

SUPPLEMENT TO
THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, FEBRUARY 27, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of
Wednesday, February 27, 2013, 2:30 p.m.

The President Pro Tempore (Council Member Rivera)
Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Darlene Mealy
Charles Barron	Sara M. Gonzalez	Rosie Mendez
Gale A. Brewer	David G. Greenfield	Michael C. Nelson
Margaret S. Chin	Daniel J. Halloran III	James S. Oddo
Leroy G. Comrie, Jr.	Vincent M. Ignizio	Annabel Palma
Elizabeth S. Crowley	Robert Jackson	Domenic M. Recchia, Jr.
Inez E. Dickens	Letitia James	Diana Reyna
Erik Martin Dilan	Andy King	Joel Rivera
Daniel Dromm	Peter A. Koo	Eric A. Ulrich
Mathieu Eugene	G. Oliver Koppell	James Vacca
Julissa Ferreras	Karen Koslowitz	Peter F. Vallone, Jr.
Lewis A. Fidler	Bradford S. Lander	Albert Vann
Helen D. Foster	Jessica S. Lappin	James G. Van Bramer
Daniel R. Garodnick	Stephen T. Levin	Mark S. Weprin
James F. Gennaro	Melissa Mark-Viverito	Jumaane D. Williams
		Ruben Wills

Excused: Council Members Cabrera, Rodriguez, and Rose.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There is presently a vacancy in the Council pending the swearing-in of the certified winner of the February 19, 2013 Special Election held in the 31st Council District (Queens).

There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Father Ambiorix Rodriguez, Our Lady of Mercy Church, 2496 Marion Avenue, Bronx, NY 10458.

God of grace, peace, and justice,
thank you for the opportunity to be here
and to serve our fellow Americans.
Give us wisdom and a spirit of humble service.
so that we may work in fairness and in truth,
treating all persons, no matter how weak or poor,
with the reverence your Creation deserves.
God of compassion,
send your blessings upon those
who still suffer the consequences
of natural disaster in our City,
the State, and beyond.
May they receive the necessary assistance
to stand tall on their feet
and brighten their future.
We pray for victims of violence;
help us all to make our City
and all its communities
safe-havens for every family
every child, and every elderly [person].
Despite our differences,
may we work together to find solutions
to the needs and challenges we face as a City
and help us not to be discouraged.
On this day, we thank you
for the Dominican community
that celebrates 169 years of their independence.
We thank you for their contribution to our City
to art, sports, education,
but most of all to their day-to-day hard work.
With them, bless every immigrant community
that with honesty and hard work,
makes our City a better place,
and may we all contribute to help them
fulfill the American dream.
Finally, renew us all
with the strength of your presence
in order build a City worthy of the people
we are called to serve.
And we all say Amen.

At this point, the President Pro Tempore (Council Member Rivera) moved to spread the Invocation upon the record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Richard Murphy, 68, former Youth Commissioner under Mayor David Dinkins, died on February 14, 2013 after a battle with stomach cancer. After becoming a part-time social worker in the 1960s, he founded the Rheedlen Foundation to help truant finish school – this organization later grew into the model Harlem Children’s Zone serving 12,000 young people and their families. As Youth Commissioner, he helped start the Beacon School Program that opened schools after hours to provide youth with sports, tutoring, arts and entertainment in a safe environment. After his tenure of city service, he worked in non-profit organizations including the Food Bank of New York City. He leaves behind two brothers, a son, a daughter, and a grandson.

At this point, the floor was yielded to Council Member Brewer who spoke in respectful memory of Commissioner Richard Murphy.

Muriel Billups-Carrington, 84, mother of Council Member Deborah Rose, died on February 24, 2013 after a long illness. A resident of St. George, Staten Island, she was a retired All-State Insurance claims manager who was active in her community. She was honored by the Children's Aid Society for her foster parenting. Ms. Carrington is survived by her daughter Deborah and her son Wayne.

* * *

At this point, the Speaker (Council Member Quinn) recognized the following guests in the Chambers: the mother, father, and husband of the Council's Deputy Legislative Director for Governmental Affairs Alix Pustilnik. The guests were warmly acknowledged by those assembled in the Chambers.

MESSAGES & PAPERS FROM THE MAYOR

M-1045

Communication from the Mayor - Submitting the name of Anthony Crowell to the Council for its advice and consent regarding his appointment to the New York City Conflicts of Interest Board.

January 28, 2013

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Section 2602 of the City Charter, I am pleased to present the name of Anthony Crowell to the City Council for advice and consent regarding his appointment to the New York City Conflicts of Interest Board.

When appointed to the Board, Mr. Crowell will succeed Monica Blum and serve for the remainder of a six-year term expiring on March 31, 2018.

Thank you for reviewing this appointment.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-1046

Communication from the Mayor – Submitting Preliminary Mayor's Management Report (PMMR) for Fiscal Year 2013.

(For text of report, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007).

Received, Ordered, Printed and Filed.

M-1047

Communication from the Mayor – Mayor's veto and disapproval message of Introductory Number 814-A, in relation to prohibiting discrimination based on an individual's unemployment.

February 22, 2013

Michael McSweeney
City Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Transmitted herewith are the bills disapproved by the Mayor. The bills are as follows:

Introductory Number 814-A

A local law to amend the administrative code of the city New York, in relation to prohibiting discrimination based on an individual's employment.

Introductory Number 978-A

A local law to amend the New York City charter, in relation to the campaign finance board.

Sincerely,

Patrick A. Wehle

cc: Honorable Christine C. Quinn

(The following is the text of the Mayor's Veto and Disapproval Message for Int No. 814-A:)

February 22, 2013

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 814-A, which amends the New York City Human Rights Law to make it illegal for employers to consider an individual's unemployment status in hiring and other employment decisions without a substantially job related reason for doing so or to post job advertisements indicating that the unemployed need not apply for a position.

Our Administration shares the Council's concern for the needs of those who have been unemployed due to circumstances beyond their control and in partnership with the City Council, we have taken aggressive steps to stimulate the economy and mitigate unemployment throughout the City. With the Department of Small Business Services we have aggressively expanded workforce development and job placement efforts through the expansion of the City's Workforce One centers. These efforts, along with investments in infrastructure and economic development activities in all five boroughs, have allowed New York City's economy to significantly outperform the rest of the country. Since the onset of the national recession, the United States has gained back only 54% of the private sector jobs it lost; by comparison, New York City has now recovered more than 215% of the private sector jobs we lost. And New York City now has more private sector jobs — 3.3 million — than at any point in its history. And for individuals without a high school diploma, the City's unemployment rate remains less than it is in the country, as it has been since 2007.

Introductory Number 814-A prohibits employers from advertising a job opening that includes language that currently being employed is a requirement for the job or that unemployed applicants will not be considered. Several jurisdictions throughout the country have enacted similar legislation and this is something our Administration supports.

In a misguided attempt to further protect the unemployed from discrimination, Introductory Number 814-A makes it unlawful for employers to base hiring decisions on the unemployment status of a prospective employee without having a substantially job-related reason for doing so. Aggrieved prospective employees will have the opportunity to file a claim with the City's Commission on Human Rights or file a civil suit seeking damages. Allowing employers to inquire about a prospective employee's unemployment only if they have a "substantially job related" reason for doing so introduces a subjective standard and provides insufficient guidance for employers to engage in a hiring process without running afoul of the law. Hiring decisions frequently involve the exercise of independent, subjective judgment about a prospective employee's likely future performance, and the creation of this ambiguous legal standard will make it harder for employers to make decisions that will benefit their businesses. Moreover, to bring a claim, an aggrieved employee need only show that an employer's hiring practice has a "disparate impact" on the unemployed. Because it is reasonable to assume that employers throughout the City more often hire the employed than the unemployed, employers may be justifiably concerned about facing a litany of lawsuits claiming discrimination — lawsuits that after incurring significant expense may ultimately be dismissed. For these reasons this bill merely serves to add litigation, and not jobs. It is worth noting that while several jurisdictions have enacted legislation to protect the unemployed from discrimination, not one has provided for a private right of action or applied a disparate impact standard.

Furthermore, faced with the prospect of being fined as much as \$250,000 per violation by the Human Rights Commission, or perhaps much more at the whims of the courts, the practical effect of this law is that employers would simply choose to hire from within their businesses for fear of being sued. The chilling effect in hiring for those seeking employment from outside a business created by this bill only serves to further hinder the prospects of the unemployed.

