

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

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October 13, 2020
Start: 12:48 p.m.
Recess: 1:01 p.m.

HELD AT: Remote Hearing

B E F O R E: Andrew Cohen
CHAIRPERSON

COUNCIL MEMBERS:
Margaret S. Chin
Peter Koo
Karen Koslowitz
Brad Lander
Justin Brannan
Kalman Yeger

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

1 COMMITTEE ON CONSUMER AFFAIRS

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2 SERGEANT-AT-ARMS: Recordings.

3 SERGEANT-AT-ARMS: Recording good.

4 SERGEANT-AT-ARMS: PC recording to the
5 cloud is good.

6 SERGEANT-AT-ARMS: Thank you. Good
7 afternoon, everyone and welcome to today's remote New
8 York City Council hearing vote on the Committee on
9 Consumer Affairs. At this time, what all panelists
10 please turn on their video. Once again, all
11 panelists please turn on your video at this time. To
12 minimize any disruptions, please place all electronic
13 devices on silent. Chair Cohen, we are ready to
14 begin.

15 CHAIRPERSON COHEN: All right. Thank
16 you very much.

17 [gavel]

18 CHAIRPERSON COHEN: Good afternoon. My
19 name is Andrew Cohen and I am the Chair of the
20 Committee on Consumer Affairs and Business Licensing.
21 I guess, first, I should acknowledge we been joined
22 by Council members Chin, Koo, Lander, Yeger, and
23 Brannan.

24 COUNCIL MEMBER KOSLOWITZ: What about me?

25

2 CHAIRPERSON COHEN: And Koslowitz

3 which-- But if I didn't write it down, it means you
4 are not here. So, sorry about that, Karen. Now you
5 are here, Karen. And especially Council member
6 Koslowitz. Today, we will be voting on a pre-
7 considered bill from Council member Reynoso that
8 seeks to codify permitted outdoor dining you didn't
9 sure that there is clarity regarding the use of
10 heaters. New York City's restaurants struggle with
11 the very slim profit margins at the best of times.
12 With ongoing restrictions in place due to the COVID
13 pandemic, these margins are even smaller and some
14 restaurants have simply been unable to bear the
15 losses. According to the report from the city
16 Comptroller, nearly 1300 of the city's restaurants
17 permanently closed between March and July of this
18 year and about 187,000 food and hospitality jobs have
19 been lost. The city Council has been proactive in
20 doing what it can to alleviate the pain that the
21 COVID crisis has brought onto our cities food
22 industry and this committee in particular has been
23 working to pass legislation to help restaurants and
24 food establishments stay afloat. In addition to
25 codifying outdoor dining due to the passage of Intro

2 1957, we also enacted Intro 1916 which required the
3 city to waive and refund contempt fees related to
4 sidewalk café licenses for the duration of the COVID
5 emergency. The city Council also passed a number of
6 bills to limit the fees that third-party delivery
7 platforms can charge restaurants that use their
8 services. Today's legislation aims to further
9 support the struggling industry and will make outdoor
10 dining a permanent feature of this city. The Mayor
11 recently announced that he plans to permit outdoor
12 dining all year round and this bill will codify the
13 mayor's effort. Such measures are pivotal if we are
14 to make up for these significant losses that
15 restaurants have faced and will also assist towards
16 the post-COVID revival and recovery of the city.
17 This bill would also permit the use of propane and
18 electric space heaters and outdoor dining areas
19 subject to guidance from the fire department. As the
20 winter approaches, many restaurant tours have called
21 for updates to the city's rules to allow for propane
22 gas heaters which are necessary to keep patrons and
23 restaurants in business. Current rules prohibit
24 propane gas heaters, despite the fact that they are
25 permitted in numerous other cities. Until

2 restaurants can really open to full capacity, they
3 are unlikely to generate the revenue they have
4 produced pre-COVID. However, the Council will
5 continue to use all of its authority to develop
6 creative and helpful ways to mitigate some of the
7 fallout. Our restaurant hospitality industry are not
8 only key providers of jobs and revenue, but they also
9 had to the didacticism of the city. As such, we want
10 to ensure that we can provide all the relief possible
11 to this a vital element of New York. And, with that,
12 I'm going to ask the clerk to call the role.

