

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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May 21, 2012

Start: 1:15 p.m.

Recess: 3:17 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Leroy G. Comrie, Jr.
Robert Jackson
Letitia James
Melissa Mark-Viverito
James F. Gennaro
Eric Ulrich
Elizabeth Crowley
Jumaane D. Williams
Rosie Mendez
Stephen Levin

A P P E A R A N C E S

Laura Rogers
Counsel to Committee
Committee on Public Housing

Benjamin J. Goodman
Legislative Policy Analyst
Committee on Public Housing

Robert LiMandri
Commissioner
The New York City Department of Buildings

James Colgate
Assistant Commissioner for Technical Affairs and Code
Development
The New York City Department of Buildings

Arthur Cortez
Executive Director of Plumbing
The New York City Department of Buildings

Helen Gitelson
Executive Director of Code Development
The New York City Department of Buildings

Barbara Holm
Director of Infrastructure Division

Dorothy Harris
Vice President
State and Local Government Relations
Liaison to the International Code Council

Stewart O'Brien
Executive Director
Plumbing Foundation City of New York

Robert Benazzi
Chair
Plumbing Technical Committee

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

Hannah O'Grady
Vice President
ACEC New York

Victor Hines
Senior Field Technical Representative
Charlotte Pipe and Foundry Company

David Jaffe
Cast Iron Soil Pipe Institute

John Figliola
President
Association of Water and Sewer Excavators

Emily Pinkowitz
Member
Tenants and Neighbors

Ryan Sensor
Member
Tenants and Neighbors

Samuel Stein
Rent Regulation Campaign Coordinator
Tenants and Neighbors

Amy Spitalnick
Communications Director
Senator Daniel Squadron's Office

Renee Chism
Member
Tenants and Neighbors
Community Voices Heard

Faith Steinberg
New York Resident

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2 CHAIRPERSON DILAN: Okay. Good
3 afternoon everybody. As I said earlier my name is
4 Erik Martin Dilan and I'm the Chair of the City
5 Council Housing and Buildings Committee, and today
6 the Committee will conduct a hearing on two items:
7 Intro 807, which is a local law to amend the New
8 York City Plumbing Code as well as Resolution
9 1329. It's a resolution in relation to the New
10 York City Rent Guidelines Board. Today, we will
11 begin this hearing by listening to testimony from
12 the Department of Buildings on Intro 807 otherwise
13 known as the Plumbing Code Revisions and then
14 collect testimony from the public on the
15 resolution related to the Rent Guidelines Board.
16 Intro 807 would amend the City's Plumbing Code to
17 include changes presented in the 2009
18 International Plumbing Code and changes that are
19 specific to the City of New York. New York City's
20 Plumbing Code requires a review of the Code every
21 three years in order to consider changes presented
22 in the most recent version of the International
23 Plumbing Code which is a Model Code published by
24 the International Code Council. Intro 807 is the
25 result of work completed by the City's Model Code

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2 Program, which includes the Department of
3 Buildings, and the Plumbing Code Technical
4 Committee made up of Industry Representatives.
5 Intro 807 makes a lot of technical and substantive
6 amendments to the Plumbing Code and a few of those
7 changes I will highlight. Reduce the number of
8 mandated plumbing fixtures by allowing small food
9 establishments with space for 75 people or less to
10 use the calculation for assembly occupancy instead
11 of business occupancy. Will allow small
12 establishments of less than 30 occupants to have
13 one unisex toilet instead of two and exempting
14 small food establishments from having a separate
15 public toilet in the establishment that has an
16 allowable occupancy of less than 20 persons. Will
17 also require that water supply tanks have a
18 lockable tamper proof cover to prevent access by
19 unauthorized persons or vermin and such cover must
20 also be equipped with a local alarm. It requires
21 that grease interceptors and automatic grease
22 removable devices in certain areas that it use for
23 preparing food to meet applicable DEP
24 requirements. And lastly one of the last
25 substantive changes requires the Department to

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2 make determinations related to the feasibility of
3 connecting to an available sanitary or combined
4 public sewer in accordance with DEP standards. We
5 look forward to hearing more today from DOB about
6 other suggested amendments to the Code and as I
7 said earlier also on today's agenda is Reso 1329
8 which calls upon the New York State Legislature to
9 pass and the Governor to sign Senate Bill 741B and
10 it's in companion assembly Bill Assembly 6394B in
11 relation to the Rent Guidelines Board. Both Bills
12 would allow five public members of the Rent
13 Guidelines Board to have five years of experience
14 in public service, philanthropy, social services,
15 urban planning, and social sciences or in the
16 areas already recognized. Currently the public
17 members of the Rent Guidelines Board are required
18 to have experience in finance, economics or
19 housing. And those will continue to be
20 requirements. The two State Bills would also give
21 the New York City the power of advice and consent
22 over the Mayor's appointments to the Rent
23 Guidelines Board. As a reminder as I said earlier
24 in the opening statement if anyone wishes to
25 testify on either of these items, please see the

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2 Sergeant at Arms and indicate on the form which
3 item you wish to testify on. We've been joined by
4 Members of the Committee. To my far right Council
5 Member Gale Brewer of Manhattan, next to her
6 Council Member Leroy Comrie of Queens as well as
7 Council Member Robert Jackson of Manhattan. We're
8 also joined by the Council to the Committee Laura
9 Rogers and the Policy Analyst to the Committee Ben
10 Goodman. So at this time I would like to turn it
11 over to the New York City Buildings Department
12 whose Commissioner is here with us Mr. Robert
13 LiMandri for a brief opening statement on the
14 Plumbing Code.

15 ROBERT LIMANDRI: Thank you Chair
16 Dilan. Thank you Members of the Committee. My
17 name is Robert LiMandri. I'm the Commissioner of
18 the Department of Buildings and I have with me to
19 my left James Colgate, the Assistant Commissioner
20 for Technical Affairs and Code Development. Just
21 to his left Arthur Cortez, the Executive Director
22 of Plumbing and to my right Helen Gitelson, the
23 Executive Director of Code Development. Thank you
24 for allowing me the opportunity to testify in this
25 important support of this Construction Code

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2 Revision Legislation Intro 807. Legislation you
3 have before you continues the tradition
4 established by the Council's passage of Local Laws
5 99 of 2005 and 33 of 2007 the first comprehensive
6 update to the Building Code in 40 years. These
7 laws adopted with modification the International
8 Code Council, International Plumbing, Building
9 Fuel Gas Mechanical Codes. These laws are
10 required that the Departments submit to the
11 Council periodic revisions that should be made to
12 these Codes to bring them up to date with the
13 latest addition of the International Codes. The
14 Legislation before you provides the mandated
15 progress with the updates to the Plumbing Code
16 based on the 2009 addition of the International
17 Plumbing Code. The proposed revisions utilized
18 the uniform format, clarity, and built in
19 infrastructure of the International Codes and were
20 necessary modify or add new text tailored to the
21 unique needs and characteristics of this City's
22 dense environment. The passage of Intro 807 will
23 ensure that New York City's Construction Codes are
24 up to date and implement the continuing
25 advancement and technology. In 2010 the

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2 Department began the mandated revision in updating
3 process. This effort continues the public private
4 partnership that we began in Local Law 99 of 2005.
5 It involves over 400 professionals and Industry
6 Stakeholders who volunteer their time and sit on
7 11 Technical Advisory Managing Committees. The
8 Committee Members include Architects, Engineers,
9 and Representatives of the Construction Industry,
10 Laborer, Real Estate and Government. Over the
11 past two years these Communities and Committees
12 have come together to resolve issues and craft
13 revisions to the Code that reflect the needs of
14 this great city. The proposed text provisions
15 contained in the Bill represent the work product
16 of the Plumbing Technical Committee. The
17 Technical Committee participants are experts in
18 the subject matter. Members of the Plumbing
19 Committee includes Representatives from the
20 Masters Plumbers Council, the ACEC which is the
21 American Council of Engineering Companies, Rebnee,
22 Real Estate Board of New York, Plumbers, Local
23 Union Number 1 and Plumbing Foundation of New
24 York. The Plumbing Technical Committee achieve
25 consensus on the proposed revisions, which were

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2 then forwarded to the Managing Committee. As you
3 recall the Managing Committee is responsible for
4 reviewing and accepting the Technical Committee
5 proposals. The Managing Committee consists of 51
6 members drawn from industry, real estate and
7 professional organizations, city agencies and
8 Technical Committee chairs and co-chairs. The
9 Managing Committee upon review of the Plumbing
10 Committees proposed revisions achieve consensus
11 and voted to send these Plumbing Code revisions to
12 the City Council for consideration and adoption.
13 Achieving consensus on the revisions was vital in
14 order to ensure that the Bill before you is
15 balanced. The consensus based approach force the
16 diverse committee members to work together to find
17 a mutually acceptable solution. It did not always
18 mean unanimity of thought or abandonment of
19 individual values. It was however the
20 acknowledgement that resulted in the Bill before
21 you today that all the Parties supports. I would
22 like to pause here for a moment to acknowledge the
23 great work that the Chairperson of the Plumbing
24 Committee made Robert Benazzi of JB&B. We all
25 know him as Bob Benazzi and the 22 members of the

1 Plumbing Committee some of them here today. All
2 those people have been meeting twice a month since
3 March 2011 to produce this piece of legislation
4 and it certainly would not have been possible
5 without their expertise commitment and patience.
6 The changes that would be incorporated in the
7 Plumbing Code by means of this legislation
8 recognizing the advances in technology and
9 materials in the past several years. Passage of
10 the Bill will increase safety while at the same
11 time streamline procedures and reduce some of the
12 bureaucratic hurdles that there are. Some of them
13 include changes to Table 403.1, 2 and 3 that
14 remove owner's requirements for food, small food
15 service establishments with fewer than 75 persons
16 as the Chair identified earlier as well as
17 removing the burdensome requirement in Section
18 710.1(2)(ii) that currently mandates the sanitary
19 piping and building be size much larger than
20 necessary when horizontal runs meet vertical
21 stacks. It also establish in Section 106.6 a
22 definitive list of work times four which
23 applicants need to provide DEP with sewage and
24 storm order disposal documentation requiring
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2 Section 606.5.3 a lockable tamper proof cover with
3 local alarms on building water supply tanks and
4 requiring 608.8 the identification for non-
5 portable waterlines. The effective date of this
6 localized continued on the enactment of a
7 subsequent local law that would revised and update
8 the New York City building fuel gas mechanical and
9 Administrative Codes. Technical and Advisory
10 Committees are already working on these proposed
11 revisions and the Department expects to submit
12 this local law to City Council by the end of this
13 year. Thank you very much and I will take any
14 questions and so will my staff.

15 CHAIRPERSON DILAN: Just a little
16 bit of housekeeping we would join briefly by
17 Council Member Letitia James of Brooklyn. We are
18 currently joined by Council Member Melissa Mark-
19 Viverito of Manhattan. So Commissioner I'll begin
20 with some general questions about the revision
21 process and I'll start with the Committees
22 specifically about the stakeholders. How did you
23 determine which stakeholders would be invited to
24 participate in this process?

25 ROBERT LIMANDRI: I'm going to turn

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2 that over to Helen Gitelson and she'll state her
3 name and answer the question.

4 HELEN GITELSON: Good afternoon
5 Chairman Dilan. My name is Helen Gitelson. I'm
6 the Executive Director of Code Development at the
7 Buildings Department. To answer your question
8 about how we chose the Committee Members. We
9 began the process of choosing the new Committees
10 right at the end of the last process where we
11 conducted a lessons learned exercise where we
12 interviewed all the previous well not all but many
13 of the previous participants and asked them
14 questions about what they liked, what worked and
15 more importantly what didn't work in the last
16 revisions cycle so that we could tweak the process
17 this time. There are nine Technical Committees
18 and one Advisory Committee. Advisory Committees
19 are formed on a as needed basis and there's also a
20 Managing Committee. For the Technical Committees
21 we posted online an application process. We
22 additionally informed all the previous 400
23 Committee participants that we posted this online
24 and we informed the 30,000 subscribers to
25 Buildings News to that the application is online.

