

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

-----X

July 25, 2012  
Start: 10:50 a.m.  
Recess: 11:05 a.m.

HELD AT: Committee Room  
250 Broadway, 14th Floor

B E F O R E:  
ERIK MARTIN DILAN  
Chairperson

COUNCIL MEMBERS:  
Erik Martin Dilan  
Gale Brewer  
Leroy G. Comrie, Jr.  
Elizabeth Crowley  
Lewis A. Fidler  
James F. Gennaro  
Robert Jackson  
Letitia James  
Brad S. Lander  
Melissa Mark-Viverito  
Rosie Mendez  
Joel Rivera  
Jumaane D. Williams  
James S. Oddo

1  
2 CHAIRPERSON DILAN: Good morning  
3 everybody. My name is Erik Martin Dilan and I'm  
4 the Chairperson of the City Council's Committee on  
5 Housing and Buildings.

6 Today, the committee will consider  
7 two items for the purposes of a vote. The first  
8 of which is Intro 808-A, which is a local law to  
9 amend the Plumbing Code of the City of New York in  
10 relation to bringing it up to date with the 2009  
11 edition of the International Plumbing Code, with  
12 differences that reflect the unique character of  
13 the City of New York.

14 The second item will be Intro 730-  
15 A, which is a local law to amend the  
16 Administrative Code of the City of New York in  
17 relation to disclosure of information regarding  
18 certain construction projects.

19 Intro 807-A would amend the City's  
20 Plumbing Code to include selected changes  
21 presented in the 2009 International Plumbing Code  
22 and would also make changes specific to New York  
23 City. Proposed Intro 807-A has been amended since  
24 it was first heard in May, and I ask that you  
25 refer to the committee report for those updates

1  
2 and the review of the substantive changes in the  
3 code that's presented in the bill before us today.

4 Intro 730-A will enhance  
5 transparency of HPD's process for selecting  
6 developers for housing development projects. This  
7 bill will require HPD to post information online,  
8 including how certain developers were selected and  
9 provide information on the project's location,  
10 size, number of dwelling units and affordability  
11 levels. It will also require HPD to provide  
12 information to the public regarding post-  
13 construction conditions that tenants or homeowners  
14 of affordable housing have experienced.

15 Intro 730-A was first heard by this  
16 committee on January 30th of this year. Since  
17 first hearing this item, my committee staff has  
18 met with an array of stakeholders. The final  
19 version of this bill we will vote on today takes  
20 into account many of the concerns expressed by  
21 such stakeholders. As is in 807-A, I'd like to  
22 just ask that any persons interested refer to the  
23 committee report on the changes made to this bill.

24 I'd like to ask for both items to  
25 be coupled and ask the clerk to call the roll.

1  
2 CLERK: Kevin Pin [phonetic],  
3 committee clerk, roll calling the Committee on  
4 Housing and Buildings, Intros 807-A and 703-A.  
5 Council Member Dilan?

6 CHAIRPERSON DILAN: I vote aye.

7 CLERK: Rivera?

8 COUNCIL MEMBER RIVERA: I vote aye.

9 CLERK: Brewer?

10 COUNCIL MEMBER BREWER: I'd like to  
11 vote aye, but with an explanation regarding Intro  
12 730-A. I think certainly the credit goes to Laura  
13 Rogers in particular, counsel to the committee,  
14 who has helped me draft this. I appreciate her  
15 briefing me on the specifics. I do think that in  
16 the future when we have a bill that has so many  
17 changes that are of concern to the community at  
18 large, it would be good to have a second hearing.  
19 I am just as guilty for not having brought this to  
20 the attention of our wonderful chair, because we  
21 probably could have scheduled it. So that's my  
22 fault. But I want to indicate that in the future  
23 we should all be cognizant of more discussion.  
24 Even though it may be a great bill, we just need  
25 to understand it.

1  
2                   Number two, I think with perhaps  
3 more understanding, I would have understood more  
4 questions related to the 8020, which I think could  
5 be answered as to why those particular projects  
6 are exempted. I think I also would have  
7 understood a little bit more about the complaint-  
8 driven system, if a business has got a complaint,  
9 what that means and who made it and how it will be  
10 investigated, so there are no problems for the  
11 person who was the subject of the complaint but  
12 maybe it was a bogus complaint. All those issues  
13 are often an issue in government in general. It  
14 would have been good to have answers to those  
15 questions.