I also have reservations about treating the unemployed as a protected class in New York City's Human Rights Law. The City's Human Rights Law is well recognized as one of the broadest civil rights laws in the nation and adding the unemployed blurs the line between irrational discrimination, which the Human Rights Law is supposed to address, and more complicated employment decision-making processes that can legitimately rely on multiple factors. Unlike other bases for discrimination prohibited by the Human Rights Law, such as race, religion, or sex — which should never be relevant to hiring and employment decisions — the circumstances surrounding a person's unemployment status may, in certain situations, be relevant to employers when selecting qualified employees.

While the Council's effort to protect the unemployed from discrimination is laudable, Introductory Number 814-A will only serve to increase employers' costs and introduce uncertainty in their hiring processes, further harming the prospects of the unemployed.

For the foregoing reasons, I hereby disapprove Introductory Number 814-A.

Sincerely,

Michael R. Bloomberg
Mayor

Cc: The Honorable Christine C. Quinn

Referred to the Committee on Civil Rights.

M-1048

Communication from the Mayor – Mayor's veto and disapproval message of Introductory Number 978-A, in relation to the campaign finance board.

February 22, 2013

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 978-A, which exempts unions, other membership organizations and corporations from disclosing with the New York City Campaign Finance Board communications with their members and shareholders in relation to candidates or ballot proposals they support or oppose.

In response to the growing proportion of outside spending in New York City elections, the 2010 Charter Revision Commission proposed an amendment to the City Charter requiring disclosure of independent expenditures. This amendment was overwhelmingly approved by the voters of the City. Introductory Number 978-A seeks to weaken this amendment of little more than two years ago by exempting unions and other organizations from the disclosure of certain independent expenditures.

Just like other forms of campaign expenditure disclosure, disclosure of independent expenditures provides voters with the information they need to hold candidates and elected officials accountable for their positions and supporters. It ensures everyone follows the law and provides a roadmap to how decisions on the campaign trail and in elected office may be influenced. Introductory Number 978-A will only weaken the City's strong campaign disclosure laws and I see no reason why unions and other organizations should not be held to the same standard as others who are supporting candidates for elective office.

For the foregoing reasons, I hereby disapprove Introductory Number 978-A.

Sincerely,

Michael R. Bloomberg
Mayor

Cc: The Honorable Christine C. Quinn

Referred to the Committee on Governmental Operations.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1049

Communication from the New York City Districting Commission – Submitting to the Council, its plan adopted at a February 6, 2013 public meeting, for

dividing New York City into fifty-one districts for the election of members of the New York City Council.

February 8, 2013

BY HAND

Speaker Christine C. Quinn
Council of the City of New York
City Hall
New York, NY 10007

Dear Speaker Quinn and City Council members,

The City of New York 2012-2013 Districting Commission ("the Commission"), hereby submits, for the Council's review, its plan for dividing New York City into fifty-one districts for the election of members of the New York City Council. This plan was adopted by the Commission at a public meeting on February 6, 2013. As the Council considers the plan adopted by the Commission, the Commission encourages Council members to review the testimony and submissions provided by the public during the districting process, as well as the staff memorandum detailing the changes in each of the districts. All of these submissions, and substantial additional information, is available on our website at <http://www.nyc.gov/districting>.

Numerous mechanisms have been made available for the provision of public comment, including, among others: the ability to submit testimony or comment online through the Commission's website or by email; the use of free online mapping software to create and submit alternative plans; the opportunity to speak at any of the fifteen public hearings held throughout the five boroughs between last August and January of this year; and the traditional methods of mailing and faxing public comment to the Commission's office.

By all accounts, the public has offered considerable input for the Commission's consideration, including oral testimony of nearly 500 individuals at public hearings and thousands of written submissions, including both hard copies and electronic submissions received at the Commission's office and made available to the Commission members for their consideration. In addition, the Commission received and reviewed more than 20 districting plans proposed by members of the public. Most importantly, the Commission believes that the public's valuable input, which has been offered through these numerous mechanisms made available by the Commission, has been incorporated to the extent practicable in the plan the Commission now submits to the Council.

Under the provisions of the New York City Charter that govern the districting process, the Commission now submits its plan to the City Council for the Council's consideration. Unless "the council by the vote of a majority of all its members adopts a resolution objecting to such plan and returns the plan to the commission with such resolutions and a statement of its objections," the plan is "deemed adopted." NYC Charter § 51(d). At that point the Commission would file the plan with the City Clerk and submit it to the Department of Justice for preclearance. Based upon the advice of the Commission's legal consultants, as well as Dr. Lisa Handley, a world-renowned voting rights expert analyst who was retained by the Commission to review the plan for compliance with Section 5 of the Voting Rights Act, the Commission believes that the plan is entitled to pre-clearance.

Again, this Commission believes that the plan in its current form complies with all applicable law, and incorporates many of the desires expressed by the public, within the limitations set forth by the Charter. It is a districting plan that fairly represents the voters of this diverse and vibrant City.

Respectfully,

Benito Romano
Chair of the Commission

Enclosures

1. Maps, Plan for the Districts of the Council of the City of New York,
2. Metes & Bounds, Plan for the Districts of the Council of the City of New York

Cc: Michael McSweeney
Clerk of the Council
141 Worth Street
New York, NY 10013

Elizabeth R. Fine
General Counsel
New York City Council, Office of the General Council
250 Broadway, 15th Floor
New York, NY 10007

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-1050

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council, Section 197-d (b)(3) of the New York City Charter and Section 62-822(a) of the Zoning Resolution, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application nos. C 130053 ZSM, C 130054 ZSM, C 130055 ZSM, C 130059 PPM and N 130056 ZAM shall be subject to Council review. These items are related to Uniform Land Use Review Procedure Application nos. C 130052 ZMM and N 130080 ZRM which are subject to Council review pursuant to Sections 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-1051

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 535 Hudson Street, Community Board No. 2, Application no. 20135312 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1052

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 75 Greenwich Avenue, Community Board No. 2, Application no. 20135267 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1053

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 141 Seventh Avenue South, Community Board No. 2, Application no. 20135381 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1054

By Council Member Koppell:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 3720-3726 Riverdale Avenue, Borough of Bronx, Community Board No. 8, Application no. 20135275 TCX shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1055

By Council Member Lappin:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1480 Second Avenue, Community Board No. 8, Application no. 20135309 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

Affirmative –Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 47.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs

Report for Int. No. 16-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring reports from the department of consumer affairs, the department of health and mental hygiene and the environmental control board on vendor adjudications

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 206), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, February 26, 2013, the Committee on Consumer Affairs, chaired by Council Member Daniel R. Garodnick, will vote on Proposed Introductory Bill Number 16-A (“Int. No. 16-A”), 434-A (“Int. No. 434-A”), 684 (“Int. No. 684-A”), 727 (“Int. No. 727-A”), 789 (“Int. No. 789-A”) and 817 (“Int. No. 817-A”). The Committee previously heard versions of these bills on April 24, 2012.

II. BACKGROUND: VENDORS IN NEW YORK CITY

A. General Vendors

There are four types of authorized vendors in New York City – general vendors, food vendors, street artists and vendors of exclusively written material, and veteran vendors. General, food, and veteran vendors are subject to licensing requirements. Subchapter 27 of chapter two of title 20 of the New York City Administrative Code (“the Code”) sets forth licensing and operational requirements for general vendors throughout the City.¹ The Code defines a general vendor as any “person who hawks, peddles, sells, leases or offers to sell or lease, at retail, goods or services, including newspapers, periodicals, books, pamphlets or other similar written matter in a public space.”² Merchants who sell “only newspapers, periodicals, books, pamphlets or other similar written matter,” often referred to as “First Amendment vendors,” may vend without a license.³ For all others, however, a license from the Department of Consumer Affairs (“DCA”) is required. The number of general vendor licenses was set at 853⁴ in September of 1979 and has not increased since that time.⁵

General vendors must comply with specific operational requirements including wearing their licenses conspicuously whenever vending and permitting inspections by DCA or other City agencies.⁶ The Code also restricts the placement of vendors’ vehicles, pushcarts, and stands, and prohibits vendors

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¹ See N.Y.C. Admin. Code §§ 20-452 through 20-474.