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2 The application period is available for them to
3 apply to participate with the Committees.

4 CHAIRPERSON DILAN: Okay. And in
5 dealing with the International Plumbing Code other
6 than the 2009 IPC did the Committees rely on any
7 of the sources for the Code Revision?

8 ROBERT LIMANDRI: So I'm assuming
9 that you're technically so I'm going to ask James
10 Colgate. He'll state his name to answer the
11 question.

12 JAMES COLGATE: Good afternoon
13 Chairman. My name is James Colgate. I'm the
14 Assistant Commissioner for Technical Affairs and
15 Code Development at the New City Department of
16 Buildings. The Committees are comprised of some
17 of the best technical experts in the City in the
18 matter for that Committee in this case the
19 Plumbing Committee. They mostly looked at the IPC
20 like you mentioned. They also looked at the
21 current New York City Plumbing Code based on the
22 2003 IPC with our New York City local amendments.
23 So those New York City local amendments from last
24 go around Local Law 99 of 2005 already included
25 lots of technical amendments to the International

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2 Codes to reflect the types of buildings we have in
3 New York City the built dense urban environment.
4 So those provisions from the 2008 New York City
5 Code kind of were looked at and reanalyzed and
6 looked at again. And the Committee Members were
7 not limited to looking outside of what is before
8 them. They came to consensus on a series of
9 technical amendments and that's what you have
10 before you today.

11 CHAIRPERSON DILAN: All right I'm
12 going to take a moment to put someone on the spot
13 but we've been joined by the new Director of
14 Infrastructure Division and new mother former
15 council to this Committee Barbara Holm who is in
16 the room and in attendance. I'd like to say
17 welcome back and congratulations on your new
18 promotion. So just getting back to business for a
19 second. With that answer what procedures and
20 standards did the Committee used in determining
21 what elements of the IPC or other sources to
22 include in the Code Revision and how were those
23 procedures and standards established?

24 JAMES COLGATE: The Committees were
25 given a mandate to update to the 2009 Code.

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2 That's the mandate we received in Local Law 33 of
3 2007 and that's what they were charged with. So
4 they looked at the standards initially and
5 primarily in the 2009 I-Codes and they analyzed
6 those standards based on their technical expertise
7 in the field. I think that's the answer to the
8 question.

9 CHAIRPERSON DILAN: We're good.

10 Also with the disputes I guess could you walk us
11 through the process in dealing with disputes among
12 the Committees of stakeholders may be shed some
13 light on to what some of the disputed items were
14 and tell us how and if issues were treated
15 differently depending on which Committee raised
16 them and we would like to hear answers on.

17 HELEN GITELSON: I'll address the
18 process issues. The legislation which you have
19 before you represents the Plumbing Committee and
20 the other Committees are still working so we're
21 going to reserve answering those questions until
22 we know. So far what the work product has been
23 because they're ongoing so we can just describe
24 the issues for the Plumbing Committee because the
25 Plumbing Code has been completed. The revisions

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2 are proposed.

3 CHAIRPERSON DILAN: Yeah. Well I'm
4 under the impression that all questions that I
5 asked--

6 HELEN GITELSON: [Interposing] Oh
7 sorry.

8 CHAIRPERSON DILAN: --are solely
9 related to the Plumbing Code and not any other
10 parts of the Codes that are being worked on.

11 HELEN GITELSON: Okay. Sorry.

12 CHAIRPERSON DILAN: So if their
13 disputes is specifically dealing with the
14 plumbing.

15 JAMES COLGATE: Okay. So we have a
16 process for handling disputes among the Committees
17 because remember there's a consensus process.
18 Everyone has to agree to something. In all cases
19 it might not be exactly what everyone in the
20 Committees wants but it's things that they can all
21 live with and that's how we build our consensus
22 process. In the event there is a dispute where
23 someone cannot live with the something they asked
24 for a mediation and then the mediation goes
25 through a process that's spelled out on our

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2 handbook. It's on our website. It describes how
3 that works but I'm happy to say that this go
4 around there was not a single mediation item that
5 came up through the Plumbing Committee. Everyone
6 one was agreement as to what should be in the Code
7 and that's what you have before you today.

8 CHAIRPERSON DILAN: And how is that
9 different from the last cycle? Did you actually
10 have disputes in the last cycle?

11 JAMES COLGATE: Yes. We did have
12 disputes last time. We had a mediation process.
13 I believe there were about 28 mediation items over
14 the all of the committees. That's not just the
15 Plumbing Code but the Fuel Gas Code, Mechanical
16 Code and the Building Code and I think the reason
17 you will not see as many...well the reason you're
18 not seeing any today and you probably won't see
19 very many coming up is that in the last Code cycle
20 we were going from the 1968 Building Code to
21 something else that was completely different so
22 there were a lot of large looming issues that had
23 to be resolved about how we used to do things and
24 how we were doing things going forward. This time
25 the scope of a Code Revision process was to update

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2 the 2009 IPC and to fix the technical issues that
3 needed to be done and because the scope was
4 limited the possibility for disputes was less.

5 CHAIRPERSON DILAN: Yes. So it
6 didn't allow for say the 28 now we're going broad
7 because he brought the broader picture into it.
8 But it didn't allow for the 28 items that were up
9 for dispute last time to be reargued again or did
10 it?

11 JAMES COLGATE: No you're correct.
12 Part of our limited scope for this Code Revision
13 process was to not address those issues that were
14 up for mediations last time.

15 CHAIRPERSON DILAN: Okay. So now
16 I'm going to move on to just a little bit about
17 the text on the Code Revision specifically as it
18 relates to the greening of the Code. To what
19 extent did the Green Codes proposal factor into
20 this Code Revision? For example the WE4 requiring
21 the use of certain wastewater products appears to
22 have made it into this Bill. Have any others?

23 JAMES COLGATE: What I will say is
24 that as a general matter the green Codes task
25 force has come up with as you know a large number

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2 of proposals that affect not only the Building
3 Codes but many other Codes in the City and some of
4 them are very controversial, some they're all good
5 things. We generally did not incorporate them
6 into this Code Revision process but those are
7 brought to you on a case-by-case basis for each on
8 the merits of each Bill. The reason that the
9 reuse of wastewater is in this Bill is because we
10 already had a provision for that but it was
11 slightly inconsistent and not exactly what the
12 proposal was. With a little bit of tweaking we
13 could change that provision and accommodate that
14 Bill without being a new item, a new change, a new
15 direction for the Plumbing Code.

16 CHAIRPERSON DILAN: Okay. I'm going
17 to move to the highlighted amendments that both I
18 and the Commissioner spoke about in our openings.
19 One specifically surround in restaurants and this
20 one is restaurants with seating capacity for 20 or
21 less. They no longer require to have restrooms
22 that are publicly accessible. Please explain the
23 rationale for this change.

24 JAMES COLGATE: Sure. For many many
25 decades the New York City Health Code has not

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2 required toilet rooms for food service
3 establishments with fewer than 20 seats. That has
4 been this Health Code. It's still is a Health
5 Code and there were inconsistency with our Code
6 which when you read it would have required either
7 one or possibly even two toilet rooms for an
8 establishment with fewer than 20 seats. On hold
9 the Committee looked at this and said that if you
10 were doing a very, very small business and you're
11 trying to open in New York City and you want to
12 put in a couple of seats may be as many as 19
13 seats but certainly any number of seats. It seems
14 to be an Owner's requirement that would affect a
15 lot of businesses from opening. So what the
16 Committee did is they came to consensus that we
17 ought to mirror what's currently in the Health
18 Code and that's the proposal that you see before
19 you today.

20 CHAIRPERSON DILAN: Okay. Now as it
21 relates to required restroom facilities that must
22 be available to the public and free of charge this
23 appears to have been the case as you stated in the
24 old Code as well as the new Code. How does this
25 provision impact in establishment's policy of

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2 permitting patrons only as opposed to the general
3 public from using the restrooms?

4 JAMES COLGATE: Okay. So how do I
5 say this? The current Plumbing Code requires a
6 certain number of facilities toilets whatever
7 based on the occupancy that are there and the
8 patrons, the visitors to the museums all those
9 people are required have access to those
10 facilities. What this Code does not address and
11 has never addressed is whether or not someone can
12 walk in of off the street and not buy that cup of
13 coffee to use the toilet or not be a patron of the
14 facility to use that toilet. That's something
15 that we at the Department of Buildings feel is not
16 appropriate for a Building Code. There are many
17 other places in the Administrative Code to govern
18 whether or not there out to be an allowance for
19 people from outside the establishment who are not
20 patrons of that establishment to use the
21 facilities but that's not a Building Code issue
22 that could possibly be in the Health Code or it
23 could be some place else. That's how we looked at
24 it and that's what I would say.

25 CHAIRPERSON DILAN: All right. Will

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2 review that part offline. They may or may not be
3 difference in the way we're reading this Bill as
4 to the way you're proposing it. Will discuss that
5 further offline.

6 JAMES COLGATE: We'd be happy to
7 work with you on that.

8 CHAIRPERSON DILAN: Okay. I'm going
9 to move to water supply tanks. We're requiring
10 that they must be covered and equipped with local
11 alarms in this new change. Can you discuss this
12 requirement and why was it included? What would
13 the cost of these alarms be and is the requirement
14 retroactive?

15 JAMES COLGATE: Yes. So buildings
16 over a certain height when they're unable to get
17 water pressure from the City you have to have
18 tanks that will provide water supply, portable
19 water supply. They're those tanks you see on the
20 roofs of all the buildings. The access to them
21 ought properly to be locked. It's not required to
22 be locked now. It ought to have a local alarm.
23 It doesn't have those requirements because the
24 protection of that water supply we think is
25 important to the people who are in that building.

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2 So this requirement will require those locks and
3 alarms. We estimate that the cost of adding
4 something like that is about \$500. It's not
5 insignificant but in the cost of a new building
6 it's not a lot to protect the water supply. The
7 provisions of this Bill do not make it a
8 retroactive requirement. If the Council wanted to
9 do that we would recommend as being a separate
10 piece of legislation. We would put in some kind
11 of a Bill to make it retroactive so that could be
12 discussed. That was not something or retroactive
13 requirement that I think was discussed at
14 Committee level and I'm not sure we could have
15 gotten consensus in our Committee on that but it's
16 a separate piece of legislation. That's something
17 the Council could certainly entertain.

18 CHAIRPERSON DILAN: So when new
19 construction how often are these built and how
20 often are these supply tanks replaced and with the
21 goals of this change be satisfied only if new
22 water supply tanks are required to be equipped
23 with such alarms?

24 JAMES COLGATE: Right. So you
25 pointed out something that I want to correct my

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2 testimony on. I said only for new construction.
3 New buildings are replaced with water tanks is
4 what this would apply to in the way it's drafted
5 now. So if I have an old building and I replaced
6 my tank, which is about every three years or so
7 you replaced your tanks this would then be
8 requirement for that new tank. A new building you
9 said how often does it happen? Anytime you have a
10 building generally over six or seven stories about
11 because once you get over that six or seven story
12 mark you end up with a building who cannot use
13 those city water pressure from the reservoirs to
14 provide enough water supply to the upper stories
15 of the building. Although there's some
16 neighborhoods in the Bronx and upper Manhattan
17 were it's only four stories because of the height
18 but that's generally at about a six story building
19 or higher than that you'll need a tank.

20 CHAIRPERSON DILAN: Oh at this time
21 I may have another question or two but at this
22 time I'm going to just acknowledged that we were
23 joined by my colleague Jim Gennaro of Queens and
24 we're currently joined by Council...oops, that's
25 still here. I couldn't see him. Also joined by

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2 Council Member Eric Ulrich of Queens. Council
3 Member Comrie.

