

Chair
ELIZABETH VELEZ*

Vice Chairs
LOUIS J. COLETTI*
CHERYL MCKISSACK DANIEL*
PETER DIMAGGIO*
SABRINA KANNER *
GREGORY A. KELLY*
RICHARD KENNEDY *
ELI R. KHOURY*
GARY LaBARBERA*
ANTHONY MANNARINO*
CHARLES F. MURPHY*
EDWARD V. PICCINICH*
FRANCES A. RESHESKE*
JONATHAN D. RESNICK*

President & CEO
CARLO A. SCIUSSURA*

Treasurer
CYRUS J. IZZO*

Secretary
CARL GALIOTO*

General Counsel
MICHAEL S. ZETLIN*

Past Chair
MILO E. RIVERSO*

Directors
JOSEPH J. ALIOTTA
FRANKLIN R. ALVARADO
VINCENT ALVAREZ
CHARLES AVOLIO
LYNNE P. BROWN
ANDREW CATAPANO
RICHARD CAVALLARO
VICTORIA J. CERAMI
EDWIN CHRISTIAN
RALPH J. ESPOSITO*
JOHN J. GILBERT III
DAVID M. GREENBERG
SHARON GREENBERGER
MAUREEN A. HENEGAN
JOSEPH A. IENUSO
JERRY JANNETTI
MARIAN KLEIN
JOSEPH KRAJCZEWSKI
JILL N. LERNER
GEORGE E. LEVENTIS
JEFFREY E. LEVINE
ANTHONY E. MANN
PETER A. MARCHETTO
VICKI MATCH SUNA
CHRIS McCARTIN
JOSEPH G. MIZZI
RICHARD T. MONOPOLI
TERRENCE E. O'NEAL
PATRICIA ORNST
RAYMOND M. POCINO
TODD RECHLER
MICHAEL F. RUSSO
TOM SCERBO
SCOTT SELTZ
EHAB SHEHATA
MITCHEL W. SIMPLER
STEVEN SOMMER
MARILISA STIGLIANO
MICHAEL J. SWEENEY
ELISE WAGNER
IRIS WEINSHALL
ELI ZAMEK
*Executive Committee Member

Directors Emeriti
RICHARD T. ANDERSON
AINE M. BRAZIL
RAYMOND P. DADDAZIO
JOHN M. DIONISIO
MARY-JEAN EASTMAN
PETER GOETZ
STUART E. GRAHAM
SUSAN L. HAYES
THOMAS IOVINO
JEFFREY M. LEVY
JOHN V. MAGLIANO
WILLIAM A. MARINO
MYSORE L. NAGARAJA
ROBERT S. PECKAR
LAWRENCE P. ROMAN
THOMAS Z. SCARANGELLO
ANTHONY P. SCHIRRIPIA
FRANK J. SCIAME
ROBERT E. SELSAM
DOMINICK M. SERVEDIO
MARILYN JORDAN TAYLOR
DANIEL R. TISHMAN
RICHARD L. TOMASETTI



May 6, 2021

Testimony of the New York Building Congress before the New York City Council's Housing & Buildings Committee on Intro 1737-2019

Chair Corney, Jr. and members of the City Council Committee on Housing and Buildings, thank you for the opportunity to provide testimony regarding Intro. 1737-2019, which would amend the administrative code of the City of New York in relation to after-hours work authorizations.

The New York Building Congress' membership consists of more than 525 constituent organizations and 250,000 skilled tradespeople and professionals, including architects, engineers, contractors and labor, many of whom design and build projects in your neighborhoods. For 100 years, we have sought to ensure that our city grows and is developed in a manner that is both safe and minimizes negative impacts on our fellow neighbors. More contemporarily, and throughout the last eight years, we have worked diligently with the City Council and de Blasio Administration to continue to advance both of those goals. We agree that quality of life for New Yorkers is of utmost importance; however, this proposal not only ignores some the underlying benefits of after-hours construction, but also has the potential to inhibit our economic recovery.

Intro 1737-2019 would amend various aspects of the process for issuing after-hours variances (AHVs) and in particular limit the number of days for which an AHV may be issued during any given week. As stated in the bill, it would provide that *“such requested days may not exceed three weekdays per week, one Saturday or one Sunday per week and shall not include any holiday on which alternate side of the street parking rules are suspended.”* We believe that providing limitations on the amount of work that may take place at a particular site outside of regular business hours would have limited benefits and more importantly, will affect the safety and quality of projects. In addition, restricting AHVs in this manner would inevitably prolong the duration of construction projects and make their completion more costly.

On our first point, it is often out of necessity that certain essential construction tasks be completed during off-peak, after-hour time periods. For example, in new construction, the pouring of concrete slabs is an activity that must be done consecutively and potentially without interruption. If there are extended time periods between pours, there is a higher risk that the design of slabs is not uniform in dimension or that the concrete does not cure appropriately between sections, which directly affects their safety. As for occupied buildings, conducting work afterhours is customary as a matter of safety for occupants and visitors. By limiting when AHVs may be issued, this bill is potentially diminishing the quality and security of places where we live and work.

Second, the pandemic has caused tremendous harm to many sectors of our economy, including the building industry. With the pause on non-essential construction and the reverberating market effects of the City and State's financial constraints, construction activity in 2020 and the first half of 2021 has been negatively impacted.

In our *2020-2022 New York City Construction Outlook* report, we forecasted that construction jobs would drop to approximately 128,200 jobs in 2020 and bounce back slightly to 136,650 jobs in 2021 and 140,200 in 2022, which represents 14 percent fewer jobs than the previous three-year period. It is a precarious time to impose harsh restrictions on the building industry, which offers good-paying jobs for a diverse workforce. The city is beginning to emerge from the crisis created by the pandemic and looking to gainfully employ thousands of unemployed or underemployed New Yorkers. Legislation that would impose costly restrictions directly hamper our ability to create thousands of quality jobs, including union jobs.

We agree that protecting nearby residents from construction noise is a worthy goal; however, we ask that the City Council rely on existing legislation to do so. Local Law 53 of 2018 (LL53) is specifically tailored to address issues of after-hours noise by requiring the filing of noise mitigation plans and empowering the Department of Environmental Protection (DEP) to issue stop work orders in response to certain violations. It is misleading to believe that reducing the number of days during which after-hours work can take place will directly relate to enhanced quality of life. Not all after-hours activities are at levels that harm quality of life, and there is existing legislation to regulate those that do.

To protect all New Yorkers, we sincerely hope that the Council will examine the implementation of existing regulations and explore alternatives to enhancing quality of life for residents that do not hamper the city's ability to emerge stronger from the COVID-19 pandemic. The New York Building Congress and its members are committed to advancing policies that promote a more productive and safer New York. We look forward to a continued partnership with the City Council to achieve both of those goals. Thank you for your time and consideration.