² See NYC Admin Code § 20-452(b) (food vendors and newsstands are specifically exempt from the definition of “general vendor” and subsequent operational requirements); *see also* N.Y.C. Admin. Code § 17-306 (governs the licensing and regulation of food vendors); *see also* N.Y.C. Admin. Code § 20-229 (requires that newsstands be appropriately licensed).

³ N.Y.C. Admin. Code § 20-453.

⁴ This number does not include veteran vendors who received specialized general vendor licenses pursuant to State law.

⁵ N.Y.C. Admin. Code § 20-459.

⁶ N.Y.C. Admin. Code §§ 20-461(b), 20-463 and 20-464(a).

from selling in certain areas.⁷ Licensed vendors who violate the requirements set forth in the Code may face fines of up to \$1,000.⁸ They may also have their licenses suspended or revoked for certain fraudulent activity, or for committing four or more violations of vending laws pursuant to the Code in a two-year period.⁹

Unlicensed general vendors are subject to fines of up to \$1,000 and imprisonment, in addition to penalties for every day of unlicensed business activity.¹⁰ Both licensed and unlicensed vendors may have their carts or goods seized for certain transgressions and face possible forfeiture of their possessions.¹¹ Authorized officers and employees of DCA and members of the New York City Police Department (“NYPD”) have the power to enforce the laws, rules, and regulations related to general vendors.¹²

Veteran vendors are subject to the same restrictions on the placement of vehicles, pushcarts and stands as general vendors.¹³ Nevertheless, sections 32 and 35-a of the New York State General Business Law regulate certain veteran vendors, and section 35-a gives disabled veteran vendors special vending rights that permit them to vend in many areas of the City that are off limits to other general vendors.¹⁴

B. Food Vendors

Food vending in the City is governed by Subchapter two of Chapter three of Title 17 of the Code.¹⁵ The Code defines a food vendor as a “person who hawks, peddles, sells or offers food for sale at retail in any public space.”¹⁶ All persons seeking to sell food in the City must first receive a license from the Department of Health and Mental Hygiene (“DOHMH”) for this purpose. In addition to obtaining a food vendor license, available to anyone who completes a food safety training program, a food vendor must also obtain a pushcart permit from DOHMH.¹⁷ Although there is presently no limit on the number of food vendor licenses that may be issued, only 3,100 vehicle or pushcart permits are available at any time, not including the 1,000 additional fresh fruit and vegetable cart permits that became available following the passage of Local Law 9 of 2008.¹⁸

Like general vendors, licensed food vendors are required to comply with specific operational requirements including permitting inspections by DOHMH or other city agencies, providing the addresses and names of the owners of distributors from whom the licensee receives his or her food, and surrendering his or her license or permit to the commissioner upon revocation, suspension, termination, or expiration of his or her license or permit.¹⁹ The Code also restricts the placement of vendors’ vehicles, pushcarts, and stands and prohibits vendors from selling in certain areas, not all of which correlate to the restrictions on the placement of general vending carts.²⁰

Licensed food vendors who violate the requirements set forth in the Code may face fines of up to \$1,000, possible forfeiture of their possessions, and seizure of their carts or goods for certain transgressions.²¹ They may also have their licenses suspended or revoked for certain fraudulent activity, or for three or more violations of the Code in a two-year period.²² Unlicensed food vendors are subject to fines and may have their carts and goods seized.²³ Authorized officers and employees of DOHMH, and members of the NYPD, have the power to enforce the laws, rules, and regulations relating to food vendors.

III. CONTINUING CONFLICT

Frustrations over vending in New York City continue to exist on all sides of the issue. Vendors criticize excessive penalties for minor infractions and arbitrary enforcement of vendor regulations, and believe they are unfairly and disproportionately targeted by City government. For example, a 2011 study by the Urban Justice Center’s Street Vendor Project found that of the 949 summonses issued to fruit and vegetable vendors in Forsyth Street market and adjudicated by the Environmental Control Board (“ECB”), 63% were written for two arguably trivial offenses—50% for not keeping items in or under the cart, and 13% for failing to

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⁷ N.Y.C. Admin. Code § 20-465.

⁸ N.Y.C. Admin. Code § 20-467.

⁹ *Id.*

¹⁰ *Id.*

¹¹ N.Y.C. Admin. Code §§ 20-468 and 469.

¹² N.Y.C. Admin. Code § 20-468.

¹³ N.Y. Gen. Bus. Law § 35-a(2).

¹⁴ See N.Y. Gen. Bus. Law § 35-a.

¹⁵ N.Y.C. Admin. Code §§ 17-306 through 17-325.1.

¹⁶ N.Y.C. Admin. Code § 17-306.

¹⁷ See N.Y.C. Admin. Code § 17-306 (f) (a pushcart is defined as any “wheeled vehicle or device used by a food vendor, other than a motor vehicle or trailer, which may be moved with or without the assistance of a motor and which does not require registration by the department of motor vehicles”).

¹⁸ See N.Y.C. Admin. Code §§ 17-307(b)(2)(a) and 17-307(b)(3)(a).

¹⁹ N.Y.C. Admin. Code § 17-314.

²⁰ N.Y.C. Admin. Code §§ 17-315 and 20-465(q).

²¹ N.Y.C. Admin. Code § 17-325.

²² N.Y.C. Admin. Code § 17-317(f).

²³ N.Y.C. Admin. Code §§ 17-321(c).

display a food vendor license.²⁴ Many vendors are the sole income earners in their families, bringing in a median income of about \$7,500.²⁵ For vendors on the lower end of the income spectrum, the fines associated with these summonses, which can reach \$1,000 per offense,²⁶ can be ruinous. Moreover, according to the Urban Justice Center, because all fines owed must be paid prior to license renewal, high fines cause those vendors to leave the industry.²⁷ It is therefore unsurprising that the vast majority of the fines issued to street vendors go unpaid. According to a 2010 report by the New York City Independent Budget Office, of the \$15.8 million in fines that were issued to vendors during 2008 and 2009, \$14.9 million was never collected.²⁸

Some argue that for many vendors, fines are incurred as a direct result of the confusing regulations that govern vending in New York City. Vendors in the City are currently regulated by DOHMH, DCA, and the NYPD, as well as the Departments of Sanitation, Environmental Protection, Finance, and Parks and Recreation.²⁹ A study commissioned by the Street Vendor Project in 2006 discovered that only 26% of vendors believed that they had an adequate understanding of the City’s vending laws.³⁰ According to the same report, there are over 20 different rules that dictate where vendors can conduct business, which differ depending on the wares being sold, the day of the week, and the time of day.³¹ Confusion over vending regulations has resulted in unwelcomed attention from law enforcement and many vendors claim that police, in enforcing the regulations, unlawfully confiscate goods without returning them.³²

Street vendors, however, are also the subject of complaints. For example, some hospitals are concerned about the safety issue posed by vending carts that obstruct the area surrounding hospital entrances, creating obstacles for emergency vehicles, patients entering the hospital from the street, and persons with limited physical mobility.³³ Additionally, in late 2011 a coalition of residents and businesspersons from the Columbus Circle area wrote letters to the City Council to raise the threat posed to public safety by food vendors operating in taxi stands, and to express support for legislation that would prohibit such activity.³⁴

IV. APRIL 2012 VENDOR HEARING

On April 24, 2012, the Committee on Consumer Affairs held a hearing on earlier versions of Int. No. 16-A, Int. No. 434-A, Int. No. 684-A, Int. No. 727-A, Int. No. 789-A and Int. No. 817-A. The Committee also heard Introductory Bill Number 435 (“Int. No. 435”), a Local Law to amend the administrative code of the city of New York, in relation to defining unrelated violations of vending rules and regulations as separate offenses.

The previous version of Int. No. 434-A (“Int. No. 434”) would have reduced the maximum fine for vending violations from \$1,000 to \$250. Int. No. 435 would have prevented escalation of penalties associated with violations that are issued to vendors for subsequent offenses unless those subsequent violations were issued for the same offense. The Administration testified in opposition to the bills.³⁵ Int. No. 434 and Int. No. 435 were strongly supported by the Urban Justice Center Street Vendor Project, MFY Legal Services, Legal Aid, the Manhattan Borough President and many members of the mobile food vending industry. Supporters of these bills testified that \$1,000 fines are excessively high for non-health related violations, such as failing to keep all items in a pushcart or to conspicuously display a license, and are disproportionate to the low business volume and average income of street vendors. They also argued that, since the average vendor earns \$14,000 annually and cannot afford to pay excessive fines, many vendors let their licenses expire and therefore have no incentive to pay fines or follow vending laws. The Street Vendor Project supported this claim with a working paper by the Department of Urban and Regional Planning at the University of Wisconsin-Madison/Extension on the collection of fines from street vendors in New York City, which drew a correlation between the percentage of fines paid and the fine amount. The report concluded that higher fines are paid with less frequency and that decreasing the penalty might increase payment to the City. Upon reflection and further discussion with interested parties after the hearing, Int. 434-A was amended to increase maximum fine to \$500 and incorporate the elements of Int. No. 435 relating to the escalation of penalties.