4 COUNCIL MEMBER COMRIE: Chairperson
5 Dilan I just have a couple of questions. You just
6 mentioned water tanks every 30 years. Is that for
7 commercial buildings or large buildings because I
8 seem to remember replacing my water tank and the
9 best I could do is 10 to 15 years?

10 JAMES COLGATE: Okay. So I think if
11 what you're talking about is a residential water
12 heater in a cellar of a one or two family house.
13 Those last anywhere from 10 to 20 years depending
14 on...that's not what we're talking about here. What
15 we're talking about are those big wooden things on
16 the roofs--

17 COUNCIL MEMBER COMRIE:
18 [Interposing] Okay.

19 JAMES COLGATE: --of large buildings
20 that provide the water supply for the entire
21 building.

22 COUNCIL MEMBER COMRIE: Okay.

23 JAMES COLGATE: So does that answer?

24 COUNCIL MEMBER COMRIE: That clears
25 it up.

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JAMES COLGATE: Okay.

COUNCIL MEMBER COMRIE: But that wasn't why I wanted to ask a question. I was just curious as to what tank you were talking about. I'm concern about the ease of access for businesses to get up and running and how restaurants and other businesses and caterers to have as soon as can keep up with the Plumbing Code and the Building Codes? I'm getting a lot of feedback from restaurants and especially catering halls in my District that being in undated with new laws and Council Member Ulrich and I just went to a catering hall in his District and a catering hall in my District. They both had to hire master plumbers because they were told that everything in their building was wrong and Russo have been established I think 15 years. Anton has been established 30+ years and they were told that all of their plumbing all of a sudden was wrong and especially the discharge and that being in undated with new rules and regulations. Can you explain to me how this Code would help clear that up and why they all of a sudden being told that things that had been established and signed off on are no

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longer applicable?

JAMES COLGATE: I'm sorry but I cannot because the way our Plumbing Code and our Administrative Code works--

COUNCIL MEMBER COMRIE:
[Interposing] Well has there been a change in the Administrative Code in the last year or so.

JAMES COLGATE: No. The only change would have been that if they were planning on altering the building the alteration would have to comply but if they have an established business of a particular use and they're maintaining that or extending or changing lease whatever it is. There's no requirement in my Code to upgrade it. Now it might be that if you were to build it new it should be done differently because the Codes are old when they did it but there's no requirement in the law, none of the laws that I enforced that would require an upgrade to those types of facilities.

COUNCIL MEMBER COMRIE: Well I'm looking at this specifically 1003.3.1 the areas in which grease interceptors and automatic grease removal devices.

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JAMES COLGATE: Right.

COUNCIL MEMBER COMRIE: Because I think that's both what they both got trapped on and they were told what was existing was not applicable and didn't meet the new Code. They didn't know what the Code was. According to this it appears to be broader than what you're promoting appears to be broader than the Code Revision in the IPC Code and for example IPC requires such as interceptors in only hotel kitchens whereas the Code Revision requires them in all kitchens including school cafeterias. Can you discuss the reasoning behind the difference and why are people being are now fined for something that they had in placed? If something is in placed and they had been meeting standards shouldn't that be sufficient and you know I'm concerned about running establish businesses out of town. You know I'm concerned about the ability of businesses to get start ups when you know they're trying to get started and they have to try to figure out what Codes to deal with. So you know how did this all happen?

JAMES COLGATE: Okay. If I can

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2 answer that I think that the way that the Plumbing
3 Code and the Building Code, the Administrative
4 Code under Title 20 that we governed at the
5 Department of Building works is that there is not
6 and there would not be a requirement to upgrade
7 your grease removal devices or your grease
8 interceptors over time. That's not a requirement.
9 However there are regulations by the Department of
10 Environmental Protection, which may or may not
11 apply and may or may not require something to be
12 updated or all that. So from this Plumbing Code I
13 can tell you affirmatively that there is nothing
14 here that either currently does or would require
15 to be upgraded but what I want to do is address
16 your specific point. You talked about the hotel
17 kitchens and other kinds of kitchens. I think
18 what the IPC does and I'm doing this from memory
19 but my memory is pretty good on this. It has a
20 list where you need a grease interceptor or grease
21 removal device and it says kitchens such as hotel
22 this, that and the other and it has a list of
23 types of kitchens of all of which produce a large
24 amounts of grease. It doesn't matter if it's in
25 restaurant or it's a hotel kitchen or it's a

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2 cafeteria and it doesn't matter that's not
3 specifically enumerated on that list. The IPC
4 says such as and it lists them. What we did in
5 this revision is realized that when you look at
6 the DEP Regulations they're very specific and they
7 list a several series of enumerated types of
8 kitchens that require grease removal devices or
9 grease interceptors. So we copy the DEP language
10 that lists that enumerated list and put it into
11 the Plumbing Code. So that when someone is
12 looking at the DEP Regulations or the DOB
13 Regulations it would be identical and there ought
14 not to be someone scratching their head thinking
15 they have one way in one Code and not in the other
16 but I think at the end of day when you compare our
17 revised language in our proposal before you to the
18 IPC the net affect would be the same in terms of
19 the types of kitchens that need these devices but
20 it will be clearer to the people of New York City
21 because it will match the DEP Regulations and what
22 I will add to that is that once those regulations
23 are updated here in our New York City Plumbing
24 Code they are not retroactive and they do not
25 change anything for an existing establishment

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2 whether that's retroactive or not under the DEP
3 Regulations I can't speak to that.

4 COUNCIL MEMBER COMRIE: Well who has
5 standing? Is it DEP or buildings or health
6 department when it comes to the sewer discharge
7 and the updating in the kitchens because these
8 guys are complaining that they've had to spend a
9 lot of money for something that they've had to
10 improve when they've already thought they had it
11 cleared by some agencies? Is it DOB that has
12 first standing or is it DEP that has and how
13 can...actually my first question so once you do this
14 you're going to match DEP? There won't be any
15 question about what those standard is for getting
16 this done and sewage discharge would be uniformed
17 across all platforms. Correct?

18 JAMES COLGATE: That's right.

19 COUNCIL MEMBER COMRIE: But now how
20 does restaurant owner or catering hall understand
21 who has first standing?

22 JAMES COLGATE: Well I think the way
23 to look at it is this if someone is coming to do
24 alteration work and they want to renovate they
25 will come to our office to do the alteration plans

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and we will ensure compliance with the alteration.

COUNCIL MEMBER COMRIE: Okay.

JAMES COLGATE: We don't check to see whether or not they're actually you know how they're using it you know they put it on plans it's going to be a hotel kitchen will require. If they said it's not a hotel kitchen may be we won't require it. DEP will come out as more of a maintenance issue as to whether or not a hotel kitchen has the devices. So that's where I think there is the issue but I do think that the end bat team, which is the deceleration group deals with this a lot. And if you have any particular addresses or specifics we'd be happy to help find those constituents of yours through the maze to get to the end of that. You know I have a feeling it's not my agency but we're happy to help them figure it out.

COUNCIL MEMBER COMRIE: Thank you.

I appreciate that because we just want to make sure that it is easier for businesses to stay in existence and even more important that it is easier for new businesses as a start up but the references like they were businesses that are both

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2 been in place for 20+ years and they feel like
3 they're being targeted for fines and fees just
4 because the City needs to get money and they're
5 having to redo things that they thought were
6 sufficient and had been told or sufficient when
7 they recently had it done. So I just want to try
8 to clear that up. So I'll get back to you on
9 those specifics. So and also just to Section
10 1114.1 the private on water one size storm water
11 disposal systems the drywells. Can you walk us
12 through this requirement and discuss when drywells
13 might be necessary? You know I represent
14 Southeast Queens so that's an important for me to
15 understand how that would be done and if those
16 drywells would be given access to the City sewer
17 line or if you can explain those differences?

18 JAMES COLGATE: Sure. I think what
19 is important to understand about a drywell is what
20 it is. I mean when rainwater collects on your
21 roof it has to go someplace. And there's two
22 places it can go. It can go either to the City
23 sewer or it can go into a drywell. And what a
24 drywell is an onsite storm water disposal system
25 so it's an underground concrete box with holes in

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2 it that the water goes into and instead of going
3 to the sewer it's going to go in. It's going to
4 be charged the ground water and it's going to
5 dispose of the storm water onsite without being
6 connective. That you got.

7 COUNCIL MEMBER COMRIE: I
8 understand. So in Southeast Queens a lot of my
9 property level you hit water 30 feet down or some
10 places less.

11 JAMES COLGATE: Right.

12 COUNCIL MEMBER COMRIE: So you
13 checking with DEP on all of those sites before you
14 approve drywell installation in Southeast Queens?

15 JAMES COLGATE: Yeah. We work with
16 DEP closely on this issue all the time.

17 COUNCIL MEMBER COMRIE: Okay. So
18 you will be checking with them before you approve
19 any drywells in that particular areas. Is not you
20 need Southeast Queens it's not Manhattan when you
21 go down a 1,000 feet and you still - -.

22 JAMES COLGATE: Sure.

23 COUNCIL MEMBER COMRIE: So that's a
24 different type of--

25 JAMES COLGATE: [Interposing]

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2 There's only two exceptions where under these Code
3 provisions you will not have to go to DEP before
4 we approve a drywell. One of them is if you are
5 doing an enlargement to an existing building of
6 under 1,000 square feet of additional area because
7 having a home owner go to DEP and being told they
8 have to dig up a street or do something else is
9 very owner's in costly so we have that exception
10 of 1,000 square feet. We also have an exception
11 of 200 square feet for one or two family houses
12 where you can use these as in facilities for your
13 storm water disposal. So other than that it needs
14 to be coordinated with DEP and we have that in the
15 Bill.

16 COUNCIL MEMBER COMRIE: I appreciate
17 that. Thank you. And the government
18 representatives that were on the Committee can you
19 tell us who they were specifically?

20 HELEN GITELSON: The Agency is on
21 the Plumbing Code represented the Department of
22 Buildings of course. The Department of
23 Environmental Protection, the Department of
24 Housing Preservation and Development, the Fire
25 Department and School Construction Authority.

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2 COUNCIL MEMBER COMRIE: Okay. And
3 was there an opportunity for the Chair to sit in
4 any Committees or that this Committee invited to
5 be on part of the government representation at all
6 or any of the sub-committees? You did have an...all
7 right. I'm just looking out for my Chair so. All
8 right. Thank you. I appreciate it. I remember
9 sitting on the Electrical Code at one point
10 sometime ago and that you know and having that
11 collaboration ahead of time was always helpful.
12 So thank you. Thank you Mr. Chairman.

13 CHAIRPERSON DILAN: Okay. Thank
14 you. We've also been joined by Council Member
15 Crowley and Council Member Williams. I just have
16 a couple more to close if I don't see anything
17 from my colleagues. One is in around plastic
18 piping. Just traditionally plastic piping was
19 generally not allowed in the Code. However this
20 Code Revision contains two exceptions. One of
21 which would permit plastic piping as permitted in
22 sections of the Plumbing Code 803 and 804. These
23 sections appear to concern special wastewater
24 discharge but neither addresses plastic piping
25 specifically. Can you discuss the affect of this

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2 exception on to the bar on plastic piping?

3 JAMES COLGATE: Yes. I can do that.
4 You asked last time what was the mediated item and
5 I think you'll remember it was the plastic pipe.
6 The Plumbing Code as proposed to be revised that
7 you have before you does not change at all the
8 limitation on the plastic drain waste and vent
9 piping. It still has a limitation of five stories
10 residential. Anything above five stories
11 residential, anything non-residential still is
12 required to be ferrous [phonetic] materials you
13 know cast iron steel whatever. So that's not
14 changed. The requirement of a current 2008 New
15 York City Plumbing Code already permits certain
16 types of process piping for industrial
17 applications or for condensate that have high acid
18 concentrates. Also swimming pools. Things of
19 that nature, which are not ordinary drain waste
20 and vent piping are currently permitted to be
21 plastic in the 2008 Code. These two exceptions
22 are intended to clarify that for the people who
23 are using the Code because it already says it in
24 the other chapter they've always allowed it for
25 those specific high acid type uses and other types

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of corrosives.

