have a closing sentence for your testimony and what you're saying now we can follow up...

[crosstalk]

MOHAMAD A. MOHAMAD: Okay, I...

[crosstalk]

CHAIRPERSON WILLIAMS: With questions.

MOHAMAD A. MOHAMAD: Closed the testimony once you spoke and now I'm just ad-libbing if you might...

[interposing]

1
2 CHAIRPERSON WILLIAMS: Sure, but we can
3 do that when we ask questions, so...

4 MOHAMAD A. MOHAMAD: Okay, sure.

5 CHAIRPERSON WILLIAMS: Alright? Thank
6 you so much for your testimony. I did have a couple
7 questions. We've been joined by Council Member
8 Ulrich and Council Member Cornegy. My first question
9 is for Ellen Davidson. Thank you very much for
10 coming out. I appreciate the constructive criticism,
11 even if it's toward me and my bill. My intention is
12 obviously not to make things worse for tenants, so
13 I'm welcoming all of the input. I also am happy to
14 support a bill that would assist in owners and owners
15 gaining access. I don't want to support a bill if it
16 doesn't address a problem, and of course, if it makes
17 life worse for tenants. But you did say something
18 interesting about the time issue; that judges refuse
19 to enforce it and some owners won't do it.

20 ELLEN DAVIDSON: Well, I mean the problem
21 is that this bill is about an owner's right to
22 access, so owners always get the right to access.

23 [interposing]

24 CHAIRPERSON WILLIAMS: Mm-hm.
25

1
2 ELLEN DAVIDSON: There's no reciprocal
3 right in this or in any statute that tenants have any
4 rights on when access is. And so a tenant's request
5 for to not... you know, we represent low wage earners,
6 so most of them when they can't be at work, they
7 don't make money, right? So it's a huge problem and
8 so they will often ask the landlord whether they
9 would be willing to come in on the weekends so they
10 don't miss work, and the courts say that there's
11 nothing in the law that would allow them to order a
12 landlord to do the work on the weekends, and in our
13 experience most owners refuse to.

14 CHAIRPERSON WILLIAMS: So I mean that's
15 interesting to me because I found a lot of the
16 pushback actually frankly persuasive, some of it, and
17 a lot of it had to do with what is already the HPD
18 policy..

19 [interposing]

20 ELLEN DAVIDSON: Mm-hm.

21 CHAIRPERSON WILLIAMS: And the door that
22 this might open, but now what you just said had me
23 rethinking some of it because if it's already in
24 policy and the judges refuse to accept the policy..

25 [interposing]

1 ELLEN DAVIDSON: It... it's...

2 [interposing]

3 CHAIRPERSON WILLIAMS: Wouldn't codifying
4 it make the judge see it in law and enforce it?

5 ELLEN DAVIDSON: No, I mean because this
6 particular statute and what HPD policy is is that if
7 the owner wants to come in on the weekends, they can.
8 There's nothing in the statute or the regulations
9 that say if the tenant is requesting that the work be
10 done on the weekends that the tenants have any right
11 to expect that to happen.

12 CHAIRPERSON WILLIAMS: Is there a way to
13 word that in the bill somehow?

14 ELLEN DAVIDSON: Well, certainly not in
15 this part of the statute, which is entitled "Owner's
16 Right to Access." I mean this is what we're talking
17 about...

18 [crosstalk]

19 CHAIRPERSON WILLIAMS: Sure, I
20 understand.

21 ELLEN DAVIDSON: Right here is just the
22 owner's rights. If you wanted to draft legislation
23 that required owners to come in on the weekends or to
24 work you know, to figure out how to do that and would
25

1
2 give the judges the power to order landlords to do
3 the work on the weekends, we would support such a
4 bill.

5 CHAIRPERSON WILLIAMS: Mm-hm.

6 ELLEN DAVIDSON: But to have... as I said,
7 it's particularly galling I think for our clients who
8 ask us all the time if there are ways to get the work
9 done on weekends. They're desperate to have the
10 repairs. They don't want their families living in
11 unsafe conditions, and yet when they request it of
12 the landlords, the answer is no and when we request
13 it of the courts, the courts say they have no power
14 to order the landlords to make the repairs on the
15 weekends. So to have to be faced with a bill, which
16 is all about the landlords having more access on the
17 weekends, whether or not the tenant agrees, seems
18 somewhat well, unfair.

19 CHAIRPERSON WILLIAMS: Sure. Just for
20 clarity, I don't think that most of the repairs are
21 not being done because tenants are not providing
22 access.

