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CITY COUNCIL

CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING And BUILDINGS

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January 26 2004
Start: 1:00 p.m.
Recess: 1:35 p.m.

City Hall
Committee Room
New York, New York

B E F O R E:

MADELINE PROVENZANO
Chairperson,

COUNCIL MEMBERS: Diana Reyna
Tony Avella
Gale Brewer
Lewis Fidler
Robert Jackson
Melinda Katz
Letitia James
James Oddo

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1 COMMITTEE ON HOUSING AND BUILDINGS

2 CHAIRPERSON PROVENZANO: Good

3 afternoon. Today we are conducting the first meeting
4 of the Committee on Housing and Buildings for the
5 year 2004, and the first meeting of this Committee
6 during this new legislative session.

7 My name is Madeline Provenzano, and I
8 chair the Committee on Housing and Buildings.

9 First of all, I would like to
10 congratulate all of my colleagues on being
11 reappointed to the Committee, and I'd like to
12 congratulate the newest member of the Committee,
13 Council Member Letitia James, and I look forward to
14 working with each and every one of you over the next
15 two years.

16 For the record, I would like to list
17 the 11 members of the Committee. Now I have to find
18 you on my list. From my left, Council Member Lew
19 Fidler, representing the 46th District in Brooklyn.

20 Council Member Diana Reyna,
21 representing the 34th District in Brooklyn.

22 Our new Council Member Letitia James,
23 representing the 35th District. All in Brooklyn.

24 Council Member Robert Jackson,
25 representing the 7th District in Manhattan.

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2 They're not in order. They're not in
3 order of the way you're sitting.

4 Council Member Tony Avella,
5 representing the 19th District in Queens.

6 Council Member Gale Brewer, who
7 represents the 6th District in Manhattan.

8 Minority Leader, Council Member James
9 Oddo, representing the 50th District in Staten
10 Island, and in Brooklyn.

11 Now, those that are not here but are
12 members of the Committee, are Majority Leader
13 Council Member Joel Rivera, representing the 15th
14 District in the Bronx; Majority Whip Council Member
15 Leroy Comrie, representing the 25th District in
16 Queens; and as we speak, arriving Council Member
17 Melinda Katz, who represents the 29th District in
18 Queens; and myself, Council Member Madeline
19 Provenzano, representing the 13th District in the
20 Bronx. And that is the Committee.

21 The Committee on Housing and
22 Buildings has jurisdiction over the Department of
23 Housing, Preservation and Development, the
24 Department of Buildings, and the New York City
25 Housing Authority, as well as rent regulation,

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2 including rent control and rent stabilization.

3 This is I guess, aside from the vote
4 we're taking today, could be considered an
5 organizational meeting, and although we haven't
6 officially planned an agenda, I think some of the
7 matters that we will be addressing this session are:
8 the Mayor's highrise building safety legislation,
9 which is legislation that we'll be working on, as a
10 result of the World Trade Center Task Force.

11 Also, scaffolding safety, carbon
12 monoxide concerns, several demolition bills that
13 we'll hold hearings on and self certification, which
14 is a concern of many members of the Council.

15 And I encourage my Committee members
16 to suggest issues that they may want to place on the
17 agenda of this Committee during this session.

18 Anything that would concern new
19 construction, existing buildings or housing in New
20 York.

21 At this point in time, I would also
22 like to acknowledge the newly created Subcommittee
23 on Public Housing, which is chaired by Council
24 Member Diana Reyna. Congratulations.

25 And I urge those of you that have

1 COMMITTEE ON HOUSING AND BUILDINGS
2 issues relating to public housing to speak to
3 Council Member Reyna, and I'm sure she will be most
4 cooperative.

5 Today the Committee will be
6 revisiting the lead poison prevention bill that was
7 passed by the Council at the end of the last
8 session.