CHAIRPERSON DILAN: All right fair enough. I have Council Member Gennaro who has some questions.

COUNCIL MEMBER GENNARO: Thank you Mr. Chairman. I was just listening to some of the questioning that Council Member Comrie was posing and some of the back and forth and the subject of drywells came up and this has been an ongoing issue with people who come before me with regard to DEP and I know quite well that you can't speak for DEP but I had you know people in the building community who want to put drywells in when they're planning their jobs and the phenomenon that they were encounter is that it would be approve by DOB and it's my understanding that DOB has the jurisdiction of what happens like within the footprint of the building site and DEP is comes in more with regard to how it's hooked up to the sewer system and all that and the phenomenon that I'll get complaints about quite a bit would be it's approved by DOB the Agency that has the jurisdiction in order to approve the placement of the drywell on the building site and then DOB and

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2 then DEP that technically does not have
3 jurisdiction when the plans would go to DEP. DEP
4 would say that we don't want the drywell and if
5 don't get rid of the drywell then we can't hook to
6 the sewer and tough. And this is like a lot of
7 back and forth and you know meeting after meeting
8 after meeting. In meeting with DOB Commissioner,
9 meeting with Devin [phonetic] Holloway and I
10 really quite frankly was not really aware that
11 this Bill kind of spoke to that but it did come up
12 in the colloquy between you and Council Member
13 Comrie and I was wondering if this Bill has
14 anything to do with kind of putting to rest this
15 long feud or misunderstanding or power struggle or
16 whatever the hell it is regarding why DEP or
17 really perhaps some people within DEP don't take
18 well to drywells even though this is completely
19 consistent with PlaNYC and keeping water out of
20 the sewer system. I've never fully understand it.
21 I never fully understood why that was the case and
22 perhaps you can shed some light on it for me and
23 indicate whether or not there's anything in this
24 Bill that will resolve this. Were aware of this
25 hold fighting match over drywells? Right. You

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are or you aren't.

JAMES COLGATE: I'm aware of a disagreement of opinions. I don't want to call it a fighting match because it's our sister agency but what I will say is that I fully understand the issue and we work very, very with this, with DEP, with the Committee and those are Deputy Commissioner who came to almost every meeting with several staff members and we worked this issue out. The results of which in this Bill we think it becomes extraordinary clear when you can do a drywell as of right. When you need to go to DEP to find out whether you need to and what documentation has to be given to my Department before I can give a permit. So that it straightens out at permit time what you can and can't do. And we think that that's actually clear and it will straighten out the issue.

COUNCIL MEMBER GENNARO: But it will straighten it out because it will give DEP more authority as to who gets a drywell and who doesn't because now it's my understanding that there was some Bill and again there has been all kinds of back and forth between the DEP and the Mayor's

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2 office whatever regarding that DEP once upon a
3 time I think had some jurisdiction regarding
4 drywell but then it was some law that was passed
5 some years ago that made it clear that like within
6 the confines of the property site that DOB has you
7 know primacy like whatever the hell it is and
8 outside the property site that's where DEP comes
9 in and DEP seem to like to reach outside. It's
10 illegal jurisdiction to deny drywells that were
11 duly approved by DOB and I'm wondering whether the
12 resolution as you say that's crafted in this Bill
13 gives formal authority back to DEP in some
14 capacity regarding drywells.

15 JAMES COLGATE: I know that the way
16 that this works is that DOB still retains
17 authority over the construction the standards how
18 it's built. And DOB now has some clear cut
19 requirements standards I should I say as to when
20 you can do a drywell without going to DEP if you
21 follow standards in this Bill.

22 COUNCIL MEMBER GENNARO: That has to
23 do with like soil testing and these kinds of
24 things to ensure that the soil--

25 JAMES COLGATE: [Interposing] The

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soil testing is still DOB.

COUNCIL MEMBER GENNARO: Right.

JAMES COLGATE: The proposed testing and all those things are still in our standards. So what's different now is that when you determine whether you're more than 200 to 500 feet whatever that magic distance is in those DEP Regulations those are clearly defined when it has to go to DEP, when DOB can make that decision and we think this is crystal clear.

COUNCIL MEMBER GENNARO: So DEP is back in the drywell business in terms of--

JAMES COLGATE: No. They're on the drywell business. They're in the business of determining whether the property is so far away that it's not so far away from the public sewers. They govern the sewer and streets and they will tell us on a piece of paper it's either more than 500 or less than 500 or more than 200 less than 200 if you're within the 200 feet you're suppose to connect. If you're more than that they'll give us a piece of paper and then DOB will approve the drywell because DEP says you're more than the distance away. That's how it set up in this Bill

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2 and we think that's actually good because then DEP
3 doesn't involve itself in the construction of the
4 drywell just in determining whether the property
5 is far enough away from where their sewers are in
6 the street.

7 COUNCIL MEMBER GENNARO: Okay. I'll
8 have to talk to the people within the building if
9 you or need to--

10 JAMES COLGATE: [Interposing] Sure.

11 COUNCIL MEMBER GENNARO: --whose you
12 know ox's have been gored quite you know badly
13 regarding DEP. And I don't want to say you know
14 DEP was with broad brush. I mean I'm in chain
15 [phonetic] with the Committee. I love the
16 Commissioner. I love DEP you know but sometimes
17 there are individuals within DEP or you know any
18 Agency who just have a certain notion regarding
19 things and you know do things just because they
20 could do them. And whether or not they you know
21 do, don't have the authority to do that is
22 sometimes almost beside the point and that gets me
23 very irritated when people act in that way. It's
24 just like I don't have they authority to do this
25 but I'm doing it anyway and try and make not do it

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2 and go to some other Agency if you want to hook up
3 to the sewer but you know like that kind of thing
4 and so it really irks me and government will
5 always have people like that and it's kind of you
6 know my job and our job to make sure that things
7 are clear and that they shouldn't do that but
8 thank you for that comprehensive answer and I'll
9 you know check with people in the building
10 community and see what they think about the
11 clarification that are made on this Bill and you
12 know perhaps it's a good thing. And thank you for
13 your answer. I appreciate that and thank you Mr.
14 Chairman.

15 CHAIRPERSON DILAN: Thank you
16 Council Member Gennaro. We've also been joined by
17 Council Member Mendez of Manhattan. I just have
18 two quick follow-ups the IPC Table concerning
19 horizontal fixture branches and stacks contains a
20 column of limitations on a number of total
21 discharges in each branch interval of the stack.
22 The Code Revision has removed this column. Can
23 you explain why?

24 JAMES COLGATE: Okay horizontal
25 fixture branches. So in a very tall building you

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2 have stacks that come down, they go sideways, they
3 go this way again and when you determine how large
4 that pipe has to be it's based on the fact that it
5 has to go sideways first before it goes down. And
6 for years the 2000...I'm sorry in the 1968 Building
7 Code we had to design a certain way without that
8 column. The IPC has that column in the Table.
9 When you put that column in the Table in it ends
10 up resulting in a much larger size of a pipe than
11 we ever use in New York City and we don't find
12 that as necessary for removing the things that are
13 in sewer pipes. So by removing that Table and
14 reverting back to what we have in the 1968 Code it
15 actually will save we think a lot of construction
16 dollars when you're building a very tall building.
17 It has to have offset to go sideways.

18 CHAIRPERSON DILAN: Very good. And
19 then the last question was follow-up on your
20 answer Mr. Colgate to the plastic piping. You
21 said it was allowable in certain circumstances of
22 building of a certain height. Which Section is
23 that and where is allowed in which Section of the
24 Code?

25 JAMES COLGATE: I don't have the

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2 section in front of me. I can tell you exactly
3 what it says. We can get back to you but I know
4 exactly what it says, which is five stories
5 residential is where you can use PVC waste drain
6 and vent piping and that has not changed in this
7 revision.

8 CHAIRPERSON DILAN: All right. If
9 you could get back to us with the Section and Code
10 it will be helpful.

11 JAMES COLGATE: Be happy too.

12 CHAIRPERSON DILAN: All right.
13 Seeing no more questions I'd like to thank you all
14 for your time and for your testimony on this
15 subject and I'd like to you know not only thank
16 the Commissioner but also Helen Gitelson who does
17 a lot of the work and doesn't get much of the
18 public credit so thank you. You know thank you
19 for that work. Will call up our first public
20 panel. It will include Dorothy Harris of the
21 International Code Council, Mr. Stewart O'Brien
22 from the Plumbing Foundation, Mr. Robert Benazzi
23 who's a member of the Plumbing Technical Committee
24 as well as Hannah O'Grady from the ACEC. Okay.
25 Why don't we...will be gentlemen? Will let the

1 ladies go first. Will go with Ms. Harris and then
2 Ms. O'Grady and then Mr. O'Brien and Mr. Benazzi.

3
4 DOROTHY HARRIS: Okay. Thank you
5 very much. Good afternoon Chairman Dilan,
6 members, and staff of the City Council Committee
7 on Housing and Buildings. My name is Dorothy
8 Harris. I'm the Vice President of State and Local
9 Government Relations and your Liaison to the
10 International Code Council. The International
11 Code Council a member focus association dedicated
12 to helping building safety, community and
13 construction industry provides safe and
14 sustainable construction throughout the
15 Development of Codes and Standards used in design
16 build and the compliance process. Most United
17 States communities and many global markets choose
18 the International Codes. The mission of the ICC
19 is to provide the highest quality Code Standards,
20 Products and Services for all concerned with
21 safety and performance of the built environment.
22 I would like to commend the City of New York for
23 its outstanding work to ensure the safety health
24 and well being of its citizens. Intro 807 a local
25 law to amend the New York City Plumbing Code in

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2 relation to bringing an up to date with the 2009
3 International Plumbing Code with differences that
4 reflect the unique character of the City.

5 Therefore, I offer the following testimony and
6 support of your legislation before you today. The
7 International Plumbing Code or IPC is currently
8 adopted at the State or local level in 34 States.

9 The District of Columbia, Guam, and Puerto Rico.

10 The IPC along with the other International Codes
11 are revised and updated every three years by a

12 national consensus process that strikes the

13 balance between the latest technology, new

14 building products, economics and costs while

15 providing for an acceptable level of public and

16 first responders safety as well as safe drinking

17 water and safe sanitary systems. It is an opening

18 inclusive process that encourages input from all

19 individuals and groups and allows those

20 governmental members including several

21 representatives from New York City to determine

22 the final Code Provisions. The International

23 Codes are correlated to work together without

24 conflict as so to eliminate the confusion and

25 building design or an inconsistent Code

1 enforcement among different jurisdictions. New
2 York City is one of many jurisdictions that values
3 public safety and the protection of our built
4 environment by updating building, fire, plumbing,
5 and Energy Codes every three years. By adopting
6 such Codes the City provides the safest and
7 economically prudent climate for its citizens
8 since it will allow the use of new construction
9 standards or methods. Accordingly Intro 807 will
10 update the City's Plumbing Code to reflect recent
11 building safety and efficiency standards developed
12 by the nation's leading building scientist,
13 building plumbing and Fire Department officials,
14 builders, general and plumbing contractors,
15 architects, engineers, products manufacturers and
16 discipline specific associations with
17 modifications you need to the City. The
18 International Code Council is partnered with the
19 City of New York and we look forward to continuing
20 to serve your needs. I anticipate seeing you at
21 future hearings for the rest of the New York City
22 Construction Code updates. Of course for the
23 International Building Code, International Fire
24 Code which will fall within a different Committee,

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2 the International Mechanical Code, International
3 Fuel Gas Code and hopefully the International
4 Green Construction Code. Thank you for the
5 opportunity to present testimony to today and
6 supportive Intro 807 and I'm happy of course to
7 answer any questions you may have or provide
8 additional documentation if I can.