13 COMMITTEE CLERK: Good afternoon. William
14 Martin, committee clerk. Roll call vote in Committee
15 on Consumer Affairs. Pre-considered Introduction.
16 Chair Cohen?

17 CHAIRPERSON COHEN: I vote aye. Thank
18 you, Billy.

19 COMMITTEE CLERK: Thank you. Chin?

20 COUNCIL MEMBER CHIN: I vote aye.

21 COMMITTEE CLERK: Thank you. Koo?

22 CHAIRPERSON COHEN: We can't hear you,
23 Peter.

24 COUNCIL MEMBER KOO: Mr. Chair, can I
25 explain my vote?

1 COMMITTEE ON CONSUMER AFFAIRS

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2 CHAIRPERSON COHEN: Now that I can hear
3 you, you definitely can.

4 COUNCIL MEMBER KOO: Thank you. Yeah.
5 I want to say outdoor dining is an innovative program
6 that brought life back to our neighborhoods during
7 the summer. But extending this through the winter
8 will require much more careful examination. Snow,
9 ice, and whether will surely impact our sidewalks and
10 streets and compete with dining space and
11 pedestrians. We shouldn't ignore the benefits of the
12 program. Laws should be [inaudible 00:05:06] to
13 making it permitted without seeing first how we will
14 work during the multiple more difficult winter
15 months. The responsible thing to do would be to
16 implement a pilot so we can monitor the program
17 throughout the winter before codifying outdoor dining
18 year-round. So, for this reason, I will be
19 abstaining. Thank you.

20 COMMITTEE CLERK: Thank you, Councilman.
21 Council member Koslowitz?

22 COUNCIL MEMBER KOSLOWITZ: May I explain
23 my vote?

24 CHAIRPERSON COHEN: Of course, Council
25 member Koslowitz.

2 COUNCIL MEMBER KOSLOWITZ: Well,
3 certainly, I want to help small business in any way I
4 possibly can. In this legislation, I really want to
5 try it before I buy it. I am worried about the
6 winter months with the snowplows going down the
7 street. I am worried about how this is going to be
8 implemented and I really feel that, at this point, I
9 can't vote for a permanent solution until I see how
10 it works out. So, with that, I vote no.

11 COMMITTEE CLERK: Lander?

12 COUNCIL MEMBER LANDER: Permission to
13 briefly explain?

14 CHAIRPERSON COHEN: Of course.

15 COUNCIL MEMBER LANDER: Thank you, Chair.
16 I will be voting in favor of today's legislation. I
17 certainly hear the concerns folks have and,
18 obviously, it will be very important to monitor and
19 pay attention for us to be willing to come back and
20 legislate again if we need to, but I certainly want
21 to do what we can to help make it possible. I've
22 been starting to bundle up. I was out yesterday and
23 the rain had a great outdoor dining restaurant that
24 had a little space heater that worked pretty well. I
25 may be a broken record on this, but I'm going to keep

2 doing it every time we take steps around supporting
3 restaurants. It just remains very distressing to me
4 that, you know, even though we haven't done enough
5 for restaurants, we have acted now for them a lot of
6 times, but nothing done for the workers who are in
7 the bar around some of the protections that we could
8 be expanding. Delivery workers who don't work for
9 restaurants, but for apt delivery. We could be
10 ensuring to have paid sick leave and we haven't moved
11 through that and those workers who are in fast food
12 restaurants who have been asking us for over a year
13 at this point for the just cause protection against
14 unfair firings. I'm eager to see this Council step
15 up and support workers in these restaurants in
16 addition to the restaurants themselves. I vote aye.