9 As you all know, Intro. No. 101-A of
10 the 2002/2003 session was vetoed by the Mayor.

11 M 6, Communication from the Mayor,
12 contained the Mayor's veto and disapproval message
13 of Intro. No. 101-A, a local law to amend the
14 Administrative Code of the City of New York in
15 relation to childhood lead poisoning prevention.
16 Including the avoidance and remediation of
17 lead-based paint hazards in housing and day care
18 facilities, the repeal of Local Law No. 38 for the
19 year of 1999, and the repeal of subdivision H of
20 Section 27-2013, and Section 27-2126 of such code.

21 M 6 was received by the Council on
22 January 7th, 2004.

23 For procedural clarity, the Committee
24 will be conducting two votes.

25 The first vote is upon a motion to

1 COMMITTEE ON HOUSING AND BUILDINGS

2 receive and file the Mayor's Message M6, vetoing
3 Intro. No. 101-A of 2002, 2003 session concerning
4 lead poisoning prevention.

5 A yes vote will only mean that the
6 message is accepted into the record, and does not
7 mean that any Committee member is in agreement with
8 its contents.

9 So, we're going to vote the two
10 separately.

11 First we're voting, do you need me or
12 you've got it? You've got it. We'll vote separately.

13 The first one you're voting just to
14 receive and file the Mayor's Message.

15 And the second one is on Intro. No.
16 101-A of the 2002/2003 session, and is a vote on
17 whether Intro. No. 101-A of the 2002/2003 session
18 should be repassed, notwithstanding the objections
19 of the Mayor.

20 Shall Intro. No. 101-A of 2002/2003
21 session be repassed, notwithstanding the objections
22 of the Mayor. What would we do without all these
23 smart people that tell us what to say? Thank you,
24 Jeff.

25 MS. NASSER: All right. Terzah Nasser,

1 COMMITTEE ON HOUSING AND BUILDINGS

2 Counsel to the Committee. I'm going to call the roll
3 on the first item. The first vote, again, is upon
4 the motion to receive and file the Mayor's Message M
5 6, vetoing Intro. No. 101-A of the 2002/2003
6 session.

7 Council Member Provenzano, how do you
8 vote?

9 CHAIRPERSON PROVENZANO: Yes.

10 MS. NASSER: Council Member Reyna.

11 COUNCIL MEMBER REYNA: Yes.

12 MS. NASSER: Council Member Avella.

13 COUNCIL MEMBER AVELLA: Yes.

14 MS. NASSER: Council Member Brewer.

15 COUNCIL MEMBER BREWER: Yes.

16 MS. NASSER: Council Member Fidler.

17 COUNCIL MEMBER FIDLER: Yes.

18 MS. NASSER: Council Member Jackson.

19 COUNCIL MEMBER JACKSON: Yes.

20 MS. NASSER: Council Member Katz.

21 COUNCIL MEMBER KATZ: Yes.

22 MS. NASSER: Council Member James.

23 COUNCIL MEMBER JAMES: Yes.

24 MS. NASSER: Council Member Oddo.

25 COUNCIL MEMBER ODDO: Yes.

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2 MS. NASSER: By a vote of nine in the
3 affirmative, none in the negative, and no
4 abstentions, the message from the Mayor, M 6, is
5 filed. Accepted and filed.

6 CHAIRPERSON PROVENZANO: Okay, now
7 this vote shall be, Melinda, so that you know.

8 COUNCIL MEMBER KATZ: Yes, Ma'am.

9 CHAIRPERSON PROVENZANO: Intro. No.
10 101-A of the 2002/2003 session be repassed,
11 notwithstanding the objections of the Mayor. That's
12 what we're voting on right now.

13 COUNCIL CLERK: Provenzano.

14 CHAIRPERSON PROVENZANO: No.

15 COUNCIL CLERK: Reyna.

16 COUNCIL MEMBER REYNA: Yes.

17 COUNCIL CLERK: Avella.

18 COUNCIL MEMBER AVELLA: Yes.

19 COUNCIL CLERK: Brewer.

20 COUNCIL MEMBER BREWER: Yes. I want to
21 reiterate that I feel not despite the Mayor we
22 should override, but I want to say that I have met
23 in the interim with very legitimate groups who
24 provide affordable housing and who do not think that
25 insurance is a problem but there are other

1 COMMITTEE ON HOUSING AND BUILDINGS

2 technicalities that need to be worked out, maybe
3 they can be worked out in the regs.