9 CHAIRPERSON DILAN: Thank you. Ms.
10 O'Grady. Mic is off. Yeah. You might have to
11 restart your testimony.

12 HANNAH O'GRADY: Hannah O'Grady,
13 Vice President, ACEC New York the Engineering
14 Council. On behalf of the Council I'd like to
15 thank Chairman Dilan and Members of the Committee
16 for their efforts over the year to update the
17 City's Construction Codes. I'm here today to
18 testify in support of proposed amendments to the
19 New York City Plumbing Code. Founded in New York
20 City in 1921, ACEC New York is one of the oldest
21 continuing organizations of professional
22 consulting engineers in the U.S. We represent
23 over 220 engineering firms throughout New York
24 State that collectively employ more than 20,000
25 people state wide with the concentrated presence

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2 of firms located in the five boroughs of New York
3 City. Since 2002 close to 120 members of ACEC New
4 York have donated thousands of hours chairing and
5 are serving on the City's Technical Committees
6 working through issues associated with the
7 adoption of the International Building Code and
8 the National Electrical Code for use in New York
9 City. We applaud the work of the Department of
10 Buildings, Plumbing, Technical Committee and
11 understand that it is a two-tier process with
12 further review by a Managing Committee composed of
13 representatives from all sectors of industry and
14 government. The end result is a true consensus
15 document. Going forward ACEC New York will
16 continue to work with the Department of Buildings,
17 Technical Code Committees and the New York City
18 Council to ensure that the updates reflect the on
19 the ground issues encountered by our engineers,
20 architects and builders every day as well as best
21 practices for safety and sustainability. We
22 respectfully offer our support for this current
23 round of amendments, which reflect those
24 objectives and urge the Council to pass this Bill.
25 Thank you.

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2 CHAIRPERSON DILAN: Thank you. Mr.
3 O'Brien.

4 STEWART O'BRIEN: I am Stewart
5 O'Brien, Executive Director of the Plumbing
6 Foundation City of New York. The Plumbing
7 Foundation is the umbrella organization for the
8 plumbing industry. We include large licensed
9 plumbing firms, small firms, union firms, non-
10 union firms, plumbers union local one,
11 representatives of engineering societies,
12 manufacturers and supply houses. The Foundation
13 was well represented in the DOB Plumbing Code
14 Revision Committee and our members spent hundreds
15 of hours developing and reviewing the Code update.
16 While there will always be varying view points and
17 some of the disagreements when updating a Code of
18 this size the process was inclusive and the prime
19 issue of the participants was the safety of New
20 Yorkers. Accordingly, the Foundation supports
21 this Bill. We do know though that the DOB
22 Plumbing Code Revision Committee, which is chaired
23 by Mr. Benazzi right next to me is presently
24 working on some minor corrections to Intro 807.
25 In particular we would like the Committee to

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2 address the apparent expanded use of plastic
3 piping in New York City for underground building
4 drainage, vent and sewer pipe. Apparently you
5 authorized by Intro 807 in Table 702.2 and 702.3.
6 Generally speaking it is environmentally unsound
7 to expand the use of plastic when other more green
8 materials are available and have been used for
9 decades. Moreover we understand that a
10 manufacturer of plastic pipe is opposed to the
11 apparent expansion of plastic pipes for these
12 purposes the ones I said before. Specifically the
13 presence Plumbing Code Table 702.2 and 702.3 do
14 not allow the use of PVC high density polyethylene
15 pipe except for sewer piping 12 inches or larger
16 or other types of plastic in any type builder of
17 any size for underground drainage, vent or sewer
18 pipe. This Code includes in those Tables the use
19 of plastic. Some people believe that in the
20 provision in Section 701.10 which is the section
21 you and Commissioner Colgate was talking about
22 which allows the use of plastic pipe only in
23 residential building five stories or less limits
24 the use of plastic pipe in Table 702.2 and 702.3
25 only to piping in those buildings meaning

1 residential buildings five stories or less.
2
3 Others believe that the change in Table 702.2 and
4 702.3 included in Intro 807 allows the use of
5 plastic pipe for underground drainage, vent and
6 sewer pipe even for residential buildings and
7 allows the use of material in any type of
8 building. As it stands now we believe that Intro
9 807 is not clear on the issue. I think everybody
10 probably understands it but it's sort of unclear
11 because you have two different provisions that
12 seem to contradict whether which ones the general
13 and which ones is specific. Therefore, we would
14 ask and it's very easy to ask because we have Mr.
15 Benazzi the Chair of the Committee right here. We
16 would ask the Plumbing Code Revision Committee to
17 clarify and make sure that there is no expansion
18 of the use of plastic pipe. We also note that if
19 pass the Intro 807 will not become effective until
20 the passage of the update to the Administrative
21 Section of the Building Code. That update is
22 still in process at DOB and the Foundation is
23 again volunteering a lot of time to assure a safe
24 and practical Code. While it might sound less
25 interesting the Administrative Code includes many

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2 important provisions such as whether certain
3 safety work must be performed by licensed firms,
4 how often critical safety devices must be checked
5 and so forth. The Administrative Code update is
6 perhaps even more important to the health and
7 safety of New Yorkers than the Technical Codes
8 themselves. Having strong Technical Code
9 provisions is irrelevant unless the compliance
10 mechanisms contained in the Administrative Code
11 are strong as well. We will keep you advise on
12 the update to the Administrative Code. Again we
13 appreciate the opportunity to testify today and
14 reiterate our support for Intro 807 and for
15 Chairman Benazzi for all the hard work that he has
16 done over the past two years. Thank you.

17 CHAIRPERSON DILAN: Thank you. Mr.
18 Benazzi.

19 ROBERT BENZAZZI: Thank you Chairman
20 Dilan. My name is Robert Benazzi and I'm proud to
21 serve as the Chair of the Plumbing Technical
22 Committee. I'm a Partner at Meredith's and former
23 head of the Plumbing and Fire Protection
24 Department at Jaros Baum & Bolles Consulting
25 Engineers. JB&B is considered one of the foremost

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2 engineering companies in the world and has
3 provided the mechanical and electrical system
4 design for some of the most prestigious buildings
5 in the world including the original World Trade
6 Center, the Moscow World Trade Center, the Bank of
7 China Buildings in both Hong Kong and Beijing, the
8 Sears Tower in Chicago. We are currently the
9 design engineers for Towers 1, 2, 3 and 4 at the
10 Trade Center sites as well as the Memorial. The
11 west side yards project Columbia University's
12 Newman Manhattan Ville Campus and the new
13 buildings at the NYU Langone and Medical Center
14 Campus. We were also the engineers for One Bryant
15 Park the headquarters of the Bank of America
16 completed in 2008 and bestowed a lead platinum
17 certification. I also represent the American
18 Council of Engineering Companies of New York and
19 serve as Chair of its Plumbing and Fire Protection
20 Committee. The last time I appeared before this
21 Committee was in October 2005 as Chair of the
22 Plumbing Code Technical Committee towards the
23 support of Intro 478A the adoption of the new
24 Plumbing Code. That Code was the result of the
25 hard work of the Plumbing Technical Committee

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2 consisting of 15 members and 15 sub-committee
3 members who worked for approximately 18 months
4 adopting the 2003 International Plumbing Code to
5 the special needs of New York City and forming the
6 2008 Plumbing Code which is in current use. If
7 you recall the previous New York City Building
8 Code was adopted in 1968 and through the
9 intervening 40 years had become technically
10 outdated, voluminous and hard to use by both the
11 practitioners and those assigned to administer it.
12 For those reasons then Building Commissioner
13 Patricia Lancaster formed the Managing Committee
14 and Technical Committee to adopt and modify the
15 International Building Code and its corresponding
16 I-Codes to meet the needs of New York City. As a
17 secondary but perhaps equally important feature of
18 the International Code was the commitment of the
19 International Code Council, the Administrators of
20 the International Building Code to review and
21 update the Codes on a three-year cycle. New York
22 City would follow the same update procedure. In
23 the intervening three plus years the Code has been
24 in existence. I believe the building community
25 has generally been please with the outcome of the

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2 new Code. We have found the Plumbing Code easy to
3 understand and apply and more importantly we are
4 better able to work with the DOB personnel in
5 responding to some of the more complex problems,
6 which arise in new building design. Due to the
7 complexity of adopting and formulating the new
8 Building Code and the other I-Codes we missed the
9 2006 updated. However in February 2011, I was
10 asked again to Chair the Plumbing Technical
11 Committee. The process, which was followed was
12 slightly different than the original Code at
13 adoption and that the Building Department
14 personnel first reviewed both the 2006 and 2009
15 updates of the International Plumbing Code and
16 then gave to the Technical Committee its findings.
17 In addition the Technical Committee was expanded
18 to include approximately 25 members representing
19 the engineering community, union industry,
20 representatives of the real estate Board Rebnee
21 and building owners and managers association
22 Belma. In addition representatives of DOB, DEP,
23 FDNY, SCA, and HPD also were represented on the
24 Committee. We work for approximately one year and
25 meeting twice a month, reviewing the updates to

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2 the International Plumbing Code, understanding how
3 and where the changes should be applied within our
4 Code. Every chapter of the Code was reviewed in
5 its entirety. We also try to clarify sections of
6 the Plumbing Code, which were not as clear as
7 originally envisioned. In addition Building Code
8 were issued in the intervening years which we used
9 to clarify sections of the Code was researched,
10 vetted and brought into the body of the Code.

11 Some of the changes made were we removed donors
12 fixture requirements for small establishments with
13 fewer than 30 people to allow the use of a unisex
14 toilet. We added requirements to the Code to
15 foster more sustainable design features such as
16 the addition of sub meters with encoders for large
17 uses of water within buildings to monitor water
18 use and possible leaks within the subsystem. The
19 tension system regulations were added to conform
20 to new DEP Regulations regarding storm water flow
21 to the City's sewer system. Appendix C dealing
22 with water recycling systems was totally rewritten
23 to better organized the requirements of rainwater
24 harvesting and black water reuse. The finish work
25 of our Committee was presented and approved by the

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2 Managing Committee in January of this year and are
3 the Code changes before you in Intro 807. I
4 believe that these changes to the Plumbing Code
5 will make a good Code even better. It will allow
6 our Code to remain current with the rest of the
7 building industry, clarifies points which were not
8 as clear as originally written and puts New York
9 City back on track to keep our Codes updated on
10 the three-year review cycle. I therefore urge
11 this Committee to accept and approve Intro 807.

12 CHAIRPERSON DILAN: Okay. I know
13 Council Member Gennaro has some questions but I
14 just want to start out with Mr. Benazzi and or Mr.
15 O'Brien. It was referenced in Mr. O'Brien's
16 testimony was the reason why we focused in on
17 plastic piping with the Administration. The
18 advise I get from my Council was that they agree
19 with your assessment that it is unclear as to
20 whether there's an expansion of use on plastic
21 piping or not and we asked the Buildings
22 Department on that. They seem to say that the use
23 and the applicability of plastic piping remained
24 consistent to the last Code so how do you see it
25 different and what sort of things are you working

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2 on to I guess dispute or clarify what Mr. Colgate
3 said in the panel before you?

4 ROBERT BENAZZI: I don't think
5 there's a real dispute between what Mr. O'Brien or
6 Mr. Colgate are stating. I think it's one a
7 matter of clarification, which I will bring to the
8 Committee to discuss. The original intent of the
9 Committee was one of the Tables contained plastic
10 piping. The other Table having to do with
11 fittings did not. So in effect you could have
12 plastic pipe but you couldn't have the fittings
13 that went with the plastic pipe so the pipe would
14 be incomplete. The intent of the Committee was to
15 just bring the two Tables together. I believe
16 that the problem that people have is again the
17 intent of the Committee was to stay within the
18 confines of the original 2008 Code which said that
19 residential buildings five stories and less could
20 use plastic pipe that was our intent. In speaking
21 with Mr. O'Brien before the meeting apparently
22 there still some concern and will have to iron
23 that out prior to the full adoption.

24 CHAIRPERSON DILAN: So you expect at
25 the end of the day that the Department of

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2 Buildings will be on the same page as the
3 Committee that you chair.