17 COMMITTEE CLERK: Thank you. Brannan?

18 COUNCIL MEMBER BRANNAN: Permission to
19 briefly explain my vote?

20 CHAIRPERSON COHEN: Yes.

21 COUNCIL MEMBER BRANNAN: Thank you,
22 Chair. I'll be voting aye. I share all the concerns
23 from Council members Koo and Koslowitz and certainly
24 Council member Lander. I also want to put on the
25 record that it is now October 13th and we are still

2 waiting for the official guidance from the city on
3 the outdoor heating situation. They teased it and
4 they still haven't given us the official guidelines
5 as to what that is going to look like and what
6 restaurants needs to do. And certainly, bypassing
7 this legislation, we are going to need that guidance
8 yesterday, basically. So, hopefully, this will push
9 the administration to finally come forward with what
10 that guidance is going to look like and I hope that
11 that year-round outdoor dining is the want to know
12 very few silver linings that may come from the past
13 seven months of challenges that we have seen here in
14 our city. So, with that, I vote aye. Thank you.

15 COMMITTEE CLERK: Thank you. Council
16 member Yeger.

17 COUNCIL MEMBER YEGER: Mr. Chairman, may I
18 be excused to explain my vote?

19 CHAIRPERSON COHEN: Absolutely.

20 COUNCIL MEMBER YEGER: Thank you so much.
21 I, too, support the outdoor dining, although, in my
22 district, not many restaurants have been able to take
23 advantage of it for a number of reasons, including
24 that many of our restaurants don't have the frontage
25 necessary for that, as Councilman Lander notice to

2 because we share some of the same commercial areas.
3 And also because of the nature of many of our
4 restaurants being closed for some of the days of the
5 week, it just simply wasn't worth the infrastructure
6 investment, in many cases. Still, my district is big
7 and the city is big and I supported it when we voted
8 for this several months ago. But, like Council
9 member Koslowitz and Council member Koo-- and I
10 don't know if I can be as eloquent as they, but I
11 will say that calling this Introduction pre-
12 considered is certainly an understatement. I don't
13 believe it has been considered at all. We have a
14 winter in front of us. There is no reason to vote
15 for this bill right now today when we can check
16 Justin a couple of months and see what the interplay
17 between these roadway dining and, for example, our
18 cities snowplows. The ability of storeowners and
19 homeowners to shovel and where are they going to put
20 the snow as they remove it. How is this going to
21 interplay? Can we have a chance to actually watch it
22 and see what happens before we make this, you know,
23 permanent thing. And, as we step towards
24 permanentizing something, without actually even
25 taking a chance, because there really is no rush to

2 do it right now. We have the ability to extend the
3 dining into the winter right now. It extends until
4 December. We can extend it through the rest of the
5 winter and give it a chance to work. So, for that
6 reason, I do support section 1 of the statute of the
7 bill of the proposed very pre-considered Introduction
8 to allow outdoor dining to have heating because I
9 think that is a necessary component to giving winter
10 a shot, as Council member Koo and Council member
11 Koslowitz said. You know, let's try before we buy
12 it. And I also support section 3 to extend briefly
13 into the next year into 21 to the conclusion of the
14 winter to actually see this work. I do believe in
15 many neighborhoods this has been very successful and
16 I say very successful only to the extent that the
17 option was closure and very successful means opening.
18 And to the extent that we can get any business open
19 just a little bit, that is, at least, some success.
20 But wait those reservations and, as my colleagues
21 have said, I will, unfortunately, have to join them
22 in voting no with great respect to those who know
23 that restaurants need this extra helping hand and I
24 certainly have spoken in this committee and on the
25 floor about the need to get restaurants back in

2 business and to get businesses back in business in
3 our city. But for that, Mr. Chair, I vote no.

4 COMMITTEE CLERK: Thank you. I vote of
5 four in the affirmative, two in the negative, and one
6 abstention, pre-considered proposed Introduction has
7 been adopted by the Council. Committee. Excuse me.
8 Committee.

9 CHAIRPERSON COHEN: I really do just,
10 once again-- I don't want to forget to really thank
11 the staff for making these virtual hearings possible.
12 There is an enormous amount of organization that
13 needs to go into it and a lot of work and a lot of
14 prep. So, I really just want to thank all of the
15 staff that makes these go as smoothly as they do.
16 And, with that, that concludes this committee meeting
17 of Consumer Affairs.

18 [gavel]

19 CHAIRPERSON COHEN: Thank you,
20 everybody.

21 UNIDENTIFIED: Goodbye, everybody.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 22, 2020