The Administration testified in support of the remaining bills. The Street Vendor Project and other advocates expressed some concerns about those bills. Those concerns were taken into account as the bills were revised following the hearing.

for the Lower Ma_____

²⁴ Street Vendor Project of the Urban Justice Center, *Spoiled! How relentless enforcement and \$1,000 tickets are ruining Chinatown’s largest fruit and vegetable market*, 2011, at http://www.urbanjustice.org/pdf/publications/svpforsyth_20july11.pdf (accessed April 16, 2012).

²⁵ Ruiz, A., “Fines Steal Vendors’ Dreams,” *Daily News*, October 12, 2006, at 4.

²⁶ N.Y.C. Admin. Code §§ 17-325 and 20-472.

²⁷ *Supra* note 30.

²⁸ N.Y.C. Indep. Budget Office, *Sidewalk Standoff: Street Vendor Regulations Costly, Confusing, and Leave Many Disgruntled*, November 2010, at <http://www.ibo.nyc.ny.us/iboreports/peddlingnovember2010.pdf>, (accessed April 16, 2012).

²⁹ Street Vendor Project of the Urban Justice Center, *Peddling Uphill: A report on the conditions of street vendors in New York City*, 2006.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Letter from Kenneth David, M.D./President & CEO of Mount Sinai to N.Y.C. Council of March 5, 2012 and Letter from Lee Godman, M.D./Executive Vice President for Health and Biomedical Sciences at Columbia University to N.Y.C. Council of April 16, 2012.

³⁴ Letter from George Fontas to N.Y.C. Council of December 13, 2011.

³⁵ The Mayor’s Office of Special Enforcement stated that they would not oppose a law that would assign the same penalty level to all violations committed on the same day, which is the current practice of the Environmental Control Board in adjudicating vendor violations.

IV. INTRODUCTORY BILLS

A. Int. No. 16-A

DOHMH determines whether or not to renew food vendor licenses and permits based on factors such as outstanding or multiple violations to the administrative code, health code and other relative laws.³⁶ DOHMH also has the authority to suspend or revoke food vendor licenses and permits.³⁷ Int. No. 16-A would amend the Code to require DOHMH to issue annual reports to the Council providing the number of food vendor permit and license suspensions and revocations, and instances where license and permit renewals were denied, as well as the basis for any such suspensions, revocations and denials. The first DOHMH report required by Int. No. 16-A would be due to the Council on June 1, 2013.

Similar to DOHMH authority over food vendors, DCA determines whether or not to renew general vendor licenses and can suspend or revoke general vendor licenses based on similar factors.³⁸ Int. No. 16-A would amend the Code to require DCA to issue annual reports to the Council providing the number of general vendor license suspensions and revocations, and instances where license renewals are denied, as well as the basis for such suspensions, revocations and denials. The first DCA report required by Int. No. 16-A would be due to the Council on June 1, 2013.

ECB adjudicates notices of violations issued by the NYPD and 11 other City agencies.³⁹ Currently, cases related to food and general vendors are heard by ECB.⁴⁰ Int. No. 16-A would amend the Code to require ECB to issue quarterly reports to the Council related to vendor adjudications. Int. No. 16-A would require that such reports correspond with the sections of the Code that relate to food and general vendors in Title 17 and Title 20, respectively, and that they include the following information for the three month period ending before each report is released: (i) the number of hearings held to adjudicate violations of each vendor related provision of Title 17 and Title 20 Code; (ii) the number of violations adjudicated for which vendors were found liable and for which vendors were found not liable; (iii) the dollar amount of each civil penalty imposed by ECB; and (iv) the dollar amount collected on each civil penalty imposed by ECB. The first ECB report required by Int. No. 16-A would be due to the Council on June 1, 2013.

B. Int. No. 434-A

Int. No. 434-A would amend the Code to reduce the maximum fine for violating vending laws. Currently, after violating any of the City's vendor laws three times within a two year period, food and general vendors are subject to fines of up to \$1000 for each additional violation committed within two years of the first violation. Int. No. 434-A would cap the maximum fine for all City vending violations at \$500.

Int. No. 434-A would also affect the escalation of penalties associated with violations that are issued to vendors for subsequent offenses. Currently, vendors are subject to increased fine levels for all subsequent offenses, whether or not the subsequent offense relates to the same regulation as the prior offense. Int. 434-A would prevent such increases unless the subsequent violation is issued for the same offense, within a two year period.

Pursuant to the Code, licensed vendors who violate the City's vending laws are guilty of an offense punishable by a fine of (i) no less than \$25 and no more than \$50 for the first offense; (ii) no less than \$50 and no more than \$100 for any second offense within a two year period; (iii) no less than \$100 and no more than \$250 for any third offense within a two year period; (iv) no less than \$250 and no more than \$1,000 for any subsequent offense committed within two years of the first offense by a food vendor; and (v) no less than \$200 and no more than \$1,000 for any subsequent offense committed within two years of the first offense by a general vendor. Vendors are subject to identical civil penalties that escalate in the same manner.

According to the ECB penalty schedules, all vendors are issued a fine of (i) \$50 for the first violation; (ii) \$100 for the second violation; (iii) \$250 for the third violation; (iv) \$500 for the fourth violation or \$1,000 for a default on the fourth violation; (v) \$750 for the fifth violation or \$1,000 for a default on the fifth violation; and \$1,000 for the sixth and all subsequent violations.⁴¹ Int. No. 434-A would amend the Code to; (i) ensure that the penalty levels cited above increase only if subsequent violations are issued for the same offense within a two year period; and (ii) change the maximum fine to \$500. Therefore, a vendor would be subject to higher penalty levels only if he or she repeats the same offense, and no penalty for one offense would cost more than \$500.

Int. No. 434-A would also amend the administrative code to increase the maximum penalty for general vendors from no less than \$200 to no less than \$250. Int. No. 434-A would not amend the current penalties for vending without a license or permit, or for health code violations.

C. Int. No. 684-A

Int. No. 684-A would amend the Code to prohibit any vehicle or pushcart used for food vending to touch, lean against, or be affixed to any taxi stand permanently or temporarily. Further, Int. No. 684-A would prohibit any food vending within any taxi stand. Currently, only general vendors are prohibited from vending within taxi stands.⁴²

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³⁶ N.Y.C. Admin. Code § 17-317.

³⁷ *Id.*

³⁸ N.Y.C. Admin. Code §§ 20-457 and 20-467.

³⁹ See <http://www.nyc.gov/html/ecb/html/about/what.shtml> (accessed April 16, 2012).

⁴⁰ *Id.*, see also N.Y.C. Admin. Code §§ 17-325(d) (proceedings to recover any civil penalties authorized pursuant to the food vending laws in the Code are commenced by the service of a notice of violation returnable to ECB or the administrative tribunal established by the board of health); 20-472(d) (notices of violations issued to recover any civil penalties pursuant to general vending laws are returnable to ECB and ECB has the power to impose penalties prescribed in the Code).

⁴¹ See <http://www.nyc.gov/html/ecb/html/legal/fines.shtml> (accessed April 19, 2012).

⁴² N.Y.C. Admin. Code § 20-465(e).

D. Int. No. 727-A

Int. No. 727-A would amend the Code to prohibit both food and general vending, as well as the presence of food and general vending items, within twenty feet of any entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly. Currently, the Code prohibits vending within twenty feet of the "entranceways" to such places of public assembly,⁴³ but permits general vendors to vend ten feet closer to both "entrances and exits" to buildings that are exclusively residential at the street level.⁴⁴ This bill would clarify that all vendors are not permitted to vend or place any vending items within twenty feet of entranceways to all buildings, and would prohibit all vendors from vending within twenty feet of exits, including service exits, to buildings that are exclusively residential at the street level.