4 I definitely vote yes, but I want to
5 just say that I'm very cognizant of these issues,
6 and I look forward to working with the advocates who
7 care about children and advocates who care about
8 housing.

9 Thank you.

10 COUNCIL CLERK: Fidler.

11 COUNCIL MEMBER FIDLER: Madam

12 Chairwoman, may I be excused to explain my vote?

13 I still feel that there are some
14 problems with this bill, but I have not seen any
15 effort made by the Administration to come in and try
16 and fix them. And just as I said, when we passed
17 this bill last time, once the Court of Appeals
18 struck down the law protecting children in this
19 City, we were left with absolutely no alternative
20 but to pass one.

21 I'd rather have a bill that has
22 defects that may need to be fixed than have no bill
23 whatsoever protect children from lead paint in this
24 City. I think that's unconscionable, and, so, I vote
25 aye.

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2 COUNCIL CLERK: Jackson.

3 COUNCIL MEMBER JACKSON: Pass.

4 COUNCIL CLERK: Katz.

5 COUNCIL MEMBER KATZ: Madam Chair, to
6 explain my vote?

7 I'm going to vote aye today on the
8 override.

9 I do want to just mimic what Council
10 Member Brewer said and also what Council Member
11 Fidler said. This is not a perfect piece of
12 legislation, but then again, often compromises
13 aren't.

14 What does concern me is that there
15 doesn't seem to have been a huge compromise with the
16 administration, and I would have hoped that we would
17 have been able to work something out with them.

18 I agree that we do need a law. We do
19 need to protect the children of the City.

20 I do implore this Committee and the
21 New York City Council to use their oversight
22 responsibilities and their oversight abilities to be
23 able to follow this closely as the law is
24 implemented throughout the City.

25 I do have a great concern about

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2 affordable housing and the insurance issues of the
3 real estate community. I think it's important that
4 we build the affordable housing and also give the
5 opportunity for buildings to go up so that we can
6 make sure that the vacancy issues that we do have in
7 this City are addressed.

8 It is the number one issue that comes
9 before the Land Use Committee on a daily basis, how
10 are we going to build more housing?

11 So, I know this Committee and the
12 Council will watch closely as we go forward with
13 this piece of legislation. And perhaps as Council
14 Member Brewer said might be one of the answers is to
15 look at the regulations, and I'm hoping that the
16 Administration does deal with us and work with us as
17 they go forward to implement the regulations for
18 this piece of legislation. I vote aye.

19 COUNCIL CLERK: James.

20 COUNCIL MEMBER JAMES: Madam Chair,
21 may I be excused to explain my vote?

22 I would like to share similar
23 comments that have been expressed by Councilwoman
24 Brewer.

25 I have spoken to the Executive

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2 Director of the Pratt Area Community Council and he
3 indicates that this is a fair comprise piece of
4 legislation, and I believe this is a common sense
5 approach to a public health issue, and I proudly
6 vote in the affirmative.

7 Thank you.

8 COUNCIL CLERK: Oddo.

9 COUNCIL MEMBER ODDO: May I be
10 temporarily excused to explain my vote?

11 CHAIRPERSON PROVENZANO: Yes.

12 COUNCIL MEMBER ODDO: Thank you, Madam
13 Chair.

14 Subsequent to the Council's vote on
15 Intro. 101-A, a vote in which the Chairwoman and I
16 voted no in the Subcommittee and before the full
17 Council, on Sunday, December 21st, in the Metro
18 Section of the New York Times there was a story
19 about David Chen entitled "One Housing Woe Gives Way
20 To Another," and in the story there was a paragraph
21 that referred to this study that eventually came
22 out, the State of New York's Housing and
23 Neighborhoods 2003 Study by the Ferman Center for
24 Real Estate and Urban Policy (phonetic) and it
25 talked about how there was the long-term delinquency

1 COMMITTEE ON HOUSING AND BUILDINGS

2 on property taxes jumped roughly one-third during
3 2002 after years of steady decline. And they talked
4 about how they don't know if this was just a blip or
5 an early warning sign that we have a weakness in the
6 housing stock, and they attributed that weakness to
7 the City's recent property tax increase, rising
8 insurance costs and other factors.