16                   On the other hand, I do believe  
17 that people should be transparent about wage  
18 issues for the benefit of the workers and the  
19 public at large. As somebody, for those of you  
20 who know, who has spent many years in the last few  
21 years looking at payroll companies in support of a  
22 certain bill, I know that the issue is burdens are  
23 not as drastic as some may think, if one has a  
24 reputable payroll company. That payroll company  
25 can adjust their material to have a streamlined

1  
2 impact on the company in specific. If you don't  
3 have a payroll company, then it's a challenge, but  
4 I do think increasingly even small businesses do.  
5 I ran a nonprofit, three people, and we had a  
6 payroll company.

7 Thank you very much, Mr. Chair, and  
8 I vote aye.

9 CLERK: Gennaro?

10 COUNCIL MEMBER GENNARO: Yes.

11 CLERK: Jackson?

12 COUNCIL MEMBER JACKSON: Pass.

13 CLERK: James?

14 COUNCIL MEMBER JAMES: I, too,  
15 express my concerns with regards to Intro 730. I  
16 recognize that this is a transparency bill and a  
17 wage reporting bill. But I am very much concerned  
18 about small local and minority businesses,  
19 contractors, subcontractors and employees and  
20 their ability to comply with the requirements.

21 In addition to that, I am very much  
22 concerned about the administrative costs.

23 Although I do support transparency and believe  
24 that a significant number of workers have been  
25 exploited, I do believe that we really should

1  
2 report the wages that we are paying these  
3 employees and ensure that we are paying them  
4 consistent with the law.

5           But to that extent, I would hope  
6 that we could revisit this bill at a later point.  
7 I, too, want to join with Council Member Brewer  
8 and express my concerns with regards to the  
9 process. The fact is that this bill has been  
10 changed multiple times and it should have  
11 triggered a second hearing so that all of these  
12 issues could have been fleshed out. Nonetheless,  
13 I support the objectives. And if in fact it has  
14 an adverse impact on affordable housing, I would  
15 hope that we would revisit this bill sometime next  
16 year or when there is a report on its impacts.  
17 Again, I vote aye.

18           CLERK: Mark-Viverito?

19           COUNCIL MEMBER MARK-VIVERITO: I'll  
20 be voting aye on this bill as well, but I think I  
21 just want to add my voice to the concerns that  
22 have been expressed by Council Members Brewer and  
23 James. There were a lot of changes done, a lot of  
24 input that was provided. So I think that it  
25 speaks to the ability of this Council to really

1  
2 sit and listen to various points of view. But  
3 still, there are additional concerns that have  
4 been raised. As indicated, once this bill is  
5 implemented, the hope is that we can look at it  
6 carefully across time, and if it does have any  
7 type of adverse impact on our MWBEs and our small  
8 developers that we can revisit portions of this  
9 bill. So with that being said, I will vote aye.

10 CLERK: Mendez?

11 COUNCIL MEMBER MENDEZ: I'd like to  
12 be associated with the comments of my colleagues  
13 Brewer, James and Viverito. I think they've said  
14 it all. We'll be looking at what the impacts will  
15 be on affordable housing and minority and small  
16 businesses and women owned businesses. But I will  
17 vote aye.

18 CLERK: Crowley?

19 COUNCIL MEMBER CROWLEY: I vote  
20 aye.

21 CLERK: Lander?

22 COUNCIL MEMBER LANDER: I vote aye.  
23 On Intro 730, I do want to flag that there's  
24 really two issues being addressed here. One is  
25 broader contract transparency on which I think 730



1  
2 is a very strong step forward and really doesn't  
3 raise that many issues and that the amendments  
4 made are good ones. On the wage reporting, I also  
5 share some of the concerns mentioned. I do  
6 believe, given the prevalence of payroll companies  
7 and the requirements already in place as a result  
8 of last year's Wage Theft Prevention Act that the  
9 burden will be less than people believe.

10 That said, you know, I hear, I've  
11 heard, I've talked a lot with my many good friends  
12 in the affordable housing development and  
13 construction world, coming from that world for a  
14 long time, and I share the commitment of other  
15 members of this Council that we will continue to  
16 monitor and pay attention and see what we can do  
17 to make sure this is implemented effectively and  
18 that if there are things that need to be adjusted  
19 in the future that we'll do so. Thank you, Mr.  
20 Chairman, for your work on this process, and I  
21 vote aye.