23 ELLEN DAVIDSON: I...

24 [interposing]

1
2 CHAIRPERSON WILLIAMS: I do believe that
3 there are some access issues that I've seen actually
4 where tenants have refused to give access, so I do
5 believe that that happens. But I do take everything
6 that was said seriously, so I appreciate it and I
7 appreciate you coming. I know you probably didn't
8 want to have to oppose...

9 [interposing]

10 ELLEN DAVIDSON: Thank you.

11 CHAIRPERSON WILLIAMS: But I appreciate
12 it. Sure. We can go to Council Member Ulrich.

13 COUNCIL MEMBER ULRICH: Thank you,
14 Chairman. Al, I'm wondering where Joe de Jockamo
15 [sp?] is today.

16 MOHAMAD A. MOHAMAD: Sick in bed. He
17 should be here.

18 COUNCIL MEMBER ULRICH: He should be
19 here. That's right.

20 [crosstalk]

21 MOHAMAD A. MOHAMAD: Right, as President...

22 [crosstalk]

23 COUNCIL MEMBER ULRICH: He lives in my
24 district and he's the...

25 [crosstalk]

1 MOHAMAD A. MOHAMAD: Of the Association.

2 COUNCIL MEMBER ULRICH: President of the
3 Electrical Contractors Association and they have
4 reached out to my office about this particular bill
5 and I'm hoping that maybe the committee staff can
6 have a follow-up meeting to discuss some of the
7 concerns that they have in the future with the
8 Association.
9

10 CHAIRPERSON WILLIAMS: Mr. Mohamad, I
11 think you were going to tell us some other..

12 [crosstalk]

13 MOHAMAD A. MOHAMAD: Well, I was.. I was..

14 [crosstalk]

15 CHAIRPERSON WILLIAMS: Ideas that we had.
16 I just wanted to be clear. You're supportive of the
17 bill, but think we need to do more or you're not
18 supportive of the bill?

19 MOHAMAD A. MOHAMAD: I'm supportive of
20 the bill with a language change.

21 CHAIRPERSON WILLIAM: I see.

22 MOHAMAD A. MOHAMAD: The part
23 specifically, in answer to your question, is that
24 unauthorized work is an electrician with a license
25 doing work without a permit, so he's unauthorized.

CHAIRPERSON WILLIAMS: Sure.

MOHAMAD A. MOHAMAD: So the language has to move from that to what we recommend as to begin the task to describe the app, the systematic process okay; authorization to do licensed electrical work. Unless we go through this process, the work is unauthorized, meaning in order to get the permit. That was stated in my document. It seems that it puts all licensed electrical contractors in a conflict in the future now because this wordage; language can be misinterpreted. So we'd like that language redone, not exactly as we said, but to protect the licensed electrical contractor from 247-2014.

The other thing I wanted to say was in 1980, somewhere in those years, I sat down with Director Sanchez of the BEC, then called Bureau of Electrical Control. At that meeting we stated that a lot of fires, and this was brought up by your committee, takes place at night when people are sleeping; electrical fires. This does not stop at all. It's a beginning. What we need to do is to go more. We used to call into Sanchez's office. He gave us a particular person to call. They would

1 document the unlicensed work our licensed electrical
2 contractors had seen and put a calendar of all the
3 complaints that our licensed electrical contractors
4 had made and then followed up in the same bulletin
5 that we would put out monthly, and there was 100 in a
6 month. So in answer to that question how do these
7 fires start, nothing is being done about that. You
8 need more bodies out in the street to supervise and
9 coordinate with other industries work going on that
10 could also be interpreted. Let's say a plumber's
11 doing work. Well, a plumber may disconnect a meter
12 and then disconnect the ground, so you need a follow-
13 up there. You need to be talking to the other
14 industries. This is very important in order to
15 achieve what this document is trying to achieve.
16 This document is really going to only pronounce to
17 the person who is getting fined. That word will not
18 go around. That individual contractor who receives
19 this adjusted fine will simply disappear and another
20 one will take his place. We need more people on the
21 street to supervise and protect the citizens of this
22 city. Thank you.

24 CHAIRPERSON WILLIAMS: Thank you very
25 much all of you for your testimony and the work that

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you do. We've received testimony for the record from
New York Electrical Contractors and REBNY. Seeing
that no one else has signed up to testify, this
hearing is now closed.

[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 December 29, 2016