9 After that, I read a comment by the
10 lead sponsor of this bill that appeared in the
11 Amsterdam News when he talked yet again about how
12 only one insurance company industry representative
13 testified and how that was evidence that there
14 really wasn't an issue in terms of insurance.

15 I want the record to reflect that
16 I've had some conversations subsequent to the vote
17 with some of the insurance industry, and I asked
18 them why no one came forth, and basically what I was
19 told is they said it would be a very bad PR move for
20 them and it essentially was building, was drawing a
21 bulls-eye on their back. The fact of the matter is
22 large insurance companies already do not provide
23 lead paint coverage, it's not worth the cost for
24 them, and that only a few small companies provide
25 lead paint coverage.

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2 And I want the record to reflect that
3 subsequent to the vote, a number of these small
4 companies have already applied to the State
5 Department Insurance for an exclusion to stop
6 providing lead paint.

7 So, I think that the points made by
8 the Chairwoman and I and others, the insurance issue
9 is a genuine issue.

10 And I'll close by saying this: I have
11 not always agreed with this Mayor, in fact I have
12 disagreed vehemently with him at times, but I have
13 to commend him for having the courage of his
14 convictions. He knew the proponents of this bill and
15 his opponents political and otherwise couched this
16 issue in terms of Mike Bloomberg being a Grinch and
17 voting against kids, but he voted against it anyway
18 because he voted on principal. And I'll close with
19 the Mayor's words, because I think they capture this
20 issue perfectly, this bill in many respects is
21 unreasonable, perhaps unachievable and perhaps in
22 some instances counterproductive. I vote no.

23 COUNCIL CLERK: Jackson.

24 COUNCIL MEMBER JACKSON: Madam Chair,
25 may I be excused to explain my vote?

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2 CHAIRPERSON PROVENZANO: Yes.

3 COUNCIL MEMBER JACKSON: Thank you.

4 As I expressed earlier in voting on
5 this particular matter, I'm very concerned about
6 affordable housing and I've been approached directly
7 by developers in my community and expressing
8 concerns about it, and I am concerned, because if in
9 fact affordable housing is not built, then the
10 people that I represent will be negatively impacted.

11 While I'm fully aware of that, I do
12 know that thousands of children are being negatively
13 impacted as far as damage to their brain as a result
14 of lead paint and lead dust that all agree many, if
15 not all of it, comes from the housing situation.

16 So, in considering these factors,
17 then I have no choice but to vote with the children
18 that are being damaged for life, and I do hope that
19 whatever the issues and concerns are on this
20 particular matter will be worked out by all those
21 that are looking to do what is best for our great
22 City and for the children of our great City, and
23 with that, I vote yes.

24 COUNCIL CLERK: By a vote of seven in
25 the affirmative, two in the negative and no

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2 abstentions, Intro. 101-A is readopted. Council
3 Members, please sign the Committee reports. Thank
4 you.

5 COUNCIL MEMBER KATZ: Madam Chair,
6 when will this come to the floor?

7 CHAIRPERSON PROVENZANO: Excuse me?

8 COUNCIL MEMBER KATZ: When will this
9 come to the floor?

10 CHAIRPERSON PROVENZANO: February 4th.

11 COUNCIL MEMBER KATZ: February 4th.

12 Thank you.

13 CHAIRPERSON PROVENZANO: The next
14 Council meeting is February 4th, that's when it will
15 be voted on.

16 I thank everybody. Meeting is
17 adjourned.

18 (Hearing concluded at 1:35 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, CINDY MILLELOT, a Certified Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing is a true and accurate transcript of the within proceeding.

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.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of January, 2004

CINDY MILLELOT, CSR.

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C E R T I F I C A T I O N

I, CINDY MILLELOT, a Certified Shorthand Reporter and a Notary Public in and for the State of New York, do hereby certify the aforesaid to be a true and accurate copy of the transcription of the audio tapes of this hearing.

CINDY MILLELOT, CSR.