E. Int. No. 789-A

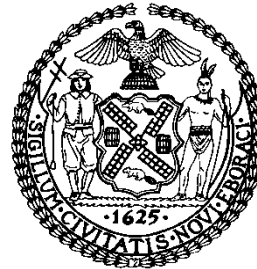
Int. No. 789-A would amend the Code to prohibit food and general vendors from vending within the portion of the sidewalk abutting a no standing zone adjacent to any hospital. Currently, all parking rules apply to vendors.⁴⁵ Therefore, vendors cannot vend in the street within no standing zones. Int. No. 789-A would prohibit the same on the area of the sidewalk next to no standing zones near hospitals. "Hospital" would have the same definition as it does in the New York State Public Health Law.

F. Int. No. 817-A

Int. No. 817-A would amend the Code to require that notices of violation issued to food vendors for violating any of the City's food vendor laws include the permit number of the food truck or pushcart at which the violation occurred.

Pursuant to the Code, no food vending vehicle or pushcart permit may be renewed to a permit holder if the permit holder or the permit holder's employee has failed to pay any fine, penalty or judgment issued pursuant to the City's food vending laws.⁴⁶ Int. No. 817-A would document the violations received at each food vehicle or push cart. This would help create a link between food vendor violations and the food vehicle or push cart permit for purposes of renewing such permit.

(The following is the text of the Fiscal Impact Statement for Int. No. 16-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR

JEFFREY RODUS, FIRST DEPUTY

DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 16-A

COMMITTEE:
Consumer Affairs

TITLE: A Local Law to amend the administrative code of the City of New York ("Code"), in relation to requiring reports from the Department of Consumer Affairs, the Department of Health and Mental Hygiene, and the Environmental Control Board on vendor adjudications.

SPONSORS: Council Members Mark-Viverito, Brewer, Fidler, Gentile, James, Palma, Williams, Chin, and Dromm

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⁴³ N.Y.C. Admin. Code §§ 17-315(d) and 20-465(d).

⁴⁴ N.Y.C. Admin. Code § 17-315(q)(3).

⁴⁵ N.Y.C. Admin. Code §§ 17-315(f) and 20-465(f).

⁴⁶ N.Y.C. Admin. Code § 17-317(b) ("The commissioner shall not issue or renew a food vendor license or a permit to vend food from a vehicle or pushcart in a public place if the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have failed to pay any fine, penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rules promulgated thereunder").

SUMMARY OF LEGISLATION: The bill would amend the Code to require the Department of Consumer Affairs (“DCA”) and Department of Health and Mental Hygiene (“DOHMH”) to issue annual reports to the Council with respect to food vendor licenses and pushcart or vehicle permits. Each report submitted by DOHMH will include the following information for the twelve-month period prior to the report issuance: (i) the number of food vendor license renewals denied and the basis for such denial, including but not limited to outstanding or multiple violations; (ii) the number of food vending pushcart or vehicle permit renewals denied and the basis for each denial; (iii) the number of food vendor license suspensions and the basis for each suspension; (iv) the number of food vending pushcart or vehicle permit suspensions and the basis for each suspension; (v) the number of food vendor license revocations and the basis for each revocation; and (vi) the number of food vending pushcart or vehicle permit revocations and the basis for each such revocation. The first report would be due on June 1, 2013.

Each report submitted by DCA will include the following information for the twelve-month period prior to the report issuance: (i) the number of general vendor license renewals denied and the basis for such denial, including but not limited to outstanding or multiple violations; (ii) the number of general vendor license suspensions and the basis for each suspension; (iii) the number of general vendor licenses revoked and the basis for each revocation; and (vi) the number of food vending pushcart or vehicle permit revocations and the basis for each such revocation. The first report would be due on June 1, 2013.

This bill would also amend the Code to require the Environmental Control Board to issue quarterly reports to the Council related to vendor violations that were issued and adjudications. Each report will include the following information for the three-month period prior to the report issuance: (i) the number of hearings held to adjudicate violations; (ii) the number of violations adjudicated during the period, which vendors were found liable and not liable; (iii) the dollar amount of each civil penalty imposed by the board; and (iv) the dollar amount collected on each civil penalty imposed by the board. The first report would be due on June 1, 2013.

EFFECTIVE DATE: This law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There will be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Legislative Division, Department of Consumer Affairs, Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. 16 was introduced to the City Council and referred to the Committee on Consumer Affairs on February 3, 2010. The Committee held a hearing on Intro. 16 on April 24, 2012 where an amendment was proposed and the bill was laid over and amended. The amended legislation, Proposed Intro. 16-A will be voted out of Committee on February 26, 2013.

DATE SUBMITTED TO COUNCIL: February 3, 2010

(For text of Int No. 16-A, please see below; for text of the other bills with their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Consumer Affairs for Int Nos. 434-A, 684-A, 727-A, 789-A, and 817-A printed in these Minutes).

Accordingly, the Committee recommends the adoption of Int Nos. 16-A, 434-A, 684-A, 727-A, 789-A, and 817-A.

(The following is the text of Int. No. 16-A:)

Int. No. 16-A

By Council Members Mark-Viverito, Brewer, Fidler, Gentile, James, Palma, Williams, Chin, Dromm, Koslowitz, Arroyo, Levin, Barron, Koppell, Comrie, Nelson, Dickens, Gennaro, Lander, Reyna and Jackson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reports from the department of consumer affairs, the department of health and mental hygiene and the environmental control board on vendor adjudications.

Be it enacted by the Council as follows:

Section 1. Title seventeen of the administrative code of the city of New York is amended by adding new section 17-325.2 to read as follows:

17-325.2 Reports on vendor license and permit renewals, suspensions and revocations. Commencing on June 1, 2013, and every twelve months thereafter, the department shall issue an annual report to the council with respect to food vendor licenses and pushcart or vehicle permits. Each report shall include the following information for the twelve-month period prior to the issuance of the report: (i) the number of food vendor license renewals denied and the basis for each such denial, including but not limited to outstanding or multiple violations of the provisions of subchapter two of chapter three of title 17 of the administrative code; (ii) the number of food vending pushcart or vehicle permit renewals denied and the basis for each such denial, including but not limited to outstanding or multiple violations of the provisions of subchapter two of chapter three of title 17 of the administrative code; (iii) the number of food vendor license suspensions pursuant to section 17-317 of the administrative code and the basis for each such suspension; (iv) the number of food vending pushcart or vehicle permit suspensions pursuant to section 17-317 of the administrative code and the basis for each such suspension; (v) the number of food vendor license revocations pursuant to section 17-317 of the administrative code and the basis for each such revocation; and (vi) the number of food vending pushcart or vehicle permit revocations pursuant to 17-317 of the administrative code and the basis for each such revocation.

§ 2. Title twenty of the administrative code of the city of New York is amended by adding a new section 20-472.1 to read as follows:

§20-472.1 Reports on vendor license renewals, suspensions, revocations, and adjudications. a. Commencing on June 1, 2013, and every twelve months thereafter, the department shall issue an annual report to the council with respect to general vendor license renewals, suspensions, and revocations. Each report shall include the following information for the twelve-month period prior to the issuance of the report: (i) the number of general vendor license renewals denied and the basis for each such denial, including but not limited to outstanding or multiple violations of the provisions of this subchapter; (ii) the number of general vendor licenses suspended pursuant to section 20-467 of this subchapter and the basis for each such suspension; and (iii) the number of general vendor licenses revoked pursuant to section 20-467 of this subchapter and the basis for each such revocation.

b. Commencing on June 1, 2013, and every three months thereafter, the environmental control board shall issue quarterly reports to the council with respect to violations that were issued pursuant to this subchapter or to subchapter two of chapter three of title seventeen of the administrative code, and that were adjudicated by the environmental control board. Each report shall detail the three-month period prior to the issuance of the report. Such report shall include:

1. the number of hearings held to adjudicate violations of each section of such subchapters;
2. for each section of such subchapters the number of violations: (a) adjudicated during the period; (b) for which vendors were found liable; and (c) for which vendors were found not liable;
3. the dollar amount of each civil penalty imposed by the board; and
4. the dollar amount collected on each civil penalty imposed by the board.

