

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

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September 23, 2020
Start: 10:41 a.m.
Recess: 10:50 a.m.

HELD AT: Remote Hearing

B E F O R E: Andrew Cohen
CHAIRPERSON

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

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

2 SERGEANT-AT-ARMS: Sergeant Jones?

3 SERGEANT-AT-ARMS: Good morning, everyone,
4 and welcome to today's remote New York City Council
5 hearing of the Committees on Consumer Affairs and
6 Business Licensing. At this time, would all
7 panelists please turn on their videos? To minimize
8 disruption, please place all electronic devices to
9 vibrate or silent. And thank you for your
10 cooperation and we are ready to begin.

11 CHAIRPERSON COHEN: I think that is my
12 queue. I am going to gavel.

13 [gavel]

14 CHAIRPERSON COHEN: Does everybody
15 notice that I am practicing my gaveling? Good
16 morning. My name is Andrew Cohen and I am the Chair
17 of the Committee on Consumer Affairs and Business
18 Licensing. I am joined by my colleagues on the
19 committee, council members Koslowitz, Brannan, Chin,
20 and Yeger. Today, will be voting on two bills,
21 proposed introduction bill number 2032-A, sponsored
22 by myself by request of the Mayor and proposed
23 introduction bill number 2049-A, sponsored by Council
24 member Mark Levine. The Department of Consumer
25 Affairs and Worker Protection is responsible for

2 enforcing the city's various worker protection laws,
3 including paid state and sick leave, fair work week,
4 and the Freelancer Isn't Free Act. These laws offer
5 New York City workers some of the strongest
6 protections available. Previously, the cities paid
7 sick safe laws were also more comprehensive than
8 current state law. However, on September 30 of this
9 year, New York State's new sick leave at law will go
10 into effect. While the aim of the law is similar to
11 New York City's law, some of the provisions exceed
12 the protections afforded at the local level.
13 Therefore, the purpose of Intro 2032-A is to bring
14 city law and with the new changes at the state level.
15 If enacted, 2032-A would require employers of five or
16 more employees, one or more domestic worker, or four
17 or more employees with a net income of more than a
18 million dollars to provide 40 hours of paid sick and
19 safe leave to their workers. Under the existing New
20 York City laws, such paid leave entitlements are
21 generally only provided in workplaces with five or
22 more employees. Furthermore, Intro 2032-A would
23 require employers with four or fewer employees and an
24 income of less than \$1 million, to provide 40 hours
25 of unpaid leave. However, it would also require New

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2 York City employers with 100 or more employees to
3 provide those workers with 56 hours of paid sick and
4 safe leave, up from 40 hours. Other provisions of
5 the bill include providing employees with written
6 notice of their leave entitlements, updates to the
7 definition of domestic worker, and safe leave, and
8 authority for Corporation counsel to bring a civil
9 action against an employer who has engaged in a
10 pattern and practice of violations. Finally, the
11 bill will also eliminate the 120 day waiting period
12 and, instead, allow employees to use their sick and
13 safe leave as soon as it is accrued.

14 In conjunction with Intro 2032-A, we are
15 also voting on Intro 2049-A, sponsored by Council
16 member Mark Levine. This bill establishes specific
17 protections for hotel workers. The COVID-19 pandemic
18 has hit all industries and workers hard, but some
19 have been so devastated that it is difficult to
20 imagine how they will recover even after the global
21 emergency is over. The city's hotel industry is one
22 such example. In normal times, New York City is a
23 Mecca for tourists. Over the last 10 years, the
24 number of visitors to the city has increased
25 exponentially and last year there were a record 67