4 ROBERT BENAZZI: Absolutely.

5 CHAIRPERSON DILAN: Okay. Council
6 Member Gennaro.

7 COUNCIL MEMBER GENNARO: Thank you
8 Mr. Chairman. It turns out that you asked the
9 question that I was going to ask because when I
10 heard Mr. O'Brien read his statements I just
11 thought I would ask that question of Mr. Benazzi
12 but and so thank you for your presentation on that
13 matter and I guess I'd like to ask Mr. O'Brien how
14 does that sound? Does this put you in a better
15 frame regarding this issue that you have and how
16 it can be resolved? Do you think we're on the
17 glide path getting it resolved?

18 STEWART O'BRIEN: Oh and absolutely.
19 I don't think there's any disagreement. I think
20 this is a matter--

21 COUNCIL MEMBER GENNARO:
22 [Interposing] Okay.

23 STEWART O'BRIEN: --of
24 draftsmanship. Just give me 30 seconds on the old
25 Code because there are different materials for

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different types of plumbing.

COUNCIL MEMBER GENNARO: Right.

STEWART O'BRIEN: There's above ground, underground and in this exception, which is you're allowed for plastic pipe for residential building 12 stories or less. In the old Code each time you talked about a different type of plumbing above ground, underground sewer. They put it in that little provision that said but you can have plastic for residential 12 stories or less. When you redid the Code in 2008 it took out the specific reference to the plastic and made a general reference to the beginning of the material section that said you can't have it and in the Tables specifically for underground and sewer pipe, plastic pipe was not mentioned at all. This time I think as a draftsman issue somebody said well we didn't put it in the Table we should put it in the Table but by putting it in the Table the plastic and the Table for underground and sewer pipe your so creating a conflict because the Table says you can have it. There's another provision someplace else that you could only have it for residential place. So I guess what we're looking

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2 for is just to clarify that and I think we're all
3 on the same page. It's just a matter of
4 draftsmanship.

5 COUNCIL MEMBER GENNARO: Great.
6 Thanks. I just want to make sure that we're on
7 the road to getting that all resolved and I thank
8 you both for that. I thank you Mr. Chairman.

9 CHAIRPERSON DILAN: Okay. I'd like
10 to thank this panel for its time and each
11 testimony. Thank you all. Okay. Next will hear
12 from Mr. Victor Hines from Charlotte Pipe and
13 Foundry Company as well as David Jaffe of the Cast
14 Iron Soil Pipe Institute and Mr. John Figliola,
15 the Association of Water and Sewer Excavators.
16 Okay. Then after this panel will hear from
17 individuals who wish to testify on the other item
18 on today's agenda which will be the resolution
19 regarding the Rent Guidelines Board and this will
20 close the portion on Intro 807. So we can go in
21 the order that you were called up and just clearly
22 state your name for the record and then you can
23 begin your testimony.

24 VICTOR HINES: Thank you Mr.
25 Chairman and Council Members. My name is Victor

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2 Hines. I am a Senior Field Technical
3 Representative with Charlotte Pipe and Foundry
4 Company and I have prepared 20 copies of my
5 testimony and a very short presentation. I'm
6 speaking specifically about the Tables that are
7 added to the Code 702.2 and 702.3 and speaking to
8 Mr. O'Brien's note plastic pipe has been allowed
9 under the 2008 Code in residential construction
10 what we call above grade or above ground level
11 only and we think just due to an oversight by
12 copying a Table over from the regular
13 International Code without New York provisions
14 that plastic pipe has been added into the
15 underground building drainage and vent pipe and
16 building sewer pipes both of those are underground
17 or buried applications and now for my testimony.
18 Charlotte Pipe and Foundry Company is a 110-year
19 old domestic 100% U.S.A. made manufacturer
20 plumbing pipe and fittings. We think we can bring
21 a unique perspective to the table because we
22 manufacture both cast irons sewer pipe as well as
23 PVC and other plastic piping systems. Cast iron
24 soil pipe has long been required and used in both
25 residential and commercial construction for

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2 building sewer connections within New York City
3 and that product has provided reliable permanent
4 services in those applications. We feel that any
5 move to allow plastics for residential connections
6 while may be while intention is probably just a
7 typographical error in bringing over some Tables
8 from the I-Codes. We think it's not in the best
9 long term you know interest of the City or its
10 residents. As a strong rigid material cast iron
11 pipe is extremely easy to install correctly
12 requiring only a minimum trench width and a smooth
13 trench bottom with no specific special
14 requirements for any kind of bedding or backfill.
15 We make plastic pipe. Plastic pipe is considered
16 a flexible material if you were looking at it you
17 would think it's rigid but it actually will flex
18 and in our opinion plastic pipe below grade or
19 buried should be install in accordance with an
20 ASTM Standard, ASTM D2321. This standard is not
21 referenced within the International Plumbing Code
22 and it is not referenced within the New York City
23 Plumbing Code. This standard requires a specific
24 trench widths so like bedding a minimum of four
25 inch in depth except it would be six inches in

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2 depth and rocky excavations, hand compaction of
3 backfilled 85% to 95% compaction up to the spring
4 line of the pipe that's the center line of the
5 pipe as well as some other very specific
6 installation requirements. Ensure it's quite a
7 bit more trouble to install correctly. It is our
8 recommendation that the Table 702.2 and Table
9 702.3 remain as it is in the current 2008 New York
10 City Plumbing Code as you advised the Code going
11 into 2012. Thank you.

12 CHAIRPERSON DILAN: Okay. Who did I
13 call up next? Mr. Jaffe I believe.

14 DAVID JAFFE: David Jaffe.

15 CHAIRPERSON DILAN: Okay.

16 DAVID JAFFE: Thank you Chairman
17 Dilan and Members of the Council. My name is
18 David Jaffe. I'm with the Cast Iron Soil Pipe
19 Institute. I will try and this short by not
20 repeating what Mr. Hines from Charlotte Pipe and
21 Foundry has already stated but would like to let
22 you know that the Cast Iron Soil Pipe Institute
23 which is an industry trade organization that has
24 been around since 1949 is also in our position to
25 Intro 807 only with regard to Table 702.2 and

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2 702.3. We are opposed to plastic because it is
3 not supported you know installation is not
4 supported by the current instructions in the New
5 York City Plumbing Code and therefore either earth
6 or live loads could not exceed the maximum or it
7 could exceed the maximum allowable deflexion of
8 five percent for PVC as allowed by ASTM D2321. If
9 you turn to page 86 of the handout that I gave you
10 under Table 1, you will note that for example four
11 inch PVC Schedule 40 cellular core has a maximum
12 allowed deflexion of five percent and only 540
13 pounds of allowable pounds per linear foot versus
14 cast iron, which has 4,877 pounds. What this
15 means to the layman is that PVC is not very strong
16 with regard to the loads that are put on it and in
17 the City of New York any of those live or earth
18 and load limitations would be greatly exceeded.
19 PVC of four inch SDR 35 is a 125 pounds versus the
20 cast iron of 4,877 pounds with three feet of soil
21 cover you're looking at just 392 pounds of an
22 earth and load. That does not include anybody
23 walking on top of it or a truck driving across it.
24 Therefore you've already exceeded just with the
25 amount of dirt on the pipe. The maximum allowable

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2 crush load for the pipe. Because of that we feel
3 that the Table 702.2 and 702.3 should not reflect
4 the use of PVC. Thank you.

5 CHAIRPERSON DILAN: Okay thank you
6 and finally Mr. Figliola and if I pronounce your
7 name incorrectly please correct me.

8 JOHN FIGLIOLA: It's okay Chairman.

9 CHAIRPERSON DILAN: All right.

10 JOHN FIGLIOLA: I thank you for
11 allowing me to speak today. I thank the Council.
12 My name is John Figliola. I'm a licensed master
13 plumber and my family has been installing sewers
14 and waters since the 1930s. I'm here today
15 representing the Association of Water and Sewer
16 Excavators of which I am the President. The
17 Association is in favor of Intro 807 with the
18 exception of the use of PVC pipe for building
19 house sewers. In the 2008 Plumbing Code, PVC was
20 not allowed for except in buildings and the word
21 is in buildings five stories or less. The term
22 building sewer that's part of a drain system that
23 extends from the end of the building drain and
24 conveys the discharge to a public sewer, private
25 sewer, individual sewer disposal system or of a

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2 point of disposal. The 2008 Plumbing Code PVC was
3 allowed in 702.1 above ground sanitary drainage
4 and vent piping. PVC was not allowed in Table
5 702.2 underground building drainage and vent
6 piping. PVC was not allowed in Table 702.3
7 building sewer pipe. PVC was not allowed in Table
8 703.1 building sewer pipe near water service. PVC
9 was not allowed in Section 703.2 that is drainage
10 pipe in filled ground. PVC is not allowed in
11 Section 603.2 separation of water and sewer and
12 building sewers. PVC is not approved by the
13 Department of Environmental Protection for
14 building house sewers. The Association of Water
15 and Sewer objects to the inclusion of PVC pipe
16 into the Plumbing Code as is for safety reasons.
17 We believe that the PVC can be easily damaged by
18 landscapers with hand held tools or sewer cleaners
19 using soil blades. In addition on new
20 construction water and sewer services are
21 installed first. At a later date the utilities
22 re-excavate and install gas and electric services.
23 PVC could be easily damaged or the earth could be
24 disturbed allowing the PVC pipe to sag or to lose
25 pitch or even come apart and leading to

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2 contamination. In Section 305.8 of this Intro
3 protection against physical damage in conceal
4 locations where piping other than cast iron
5 galvanized the other was installed through holes,
6 notches and studs, hoist, rafters or similar
7 members less than 1.5 inches for the nearest edge
8 of a member. The pipe shall be protected by steel
9 shields plates. Clearly PVC must be protected
10 from damage while extra heavy cast iron does not.
11 Sanitary sewers are designed to flow by gravity.
12 The normal pitch for six inch would be a minimum
13 of 1/8 inch per foot. PVC is not rigid as is cast
14 iron or duct line pipe. And if not placed on a
15 concrete cradle, the PVC under the weight of the
16 backfill material could sag, bow, eliminating the
17 proper pitch, causing backups. In addition the
18 connections could pull apart. In fact DOB has
19 that they have had PVC come apart. Allowing PVC
20 pipe for building house sewer could put the people
21 of City at risk. According to the New York City
22 Office of Emergency Management, which wants to
23 avoid contact with sewer water as it poses a
24 serious health risk. The Association believes
25 that PVC if allowed must be installed on a

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2 concrete cradle to prevent the PVC from sagging or
3 bowing and it must be also protected against
4 physical damage by installing steel shields or
5 incasing it the sewer in concrete. In Intro 807
6 PVC would be added to Table 702.3 building sewer
7 pipe. We ask that this be removed unless incase
8 in concrete. PVC would be allowed in Section
9 603.2 separation of water and sewer. This would
10 contaminate or could contaminate our water supply
11 and must be removed. Section 703 drainage pipe
12 and filled ground. This Section was in the 2008
13 Code. It didn't allow PVC pipe. It has been
14 omitted from Intro 807. The Association of Water
15 and Sewer Excavators strongly urges to protect the
16 health of the people in the City of New York. I
17 thank you for your time.

18 CHAIRPERSON DILAN: Thank you all
19 gentlemen for your time and testimony. Even
20 though you ought to review, signed up an
21 opposition to the Bill I think the clear consensus
22 both from the last panel and for this panel is
23 that the language in the Tables be clarified to
24 reflect what I believe is the consensus of the
25 Committees to get the plastic piping removed from

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2 that Table and that's certainly the intention that
3 this Committee will go forward with because our
4 intention is to keep the disputes from the past
5 Code out as is the Buildings Department so we
6 expect that to be clarified prior to passage of
7 this Bill. So I just wanted to state that for the
8 record.

9 JOHN FIGLIOLA: That's correct.
10 We're not in opposition to the Bill just the
11 inclusion of plastic pipe and those two Tables.