§ 3. This local law shall take effect immediately.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 434-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for

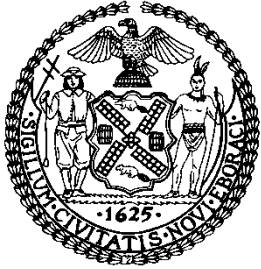
violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on November 30, 2010 (Minutes, page 4937), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 434-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 434-A

COMMITTEE:
Consumer Affairs

TITLE: A Local Law to amend the administrative code of the City of New York ("Code"), in relation to reducing the maximum fine amount for violations of vending regulations and defining unregulated violations of vending rules and regulations as separate offenses.

SPONSORS: Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Vann, Wills, Dilan, Koslowitz, Gennaro, and Ulrich

SUMMARY OF LEGISLATION: Currently, after violating any of the City's vendor laws three times within a two-year period, food and general vendors are subject to fines of up to \$1,000 for each additional violation committed within two years of the first violation. Additionally, vendors are subject to increased fine levels for all subsequent offenses, whether or not the subsequent offense relates to the same rule or regulation as the prior offense. This legislation would amend the Code to cap the maximum fine for all City vending violations at \$500 and ensures that the penalty levels increase only if only if subsequent violations are issued for the same offense within a two year period. This bill would not amend the current penalties for vending without a license or permit.

The amended Code would state that licensed vendors who violate the City's vending laws will be subject to a fine of (i) no less than \$25 and no more than \$50 for the first offense; (ii) no less than \$50 and no more than \$100 for any second violation issued for the same offense within a two year period of the date of the first violation; (iii) no less than \$100 and no more than \$250 for any third violation issued for the same offense within a two year period of the date of the first violation; and (iv) no more than \$500 for any subsequent violations issued for the same offense within a two year period of the date of the first violation.

EFFECTIVE DATE: This law would take effect one hundred twenty days after it is enacted into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Fines are meant to ensure compliance with the duly enacted laws and not to generate revenue. Therefore, a reduction in fine amount imposed for a failure to comply with certain laws will not have an impact on revenues.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Legislative Division, Department of Consumer Affairs

ESTIMATE PREPARED BY: AMY STOKES

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. 434 and 435 were introduced to the City Council and referred to the Committee on Consumer Affairs on November 30, 2010. The Committee held a hearing on Intro. 434 and 435 on April 24, 2012 and the bills were laid over, combined, and amended. The amended legislation, Proposed Intro. 434-A, will be voted out of Committee on February 26, 2013.

DATE SUBMITTED TO COUNCIL: November 30, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 434-A:)

Int. No. 434-A

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Vann, Wills, Dilan, Koslowitz, Gennaro, Comrie, Nelson, Dromm, King, Ulrich and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-325 of the administrative code of the city of New York is amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a fine of not [less] more than [two] five hundred [fifty] dollars [nor more than one thousand dollars].

§2. Paragraph two of subdivision c of section 17-325 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 of this subchapter, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] more than [two] five hundred [fifty] dollars [nor more than one thousand dollars].

§3. Subdivision b of section 20-472 of the administrative code of the city of New York is hereby amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§ 5. Paragraph two of subdivision c of section 20-472 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§ 6. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 684-A

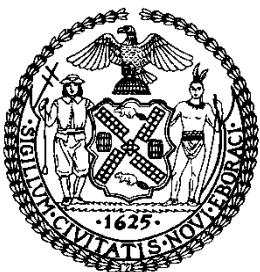
Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending against or within taxi stands

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on October 5, 2011 (Minutes, page 4526), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 684-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 684-A

COMMITTEE:
 Consumer Affairs

TITLE: A Local Law to amend the administrative code of the City of New York ("Code"), in relation to prohibiting vending against or within taxi stands.

SPONSORS: Council Members Brewer, Ferreras, James, Koppell, Lander, Lappin, Mendez, Palma, Garodnick, and Vacca

SUMMARY OF LEGISLATION: This bill would amend the Code to prohibit any vehicle, pushcart, or any other item related to the operation of a food vendor's business to touch, lean against, or be affixed to any taxi stand, permanently or temporarily. Furthermore, this bill would amend the Code to prohibit any food vendor from vending within any taxi stand. Currently, only general vendors are prohibited from vending within taxi stands.

EFFECTIVE DATE: This law would take effect one hundred twenty days after it is enacted into law, provided that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, adoption of any necessary rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There will be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Legislative Division

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. 684 was introduced to the City Council and referred to the Committee on Consumer Affairs on October 5, 2011. The Committee held a hearing on Intro. 684 on April 24, 2012 and the bill was laid over and amended. The amended legislation, Proposed Intro. 684-A will be voted out of Committee on February 26, 2013.

DATE SUBMITTED TO COUNCIL: October 5, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 684-A:)

Int. No. 684-A

By Council Members Brewer, Ferreras, James, Koppell, Lander, Lappin, Mendez, Palma, Garodnick, Vacca, Chin, Arroyo, Barron, Koslowitz, Comrie, Nelson, Dromm, Gennaro, Jackson and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending against or within taxi stands.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and e of section 17-315 of the administrative code of the city of New York are amended to read as follows:

b. No vending vehicle or pushcart or any other item related to the operation of a food vendor's business shall touch, lean against, or be affixed permanently or temporarily in any building or structure including, but not limited to, lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, *taxi stands*, refuse baskets or traffic barriers.

e. No food vendor shall vend within any bus stop, *taxi stand*, within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

§2. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 727-A

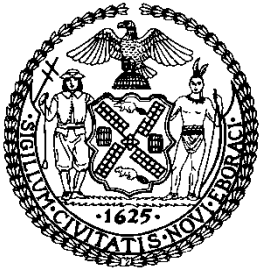
Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on December 8, 2011 (Minutes, page 5240), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 727-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 727-A

COMMITTEE:
 Consumer Affairs

TITLE: A Local Law to amend the administrative code of the City of New York ("Code"), in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.

SPONSORS: Council Members Garodnick, Cabrera, Chin, Comrie, Ferreras, Foster, Gentile, Koppell, Koslowitz, Palma, Halloran, and Koo

SUMMARY OF LEGISLATION: This legislation would amend the Code to prohibit vending within twenty feet of any exits, including service exits, to buildings that are exclusively residential at the street level.

EFFECTIVE DATE: This law would take effect ninety days after its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There will be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Legislative Division

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL

ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. 727 was introduced to the City Council and referred to the Committee on Consumer Affairs on February 8, 2011. The Committee held a hearing on Intro. 727 on April 24, 2012 where the bill was laid over and amended. The amended legislation, Proposed Intro. 727-A, will be voted out of Committee on February 26, 2013.

DATE SUBMITTED TO COUNCIL: February 8, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 727-A:)

Int. No. 727-A

By Council Members Garodnick, Cabrera, Chin, Comrie, Ferreras, Foster, Gentile, Koppell, Koslowitz, Palma, Vacca, Koo, Arroyo, Gonzalez, Barron, Nelson, Dromm, Weprin, Gennaro, Jackson, Lander, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 17-315 of the administrative code of the city of New York is amended to read as follows:

d. No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of [an] any entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly, *or within twenty feet from exits, including service exits, to buildings that are exclusively residential at the street level.*

§ 2. Subdivision d of section 20-465 of the administrative code of the city of New York, as amended by local law number 112 for the year 1989, is amended to read as follows:

d. No vending pushcart, stand or goods shall be located against display windows of fixed location businesses, nor shall they be within twenty feet from [an] any entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly, *or within twenty feet from exits, including service exits, to buildings that are exclusively residential at the street level.*

§ 3. Subdivision q of section 20-465 of the administrative code of the city of New York, as amended by local law number 112 for the year 1989, is amended by eliminating paragraph three as follows:

[3. within ten feet from entrances or exits to buildings which are exclusively residential at the street level.]

§4. This local law shall take effect ninety days after it shall have been enacted into law.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 789-A

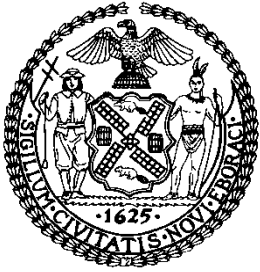
Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending on the sidewalk abutting no standing zones adjacent to hospitals.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on February 29, 2012 (Minutes, page 533), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 789-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 789-A

COMMITTEE:
 Consumer Affairs

TITLE: A Local Law to amend the administrative code of the City of New York (“Code”), in relation to prohibiting vending on the sidewalk abutting no standing zones adjacent to hospitals.