1 million visitors. However, with COVID-19
2 restrictions forcing people to stay home, the city's
3 tourism industry has diminished substantially, to say
4 the least, and the hotel industry is bearing much of
5 the brunt. Prior to the pandemic, New York City had
6 703 hotels operating approximately hundred 38,000
7 rooms in an industry that employed an estimated
8 300,000 workers. At the peak of the pandemic,
9 though, during late March and April, nine and 10
10 hotels furloughed their workers and, nationally, 7.5
11 million industry jobs were lost. Although things
12 have improved slightly by August, over half the
13 industry's hotel workers had not been reinstated.
14 With the city's hotel occupancy rate still way below
15 normal trends, for example, in the last week of
16 August, they were down a whopping 72 percent. The
17 outlook for the city's hotel industry and its workers
18 is bleak. Typically, hotel owners need in occupancy
19 rate of about 50 percent if they have any likelihood
20 of breaking even. Hence, if hotels are unable to
21 stay afloat, there are serious concerns that they
22 will be forced into bankruptcy or sellout. While
23 this may help individual hotelers, this puts hotel
24 workers in a precarious state with little to no
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2 guarantee regarding the security of their job, let
3 alone their wages, benefits, and working conditions.
4 Intro 2049-A attempts to provide some assurances by
5 granting the hotel workers basic rights should their
6 employers sell the hotel. For instance, Intro 2049-
7 A, once the new ownership commences, the new hotel
8 owner must provide employment to existing hotel
9 workers for at least 90 days. Furthermore, the
10 conditions of this employment must be at least the
11 same as the conditions provided by the previous hotel
12 owner. If the new ownership determines that they do
13 not need all of the existing hotel workers, then they
14 must retain existing workers for employment pursuant
15 to the terms of their collective bargaining agreement
16 or by seniority and experience. At the end of the 90
17 day period, the new employer is required to perform a
18 written evaluation of the worker and, if the worker
19 receives a satisfactory result, the new employer must
20 offer them continued employment under the conditions
21 set by the previous employer. If enacted, Intro
22 2049-A will also provide additional protections for
23 consumers by requiring hotelers to provide the
24 customers with at least 24 hours notice if there are
25 disruptions to services. This includes services such

2 as Wi-Fi, in room appliances, advertised amenities,
3 infestations or the laws of legally required
4 accessibility equipment such as ramps or elevators.
5 Hotelers may not charge fees or penalties to
6 customers who decide to cancel a reservation due to a
7 service disruption unless notice was provided prior
8 to the booking. A violation of this bill could
9 result in the hotelier facing a fine of 500 dollars
10 for the first offence and up to 5000 dollars for
11 subsequent offences within a two year period. We
12 know that the hotel industry will face ongoing
13 pressures as it recovers from the impact of COVID-19
14 pandemic, but Intro 2049 ensures that hotel workers
15 are not forced to pay the price for this recovery.
16 Before I ask the-- I don't think that's going to
17 happen. I want to thank Council member Levine for
18 his hard work and leadership on this. I will now ask
19 the Committee Clerk to call the roll.

20 COMMITTEE CLERK: Good morning. William
21 Martin, committee clerk. Roll call vote. Committee
22 on Consumer Affairs. One second. Chair Cohen?
23 Items are coupled. Excuse me.

24 CHAIRPERSON COHEN: Excellent. Good
25 morning, Mr. Martin. I also want to acknowledge I

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2 see Council member Lander has joined us and now that
3 Brad is here, I'm going to vote aye.

4 COMMITTEE CLERK: Thank you. Chin?

5 COUNCIL MEMBER CHIN: I vote aye.

6 COMMITTEE CLERK: Koo?

7 COUNCIL MEMBER KOO: I vote aye.

8 COMMITTEE CLERK: Koslowitz?

9 COUNCIL MEMBER KOSLOWITZ: I vote aye.

10 COMMITTEE CLERK: Lander?

11 COUNCIL MEMBER LANDER: I vote aye.

12 COMMITTEE CLERK: Brannan?

13 COUNCIL MEMBER BRANNAN: Aye.

14 COMMITTEE CLERK: Yeger?

15 COUNCIL MEMBER YEGER: Aye.

16 COMMITTEE CLERK: By a vote of seven in
17 the affirmative, zero in the negative, and no
18 abstentions, both items have been adopted by the
19 committee. Thank you.

20 CHAIRPERSON COHEN: Can I close?

21 Because I'm going to close. This concludes the
22 Committee on Consumer Affairs.

23 [gavel]

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C E R T I F I C A T E

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



Date October 13, 2020