12 CHAIRPERSON DILAN: And those two
13 Tables. Yeah. We expect that to be rectified
14 prior to passage. Okay. Are there any other--

15 JOHN FIGLIOLA: [Interposing] Thank
16 you.

17 CHAIRPERSON DILAN: --questions? If
18 not, thank you all for your time and testimony.
19 Will take a brief recess to allow for them to exit
20 and then will open up testimony on Resolution
21 1329A. Okay. We're going to resume and I'm ready
22 to go guys. We're going to resume and begin to
23 hear testimony on the Resolution and I understand
24 Council Member Levin may be coming down to say a
25 brief word on the Resolution. So hopefully he

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2 gets here very shortly. And will hear testimony
3 from Ryan Sensor, Emily Pinkowitz, Samuel Stein
4 and Amy Spitalnick from Senator Squadron's office.
5 If I mispronounced anyone's name, please correct
6 me when you go up to testify. Okay. Why don't we
7 begin in the order you were called and will be
8 happy to hear your testimony. I may or may not
9 interrupt to allow Council Levin to testify.

10 EMILY PINKOWITZ: Thank you to the
11 City Council Housing Committee and Chairman Dilan
12 for the opportunity to testify today. My name is
13 Emily Pinkowitz and I'm a little bit nervous
14 because this is the first time that I ever
15 testify--

16 CHAIRPERSON DILAN: [Interposing]
17 Don't be nervous.

18 EMILY PINKOWITZ: --at a City
19 Council Hearing.

20 CHAIRPERSON DILAN: But we do bite.

21 EMILY PINKOWITZ: The reason that
22 I'm here is because of this important Resolution
23 1329 that my City Council person actually Letitia
24 James along with Council Person Levin and Chairman
25 Dilan have introduced. So thank you for

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2 introducing this. I'm here today for two reasons.
3 The first has to do with my experiences and my
4 family experiences as rent stabilized tenants in
5 New York. I grew up in a run stabilized apartment
6 that my father has lived in for over 30 years and
7 he'll probably live there till the day he dies if
8 he has anything to say about it and he's preparing
9 to retire soon which means that he'll be on a
10 fixed income but if the Rent Guidelines Board
11 votes over the pass few years or any indication
12 his rents will continue to rise by as much as four
13 percent or more in the coming years. Members of
14 the RGB would argue that they deem these yearly
15 rent hikes as necessary due to the rising cost
16 that landlords are experiencing in buildings with
17 rent stabilized units like the one that my father
18 lives in. However, the market rate unit across
19 the hall from my father is currently being rented
20 for a \$9,000 a month and this is outrageous but as
21 I'm sure most of you know here it's not uncommon
22 across Manhattan and also across Brooklyn where I
23 now currently live as unstabilized tenant. The
24 role of the RGB is meant to be carefully weigh the
25 needs and costs of landlords with those of tenants

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2 and to vote for rent hike if necessary that will
3 offset significant hardship on the part of
4 landlords without imposing undue hardship on
5 tenants that are struggling in New York but in the
6 last two years alone the Mayor appointed public
7 members of the RGB have voted for significant
8 hikes during difficult economic times while the
9 landlords of New York City have collectively 1.4
10 billion dollars in profits. As a resident of New
11 York with a family who's invested their entire
12 lives here I'm deeply troubled by the disconnect
13 between the needs of the majority of people that
14 live in the City and the actions of a supposedly
15 public body. And this brings me to the second
16 reason that I'm here which is that I'm troubled by
17 it also as a citizen. For the last two years I've
18 been a member of volunteer member of Tenants and
19 Neighbors and I've attended RGB hearings and vote
20 in the last year for the first time I testified at
21 one of the hearings. And I have to be honest that
22 this experience was at best discouraging and at
23 worst extremely disturbing. There was little
24 exchange. There was zero debate and the diversity
25 of responses among the public members was non-

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2 existent. It was very obvious that they had
3 collectively agreed upon their decision before the
4 hearing and their majority status gave them little
5 reason to any kind of exchange with other members
6 of the Board on either side. Even when explicitly
7 asked last year to explain their decision by one
8 of the tenant reps they said no. They had no
9 reason to explain why they've made the decision
10 that they've made. So you know it's interesting
11 because I found myself one of just a handful of
12 people my age that are at this proceedings.

13 Despite the fact that every single person that I
14 know and care about in New York worries about the
15 rising cost of their housing but honestly it's
16 difficult to persuade people that their voice in
17 this process matters when the RGB itself is so
18 clearly acting as an arm of the real estate back
19 to Mayor. I began volunteering myself in Tenants
20 and Neighbors because of my own experiences with
21 my own family but also because housing is one of
22 the most pressing concerns that New Yorkers face
23 today. This issue stresses a cost raise, across
24 age, across generations and across all five
25 boroughs and the decisions of the RGB affect not

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2 only the two million rent regulated tenants of the
3 City but also the employers, neighbors, friends,
4 and family who are connected to or depend on those
5 tenants. We are missing a significant opportunity
6 to activate political engagement in New York by
7 admiring the decision-making regarding rent
8 regulation in an opaque and non-democratic
9 process. The RGB appointment process needs to be
10 reformed to more accurately reflect the concerns
11 of the majority of New Yorkers. That's what I
12 believe as a third generation New Yorker and also
13 as an active political citizen and I applaud the
14 Council Members James Levin and Chairman Dilan for
15 introducing the Resolution 1329 and I urge you all
16 to pass it.

17 CHAIRPERSON DILAN: Thank you Emily.
18 I believe we had Mr. Sensor next. Is that
19 correct?

20 RYAN SENSOR: Hello. My name is
21 Ryan Sensor. Thank you for letting me testify.
22 I'm sorry my testimony isn't as sexy as PVC, which
23 seem to draw a very big crowd but I'm happy to be
24 here in this exercise of democracy. I live in a
25 rent stabilize unit and have for many years. I'm

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2 also a member of Tenants and Neighbors as well and
3 also constituent of Letitia James and live in her
4 District in Brooklyn. I think what brings me many
5 people can speak to the experiences of tenants. I
6 think everyone in this room has some connection to
7 that personally. What really brings me out to
8 testify in support of this Resolution is just the
9 absolute shock I feel in understanding that a
10 regulatory body that affects so many people's
11 lives would have very little if any meaningful
12 representation of those people's lives in their
13 decision making. It's seems to me that no
14 decision that would impact business interest in
15 this City, State or Country would ever lack the
16 input the very well organized funded input of
17 those business interest so it is amazing to me
18 that there would be a body that has many
19 representatives of people who collect rent but not
20 those who pay it. People who manage and own
21 buildings but not those who live in them and
22 people who are radically reshaping the
23 demographics of communities all over the City but
24 not the people who represent those constituencies
25 in those demographics. So it's a really simple

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2 thing to say that without meaningful
3 representation on that Committee it's hard to
4 understand. What's really hard to understand
5 without meaningful representation on this
6 Committee on the RGB rather? How the City could
7 claim to be exercising or be part of the exercise
8 of democracy just like this testimony here is
9 today and how they could sort of move forward in a
10 modern world where even corporations are
11 increasing the understanding the relevance of the
12 input of their consumers, organizations
13 consistently becoming more member centric and it
14 seems relevant that people making decisions about
15 rent and rent guidelines and the increase in rents
16 would take in to the account the opinion of people
17 paying those rents and struggling with those
18 rents. The last thing I would just like to say is
19 that it seems like often what's lost in the
20 conversation is that these laws are protections
21 and those protections are for tenants. So it
22 seems like any kind of body that would be
23 organized around a set of laws that are there to
24 protect tenants would favor tenant representation
25 in that decision-making body. It seems like the

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2 body has come to simply protect the interest of
3 those collecting the rents and not those paying
4 them and that seems like a fundamentally wrong
5 thing in today's world. Thank you.

6 CHAIRPERSON DILAN: Okay. Thank
7 you. We've been joined by Council Member Steven
8 Levin who is the sponsor of the Resolution. I
9 will interrupt the testimony to allow him to make
10 a brief statement. Council Member Levin.

11 COUNCIL MEMBER LEVIN: Thank you
12 very much Mr. Chairman. I'll keep this brief and
13 unfortunately I have to run back up to a meeting
14 but I do want to thank the Chairman and the
15 Committee for calling this Reso for a hearing.
16 The proposed Reso 1329A in the Assembly sponsored
17 by Assembly Member Kavanagh and Senate the S741-B
18 sponsored, excuse me I'm sorry our Reso is 1329A.
19 The Assembly Bill is 6394-B and the Senate bill is
20 S741-B. I want to thank Senator Squadron,
21 Assembly Member Kavanagh as well as the co-
22 sponsors on this Reso, Council Member James and
23 Council Member Dilan. This is an important Bill
24 and I want to thank you guys for taking this up
25 because as you've made mention in your testimony

1
2 the Rent Guidelines Board operates in a way right
3 now that gives insufficient voice to the tenants.
4 The millions of rent stabilize tenants in New York
5 City. Nothing could be more important to people's
6 every day lives than their housing, their ability
7 to stay in affordable housing. The truth of the
8 matter is that as the pressures in real estate
9 become drastically more difficult for working and
10 working poor families particularly in
11 neighborhoods that face strong gentrification
12 pressures. The preservation of rent stabilized
13 housing is essential to keeping people in their
14 homes, in their neighborhoods contributing to this
15 City. It is part of our DNA as you can get in
16 this City. Rent stabilization in a lot of ways is
17 what made New York City what it is today and keeps
18 the middle class vibrant and keeps this City from
19 becoming a luxury product. So this Reso would
20 give advise of consent to the New York City
21 Council this body so that on the appointees Rent
22 Guidelines Board would expand the criteria for
23 appointees as a public interest member from having
24 experience, five years experience in either
25 finance, economics or housing to include also

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2 public service philanthropy, social services,
3 urban planning and social sciences. In addition,
4 the Rent Guidelines Board Chair under this Bill
5 would no longer be appointed by the Mayor serving
6 exclusively at his pleasure, his or her pleasure
7 but would now be appointed by the Mayor with the
8 advise of consent of the Council and that any Rent
9 Guidelines Board Member would be able to be
10 removed for cause by the Mayor or the New York
11 City Council. This is move towards greater
12 democracy with a small D and so I think that I'm
13 excited that this Reso is moving forward. I'm
14 excited that there are these Bills in State
15 Legislature and I want to thank you very much for
16 your swift action and your support. Thank you Mr.
17 Chair.

18 CHAIRPERSON DILAN: Thank you
19 Council Member Levin. Will hear from Mr. Stein
20 next.

21 SAMUEL STEIN: Hello. Good
22 afternoon. My name is Sam Stein. I'm the Rent
23 Regulation Campaign Coordinator at Tenants and
24 Neighbors. I'm also the Coordinator of the real
25 rent reform campaign just a coalition of over 60

1
2 pro tenant organizations. At first I'd like to
3 thank Chairman Dilan and the Members of the
4 Committee for the opportunity to testify and also
5 thank the Resolution Sponsors, Council Members
6 Dilan, James, and Levin. Tenants and Neighbors
7 and the real rent reform campaign strongly support
8 Reso 1329A. We've been organizing around this
9 legislation all year. We had a very large press
10 event on the steps of City Hall. We had an event
11 in the Capitol Building in Albany. We did a
12 protest outside the Rent Guidelines Board in
13 preliminary hearing and we even have a town hall
14 meeting about this in two nights in Brooklyn. So
15 this is near the top of the priorities for the
16 tenant movement this year and we strongly support
17 the passage of this resolution to encourage this
18 Bill to be passed. The Bill would reform and
19 improve the Rent Guidelines Board in a number of
20 significant ways that Council Member Levin just
21 laid out. The legislation would have dramatic
22 impacts on over two million rent stabilized
23 tenants in New York City. Rent Guidelines Board
24 rent increase can mean the difference between
25 tenants being able to afford their apartment and

1
2 being displaced. So better RGB is crucial not
3 only to rent stabilized tenants but for the
4 continued economic and racial diversity of the
5 City. The current system of mayoral appointees
6 with no New York City Council oversight has
7 failed to protect our communities from
8 gentrification and displacement. We need an RGB
9 that represents the interest of working and poor
10 tenants in New York City. Typically it seems like
11 many people who are appointed as public members
12 comes from the corporate sector and they often
13 have a background in finance. We believe the
14 public would be better served with members drawn
15 from a more diverse background and experiences
16 including people who may be more connected to the
17 day-to-day struggles of low and moderate income
18 people. We need to be sure that whoever sits on
19 the Board approaches their work with rigor,
20 earnestness, and a deep sense of accountability to
21 the people who will be impacted by their decision.
22 It is time that the members of the RGB are elected
23 in a fair and transparent manner that ensures of
24 the makeup of the Board is a true reflection of
25 our City. Tenants and Neighbors and the real rent

1 reform campaigns strongly support Resolution 1329A
2 and urge you to vote in favor of this important
3 measure. Again, thank you to Chairman Dilan and
4 the Members of the Committee for the opportunity
5 to testify. And in addition I submitted in
6 writing the testimony of Timothy Collins who is
7 the former Executive Director of the Rent
8 Guidelines Board and supports this measure and I
9 believe that's been submitted in writing. Right.
10 Okay. Thank you.