SPONSORS: Council Members Garodnick, Comrie, Koo, Koppell, Koslowitz, Brewer, Rodriguez, Gennaro, and Vacca

SUMMARY OF LEGISLATION: This legislation would amend the Code to prohibit food and general vendors from vending within the portion of the sidewalk abutting any no standing zone adjacent to a hospital. Currently, all parking rules apply to vendors. Therefore, vendors cannot vend in the street within no standing zones. This bill would prohibit the same on the area of the sidewalk next to no standing zones.

EFFECTIVE DATE: This law would take effect ninety days after its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There will be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Legislative Division

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. 789 was introduced to the City Council and referred to the Committee on Consumer Affairs on February 29, 2012. The Committee held a hearing on Intro. 789 on April 24, 2012 where the bill was laid over and amended. The amended legislation, Proposed Intro. 789-A will be voted out of Committee on February 26, 2013.

DATE SUBMITTED TO COUNCIL: February 29, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 789-A:)

Int. No. 789-A

By Council Members Garodnick, Comrie, Koo, Koppell, Koslowitz, Brewer, Rodriguez, Gennaro, Vacca, Chin, Arroyo, Barron, Nelson, Dromm, Jackson, Lander and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending on the sidewalk abutting no standing zones adjacent to hospitals.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 17-315 of the administrative code of the city of New York is amended to read as follows:

e. No food vendor shall vend within any bus stop, *within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law*, within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

§ 2. Subdivision e of section 20-465 of the administrative code of the city of New York, as amended by local law number 112 for the year 1989, is amended to read as follows:

e. No general vendor shall vend within any bus stop or taxi stand, *within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law*, or within ten feet of any driveway, any subway entrance or exit, or any corner. For the purposes of this subdivision, ten feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.

§3. This local law shall take effect ninety days after its enactment.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 817-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring certain information on notices of violation issued to food vendors.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on March 28, 2012 (Minutes, page 1038), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 817-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 817-A

COMMITTEE:
 Consumer Affairs

TITLE: A Local Law to amend the administrative code of the City of New York (“Code”), in relation to requiring certain information on notices of violation issued to food vendors.

SPONSORS: Council Members Garodnick, Chin, Gentile, James, Koo, Williams, and Halloran

SUMMARY OF LEGISLATION: This legislation would amend the Code to require that any notice of violation issued to a food vendor that is returnable to the environmental control board include the permit number of the vehicle or pushcart associated with the issued notice of violation. This bill would document the violations received at each food vehicle or pushcart. This would help create a link between food handler violations and the food vehicle or pushcart permit for purposes of renewing such permit.

EFFECTIVE DATE: This law would take effect one hundred and eighty days after its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There will be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Legislative Division

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. 817 was introduced to the City Council and referred to the Committee on Consumer Affairs on March 28, 2012. The Committee held a hearing on Intro. 817 on April 24, 2012 where the bill was laid over and amended. The amended legislation, Proposed Intro. 817-A will be voted out of Committee on February 26, 2013.

DATE SUBMITTED TO COUNCIL: March 28, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 817-A:)

Int. No. 817-A

By Council Members Garodnick, Chin, Gentile, James, Koo, Williams, Halloran, Vacca, Arroyo, Gonzalez, Barron, Koppell, Koslowitz, Comrie, Nelson, Dromm, Weprin, Gennaro, Jackson and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain information on notices of violation issued to food vendors.

Be it enacted by the Council as follows:

Section 1. Section 17-321 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to the environmental control board shall state the permit number of the vehicle or pushcart associated with such notice of violation.

§ 2. This local law shall take effect one hundred and eighty days after it shall have been enacted into law.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Finance

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered Res. No. 1664

Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on February 27, 2013, respectfully

REPORTS:

INTRODUCTION

This Resolution is required by Chapter 4 of Title 25 of the New York City Administrative Code, as amended by Local Law 82 of 1990, which authorized the City Council to establish Business Improvement Districts (BIDs).

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law, which would establish the SOHO Business Improvement District.

The hearing on the local law and the BID plan will be held on March 13 2013 at 10:00 a.m. in the City Hall Committee Room to hear all persons interested in the establishment of the District.

This Resolution also directs that all notices required under the BID law be properly given by the Department of Small Business Services and the SOHO BID Steering Committee, respectively.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget. The program permits the use of the city's taxing authority to levy an assessment on real property located within the district. The assessment is then returned to a local management group, which provides services and improvements to the district that are in addition to those provided by the City.

Geographically, the proposed BID is located in Lower Manhattan (zip codes 10012 & 10013) in Community Board 2 and is comprised of an area of approximately 12 block-fronts, or approximately 280 tax lots. The proposed BID targets the Broadway corridor, and is broadly defined by the east and west side of Broadway from the north side of Canal Street to the south side of East Houston.

The 280 tax lots consist of approximately 70 commercial properties, 48 mixed use condominium properties, 1 vacant property, 1 tax exempt property owned by the Metropolitan Transit Authority, and 160 residential properties (14 cooperatives and 146 condominiums). The area consists of a diverse mix of retail, art galleries and neighborhood services. Buildings within the proposed BID are typically 5 to 12 story loft buildings with commercial uses on the ground floor and joint-live-work-quarters-for-artists on the upper floors.

Services

The services to be provided in the proposed BID are governed by the proposed BID's Amended Plan. The services provided in the proposed BID will supplement municipal services that are already provided by the City in the proposed BID area, will not take the place of services provided by the City on a city wide basis. According to the proposed BID's Amended Plan, the following services will be provided and performed under the direction of the DMA:

Sanitation and Snow Removal: Includes sweeping and cleaning of sidewalks and curbs, maintenance of trash receptacles, graffiti removal, maintenance of street furniture and management of news boxes, as well as snow removal at street corners.

Pedestrian: designed to manage the sidewalk congestion and to mitigate the impact of street vending; due to the proposed BID's emergence as a major retailing destination.

Public Safety Services: includes unarmed patrol; utilizing a licensed and bonded company to provide public safety services under a contract with the SOHO DMA and work in conjunction with the local NY PD Precinct.

Advocacy: The BID will act as advocate on behalf of the stakeholders of the proposed BID to government agencies and elected public officials

General & Administration: The proposed BID will be administered by salaried staff which may include, but not be limited to: Executive Director, Project Manager and any other special staff and/or consultants deemed necessary by the proposed BID's Board of Directors. Administrative costs may also include office-related expenses such as rent, telephone, insurance, supplies, fringe benefits and other ordinary, necessary, and reasonable services and supplies.

Capital Improvements: Street and sidewalk amenities to identify, enhance, and beautify the proposed BID; and capital improvement projects, which may include but are not limited to, storefront and/or facade improvement projects that address issues of signage, pedestrian area lighting.

Accordingly, this Committee recommends its adoption.

¹ See Section 25-411 of the Administrative Code of the City of New York.

Service Cost

The expenses to provide the above services to the benefited real properties within the proposed BID are detailed in the chart below.

Services	Budget
Sanitation and Snow Removal	\$200,000
Pedestrian and Public Safety	\$150,000
Advocacy and General Administration	\$200,000
Capital Improvements	As needed
TOTAL FIRST YEAR BUDGET	\$550,000

(The following is the text of Res. No. 1664:)

Res. No. 1664

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia, Comrie, Gennaro and Koo.