22 CLERK: Comrie?

23 COUNCIL MEMBER COMRIE: I'm going  
24 to vote aye. I echo most of the remarks that  
25 Council Member Lander said. I did review and talk

1  
2 to a lot of the entities regarding the bill. I  
3 understand all of the people that expressed their  
4 opinions regarding Intro 730. In this world of  
5 transparency that we live under, crossing every I  
6 and dotting every T is part our requirement. If  
7 we live under that rule, I understand most people  
8 can live under it also. If there are some major  
9 tweaks that needs to be done to try to make sure  
10 that everyone can be competitive and stay  
11 involved, we will be willing to listen to them,  
12 but I think overall Intro 730 is about making sure  
13 that the playing field is equal for all. Aye.

14 CLERK: Oddo?

15 COUNCIL MEMBER ODDO: Yes.

16 CLERK: Jackson?

17 COUNCIL MEMBER JACKSON: May I be  
18 excused to explain my vote?

19 CHAIRPERSON DILAN: Council Member  
20 Jackson to explain his vote.

21 COUNCIL MEMBER JACKSON: Thank you.  
22 Obviously this is in front of us right now, and  
23 quite frankly I received last minute briefings  
24 from my staff on this particular matter, along  
25 with a memo outlining changes in the bill from our

1  
2 policy analysts of the Housing Committee, along  
3 with talking to some affordable housing people.  
4 I've listened to my colleagues in voting yes and  
5 expressing their concerns.

6           Clearly, I am, as an individual,  
7 for transparency and accountability. That's  
8 extremely important overall in anything that we  
9 do. But also I'm very concerned because one of  
10 the primary issues that impact the City of New  
11 York is affordable housing and the building of  
12 affordable housing. Obviously, the first hearing  
13 that we had, I listened to what everyone had to  
14 say, including residents that own and live in  
15 affordable housing and complained about some of  
16 the shoddy work and how difficult it is after  
17 they've owned their own homes in dealing with some  
18 of the issues and concerns.

19           I do believe, though, that all  
20 things considered that as a city and as a body we  
21 need to have transparency, we need to have  
22 accountability and we need to have more affordable  
23 housing in New York City.

24           So while I'm concerned on some of  
25 the issues, so for example, one of the issues that

1  
2 was raised, which is an appropriate issue. It  
3 says here "contractors and subcontractors who miss  
4 a quarterly report are then removed from HPD's  
5 pre-qualified list and placed on the disqualified  
6 list." I don't know and I don't know whether or  
7 not anyone knows how long are they going to be  
8 there, and is it for a certain period of time?  
9 Can they appeal? These are all issues and  
10 concerns I guess that I have.

11 But also I have a very serious  
12 issue about the concern of MWBEs. I co-chair the  
13 New York City Council's Black, Latino and Asian  
14 Caucus. In fact, we passed Local Law 129, which  
15 was to increase the amount of contracts for MWBEs.  
16 So obviously that's a huge concern of myself and  
17 the caucus overall.

18 But considering the fact that we  
19 are here now where we have to vote yay or nay,  
20 based on all of what I've said and my concerns and  
21 I've listened to my colleagues and I adopt those  
22 concerns. I vote yes on 730-A and also yes on the  
23 other bill which is 807. With that, I express  
24 those concerns. Thank you, Mr. Chair.

25 CHAIRPERSON DILAN: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CLERK: Fidler?

COUNCIL MEMBER FIDLER: Mr.  
Chairman, if I may?

CHAIRPERSON DILAN: Sure.

COUNCIL MEMBER FIDLER: I've had  
the opportunity and my staff has had the  
opportunity to meet with advocates on both sides  
of the question before us. At the end of the day,  
I'm not convinced that the costs that are alleged  
to be associated with this bill are as substantial  
as are being alleged. For that reason, I vote  
aye.

CLERK: By a vote of 13 in the  
affirmative, zero in the negative and no  
abstentions, both items have been adopted.  
Members, please sign the committee reports.

CHAIRPERSON DILAN: We'll leave the  
roll open for some members who are in transit for  
as long as the rules allow. At that time, this  
hearing will be adjourned.

[Pause]

CLERK: Williams?

COUNCIL MEMBER WILLIAMS: I vote  
aye.

1  
2  
3  
4  
5  
6  
7  
8

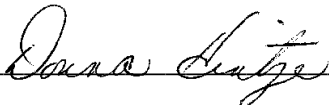
CLERK: The vote stands at 14 in  
the affirmative.

[Pause]

CLERK: Final vote in the Committee  
on Housing and Buildings, 14 in the affirmative,  
zero in the negative and no abstentions. This  
meeting it adjourned.

C E R T I F I C A T E

I, Donna Hintze 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 

Date August 8, 2012