11
12 CHAIRPERSON DILAN: Okay. Thank
13 you. Ms. Spitalnick and please correct me or you
14 still have to introduce yourself in your own
15 voice.

16 AMY SPITALNICK: I'm Amy Spitalnick.
17 I'm Senator Squadron's Communications Director and
18 I'm here on behalf of Senator Squadron and
19 Assembly Member Kavanagh who had to be in Albany
20 today. Unfortunately they would have like to be
21 here. Thank you Chairman Dilan and the entire
22 Committee and really the whole Council for your
23 great advocacy on behalf of housing issues in
24 particular, Rent Guidelines Board Reform and thank
25 you for considering this Resolution in support of

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2 Senator Squadron and Assembly Member Kavanagh's
3 legislation which is Bill 741-B and a 6394-B in
4 the Senate and the Assembly respectively. The RGB
5 establishes rent adjustments for approximately one
6 million units subject to the rent stabilization
7 law in the City so its decision dramatically
8 impact the lives of millions of New Yorkers and
9 the future of our very City but the RGB lacks the
10 checks and balances that need to go in hand in
11 hand with the serious responsibility. This
12 legislation would require City Council
13 confirmation of the Mayor's appointees to the RGB
14 and expand the qualifications for membership on
15 the Board by requiring Council approval of the
16 Mayor's appointees our Bill would bring necessary
17 checks and balances to the system while making it
18 entirely more open and democratic. Requiring
19 advise and consent of a legislative body is an
20 important and standard way of ensuring that those
21 appointed to key government positions by the
22 Executive are vetted by representatives of the
23 people of the City and that there is an
24 opportunity for public discussion of the
25 appointees qualifications and visions for their

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2 role. The RGB directly impacts the lives of
3 millions of New Yorkers like I said and place an
4 important role in the future of New York City.
5 The appointee should undergo the same scrutiny and
6 public process require of any other executive
7 appointments. Our Bill would also make more New
8 Yorkers eligible to serve as public members.
9 Current qualifications considered for public
10 member appointments are five years experience in
11 finance, economics, or housing as Council Member
12 Levin said this Bill would expand the list to
13 include five years experience in public service,
14 social services, urban planning or social
15 sciences, which as Sam pointed out would make this
16 a much more diverse and representative body.
17 These would be the makeup of New York City.
18 Expanded qualifications when you combine that with
19 the public advise and consent process would lead
20 to a greater diversity of use on the RGB than
21 currently exist by requiring Council approval of
22 appointments to the RGB and broadening
23 qualification for membership. We can create
24 necessary accountability, ensure a broader variety
25 of voices or represented on the Board and better

1
2 protect the affordability that's made New York the
3 vibrant and diversity that it is today. Thank you
4 for considering our legislation and putting
5 forward your Resolution. We look forward to
6 continuing to work with you on this issue here and
7 up in Albany. Thank you.

8 CHAIRPERSON DILAN: Okay. Thank
9 you. Just for those who have testified, thank you
10 all for your time and testimony. Will call up
11 next Renee Chism and Faith Steinberg. Oh I'm
12 sorry. Before the panel leaves, Ms. Chism I'm
13 going to ask you just because I'm not sure to
14 which member the panel Council Member Williams
15 question may go to. If you could just have the
16 gentleman who was sitting there before return to
17 the panel you'll be called up to the next panel.
18 Council Member Williams.

19 COUNCIL MEMBER WILLIAMS: Thank you
20 very much for the testimony and as a former ED of
21 Tenants and Neighbors. I'm very proud to see so
22 many people out there. Congratulations the only I
23 don't remember your name since this is your first
24 time. You did a fantastic job. My question was
25 is what is your gage in the realistic possibility

1
2 of this getting passed? Oh not in the City
3 Council in the State.

4 SAMUEL STEIN: Well we organizing
5 around this at the State level and we've gotten to
6 know a lot of press and interest on the bill. I
7 think the fact that the J-51 tax credit is
8 expiring this year it gives us an opportunity to
9 think about what else could be done for tenants
10 this year and this is one very strong possibility
11 of a Bill that could be considered as an
12 additional tenant protection given that
13 opportunity. So that's one way that this could
14 move forward in the Senate.

15 COUNCIL MEMBER WILLIAMS: I guess it
16 would make a difference whether the Governor is
17 behaving as a Republic or a Democrat. Sometimes
18 you don't know. But there were two quick things I
19 want to read in the record from Timothy Collins.
20 I think it's important. He began paragraph three.
21 "I'm one of the few people who are frequently in
22 support of the Board and its decision in a public
23 way. However over the last four or five years it
24 appears to me that the Board has begun to depart
25 from the fundamental mandate, which is to

1
2 establish normal market rents and abnormal driven
3 by a chronic housing scarcity" and then I want to
4 jump down to paragraph 4. "If the Rent Guidelines
5 Board was properly constituted and fully sensitive
6 to all of these conditions we would have witnessed
7 marketing lower rent adjustment over the last five
8 years. However the Board has adopted a series of
9 unwanted and excessive guidelines during this
10 recession and an apparent effort to ensure
11 building profitability, therefore passing the
12 entire burden of this recession onto the tenants."
13 Just wanted to read that into the record from
14 Timothy Collins, former Executive Director of the
15 RGB, which I believe to be just primary - - and
16 I'm hoping this Bill goes forth so that we could
17 provide some balance. There's basically seven
18 landlord members although some of them call
19 themselves public members. Thank you.

20 CHAIRPERSON DILAN: And his
21 statement will be entered into the record and its
22 entirety at the conclusion of the hearing. Seeing
23 no other questions I'd like to thank you all for
24 your time and testimony today. And then will call
25 up, now we will call up Renee Chism and Faith

1
2 Steinberg. Now I assume you both Renee and Ms.
3 Steinberg are testifying on behalf of the
4 Resolution that's before us. Okay. Will allow
5 you to make your testimony. Will begin with Ms.
6 Chism and then with Ms. Steinberg.

7 RENE CHISM: Okay. Hello. Okay.
8 My name is Renee Chism. I'm a member of Tenants
9 and Neighbors and also a member of Community
10 Voices Heard. I'm here today on behalf of giving
11 my testimony in regards to saving the rent
12 control, the rent stabilization I apologize. I'm
13 nervous too. Rent stabilization has helped me for
14 several years. I suffer from seizure disorder and
15 which a lot of people are not looking at. I have
16 to pay out of pocket some of my for my medicine
17 and it cost me like \$100 or so of difference and
18 what rent stabilization helped me with would then
19 maintaining my bills is a great priority because
20 otherwise than that I would either have to go
21 short on my rent or either lose my medicine in
22 which I need for my seizure disorder. I just want
23 to say I just hope you all take into consideration
24 about other things besides just looking at you
25 know how much money those income that person have

1
2 or so forth like that. This other opportunity is
3 why rent should not go up extremely high for
4 certain people you know because there's medicine
5 you got to dig it out of pocket you got to pay.
6 There's other issues in which you got to do and so
7 forth. I'm not going to make it really long
8 because the rest of my staff that were just up
9 here and I just want to bring that to your
10 attention also. Thank you very much.

11 CHAIRPERSON DILAN: Okay. So just
12 for clarification you're in favor of passage of
13 the Resolution. Is that correct?

14 RENEE CHISM: Yeah.

15 CHAIRPERSON DILAN: Yeah. Okay.
16 Thanks. Ms. Steinberg. Press the button on the
17 mic when the light is on the mic is on.

18 FAITH STEINBERG: Hi, my name is
19 Faith Steinberg. I live on the upper west side.
20 I live in a rent stabilize apartment and I'm on
21 SCRIE and if it weren't for SCRIE I would be how
22 we say up the creek. Also there is obviously a
23 war of the poor and we have just seen it with an
24 attempt to raise the minimum wage. I mean I find
25 that so outrageous that in today's economy with

1
2 all the problems with the recession and people
3 having trouble finding jobs. The people who do
4 work are paid \$7.50 an hour. That is outrageous
5 and so what they try to do is to squeeze out the
6 poor is what their doing and it's criminal. It's
7 absolutely criminal. So I would urge you to pass
8 this 1329A. It's so important that our City
9 Council back all the people in New York and which
10 includes the poor. The middle class are hurting
11 also because of the rents. College kids have to
12 move in with their parents. It boggles my mind.
13 There's another thing I would like to bring up
14 that has nothing to do with 1329A and that is the
15 Tenant's Bill of Rights.

16 CHAIRPERSON DILAN: Okay.

17 Unfortunately we do have to stick to the agenda.

18 FAITH STEINBERG: Okay.

19 CHAIRPERSON DILAN: We expect that
20 item to come before this Committee hopefully
21 before the end of the year. We do expect that
22 item to come before the Committee but
23 unfortunately I have to stick to today's agenda.

24 FAITH STEINBERG: Okay. But keep it
25 in your mind I'd appreciate that.

1
2 CHAIRPERSON DILAN: Council Member
3 Cabrera won't let me forget about it.

4 FAITH STEINBERG: Okay. Thank you.

5 CHAIRPERSON DILAN: Okay. Thank you
6 all. Thanks for your time and testimony. We do
7 have some housekeeping that needs to...oh I'm sorry.
8 Were not done. Okay. Chair like to recognize
9 Council Jumaane Williams.

10 COUNCIL MEMBER WILLIAMS: Thank you
11 very much and thank you for your testimony again.
12 You did very well. I just want to make sure that
13 the best thing would be repeating on the Erstad
14 [phonetic] law, which unfortunately the Mayor has
15 been very silent on it even though he begged for
16 home education it won't do the same for housing
17 but in place of that Bill like this I think will
18 go a long way. I do want to make sure we always
19 forget to mention there a lot of protections that
20 are not just related to income that have to do
21 with rent stabilization and as this rents go high
22 and higher they get closer to coming out of rent
23 stabilization and people lose protections like the
24 right fight for fixing their homes without fear of
25 getting evicted and automatically - - and those

1
2 are very important non-associated with income,
3 which is also important but sometimes we forget.
4 Thank you.

5 CHAIRPERSON DILAN: Thank you
6 Council Member Williams. Thank you. Before we
7 conclude this hearing I have received testimony on
8 Intro 807 from the Master Plumbers Council of the
9 City of New York and that will be entered into the
10 record in full as well as the complete statement,
11 although, some of it was referenced by Council
12 Member Williams the complete statement of Timothy
13 L. Collins in support of Resolution 1329. Those
14 two items will be entered into the record in full.
15 All items before this Committee are laid aside and
16 that will conclude this hearing.

17 [gavel]

C E R T I F I C A T E

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

Signature

Maria Egland

Date June 1, 2012