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 29, 2011 the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Out of School Time Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Adult Literacy Council Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in

the designation of a certain organization receiving funding pursuant to Callen Lorde Community Health Center in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the EarlyLearn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Initiative Fund Transfers in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2013

Member	Organization	EM Number	Agency	Amount	Agcy #	UA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Ulrich	Avonlea Church of God Inc.	11-3031978	DYCD	(\$1,500.00)	260	312		
Ulrich	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DYCD	(\$1,500.00)	260	312		
Ulrich	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	DYCD	\$5,000.00	260	005		
Barron	Brukshin Tenants Association, Inc. **	11-2651965	NYCHA	(\$2,300.00)	098	002		
Barron	Soul Tigers Marching Band, Inc. **	11-0619740	DYCD	\$2,300.00	260	005		
Dickens	Fractured Atlas Productions, Inc. **	11-3451703	DYCD	(\$7,500.00)	260	005		
Dickens	Fractured Atlas Productions, Inc. **	11-3451703	DPH	\$7,500.00	846	006		
Dickens	Fractured Atlas Productions, Inc. **	11-3451703	DYCD	(\$3,500.00)	260	005		
Rose	Legal Services NYC - Staten Island Legal Services **	13-2600168	DOHMH	(\$5,897.00)	816	120		
Rose	Legal Services NYC - Staten Island Legal Services **	13-2600168	DYCD	\$5,897.00	260	005		
Calorena	New York City Christian Athletic League	89-0390468	DYCD	(\$7,197.00)	260	312		
Calorena	Hispanic Federation, Inc.	13-3573852	DYCD	\$7,197.00	260	312		
Viventib	East Harlem Urban Center - P.S. 38; P.S. 146; Amber Charter School; P.S. 50	13-2765924	DOE	(\$10,000.00)	040	402		
Viventib	East Harlem Urban Center - P.S. 38; P.S. 146; P.S. 50	13-2765924	DOE	\$10,000.00	040	402		
James	Community Roots Charter School **	26-4274276	DOE	(\$3,500.00)	040	402		
James	Community Roots Charter School **	26-4274276	DYCD	\$3,500.00	260	312		
Dickens	Harlem Community Development Corporation	15-2624267	PSBS	(\$7,000.00)	801	002		
Dickens	Empire State Development Corporation	15-2624267	PSBS	\$7,000.00	801	002		
Viventib	Harlem Community Development Corporation	15-2624267	PSBS	(\$5,000.00)	801	002		
Viventib	Empire State Development Corporation	15-2624267	PSBS	(\$5,000.00)	801	002		
Obba	American Cancer Society	15-0743602	DOHMH	(\$15,000.00)	816	113		
Obba	American Cancer Society	15-0743602	DOHMH	\$15,000.00	816	113		
Roo	American Cancer Society	15-1789691	DYCD	(\$5,000.00)	260	005		
Roo	American Cancer Society	15-1789691	DYCD	(\$5,000.00)	260	005		
Halloran	11th Precinct Community Council, Inc. **	13-1391768	DYCD	(\$3,500.00)	260	005		
Halloran	Quality Services for the Aged Community (QSAC, Inc.) **	11-2049274	DOHMH	\$1,000.00	816	120		
Halloran	Catholic Charities Neighborhood Services, Inc. **	11-2049151	DFTA	\$1,000.00	126	003		
Halloran	Services Now for Adult Persons (SNAP, Inc.) **	11-2691783	DFTA	\$1,500.00	126	003		
Obdo	Italian Club of Staten Island, Inc. **	13-3428738	DFTA	(\$3,500.00)	126	003		
Obdo	Dr. Theodora A. Atlas Foundation, Inc. **	13-4012768	DYCD	\$3,500.00	260	312		
Rose	Council on the Environment of New York City, Inc. DRBA GrowNYC **	13-2765466	DYCD	(\$3,500.00)	260	312		
Rose	New Lane Shores Tenant Association **	33-1186338	NYCHA	\$2,000.00	098	002		
Rose	Cassidy/Lafayette Houses Tenant Association **	26-8425012	NYCHA	\$1,500.00	098	002		

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the changes to take effect.

CHART 1: Local Initiatives - Fiscal 2013 Continued

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Gentile	Bella Voce Inc. **	20-5096250	DCLA	(\$1,500.00)	126	003	Bay Ridge Bensonhurst Beautification	11-3233233
Gentile	Bella Voce Inc. **	20-5096250	DYCD	\$1,500.00	260	005	Bay Ridge Bensonhurst Beautification	11-3233233
Vallone	Queensboro Council for Social Welfare, Inc. **	11-1817487	OCAC	(\$3,000.00)	068	002	Preservation Alliance Inc	
Senior Centers and Programs Restoration	South Asian Council for Social Services **	11-3232820	DYCD	\$3,000.00	260	005		
CC	Aging in America Community Services, Inc. - Glabe Senior Center	13-4069045	DFTA	(\$50,000.00)	125	003		
CC	CityMeals on Wheels	13-3634381	DFTA	\$50,000.00	125	003		
CC/Bronx Delegation	Administration for Children Services **	13-400434	ACS	(\$100,000.00)	068	004		
CC	Bronx Opera Company, Inc. **	23-7170675	DCLA	\$50,000.00	126	003		
CC	Brooklyn Legal Services Corporation A **	13-2605589	HPD	\$50,000.00	808	009		
Comrie	Angelados, Inc. **	33-1030839	DOHMH	(\$5,000.00)	816	113		
Comrie	City University of New York School of Law Foundation, Inc., The **	11-3235349	CUNY	\$5,000.00	042	001		
Comrie	Young Leaders, Inc.	27-9105011	DYCD	(\$3,500.00)	260	312		
Comrie	Young Meins Christian Association of Greater New York	13-1624228	DYCD	\$3,500.00	260	312		
Comrie	Young Leaders, Inc.	27-9105011	DYCD	(\$3,500.00)	260	312		
Comrie	Our Brothers Guardian Inc.	80-0765667	DYCD	\$3,500.00	260	312		
Levin	Promote Art Works Inc.	11-3172595	DYCD	(\$3,500.00)	260	005		
Rechia	Legal Aid Society	13-5662285	DYCD	\$3,500.00	260	005		
Rechia	Asphalt Green, Inc. **	13-6531158	DPR	(\$25,000.00)	846	006		
Rechia	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	11-3019763	DYCD	\$5,000.00	260	312		
Rechia	Shmira Civilian Volunteer Patrol of Boro Park, Inc.	13-2738818	DFTA	\$20,000.00	125	003		
Rechia	Shmira Civilian Volunteer Patrol of Boro Park, Inc.	11-3260405	DYCD	(\$5,000.00)	260	005		
Rechia	Gravesend Athletic Association	11-3019763	DYCD	\$5,000.00	260	312		
Rechia	Most Precious Blood Roman Catholic Church	11-1690779	DFTA	(\$5,000.00)	125	003		
Rechia	Most Precious Blood Roman Catholic Church	11-1771932	DFTA	\$5,000.00	125	003		

* Indicates pending completion of pre-qualification review.
** Requires a budget modification for the changes to take effect

CHART 2: Aging Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Barron	Brookdale Senior Resident Tenants Association	03-6488657	DFTA	(\$8,000.00)	125	003		
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development - Penn Workman Senior Center	11-3199040	DFTA	\$4,000.00	125	003		
Barron	Fort Greene Council - Pink Workman Senior Center	11-2300940	DFTA	\$4,000.00	125	003		
Ignizio	American Cancer Society	16-0743002	DFTA	(\$4,000.00)	125	003		
Ignizio	The American Cancer Society Inc.	13-1768491	DFTA	\$4,000.00	125	003		
Vacca	Regional Aid for Interim Needs, Inc. - East Tremont	13-4213566	DFTA	(\$5,000.00)	125	003		
Vacca	Beth Abraham Health Services	13-738920	DFTA	\$5,000.00	125	003		
Ulrich	Southeast Queens Multiservice Senior Citizens Center, Inc.	23-287548	DFTA	(\$15,000.00)	125	003		
Ulrich	Jewish Association for Services for the Aged (JASA)	13-2820896	DFTA	\$15,000.00	125	003		

* Indicates pending completion of pre-qualification review.

CHART 3: Youth Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Ulrich	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	DYCD	(\$5,000.00)	260	312		
Ulrich	Averne Church Of God Inc.	11-3031878	DYCD	\$3,500.00	260	312		
Ulrich	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DYCD	\$1,500.00	260	312		
Cabrera	New York City Christian Athletic League	80-0390499	DYCD	(\$15,500.00)	260	312		
Cabrera	Hispanic Federation, Inc.	13-3679852	DYCD	\$15,500.00	260	312		
Quinn	Greenwich Village Youth Council, Inc.	13-3301412	DYCD	(\$10,000.00)	260	312		
Quinn	New York Junior Tennis League, Inc.	23-7442256	DYCD	\$2,500.00	260	312		
Quinn	Police Athletic League, Inc.	13-5598811	DYCD	\$2,500.00	260	312		
Quinn	Sports and Arts in Schools Foundation, Inc.	11-3112635	DYCD	\$2,500.00	260	312		
Quinn	Urban Dove, Inc., The	13-3897718	DYCD	\$2,500.00	260	312		
Gentile	Fourth Avenue Presbyterian Church/The Children's Community Chorus	11-2683984	DYCD	(\$2,000.00)	260	312	Bay Ridge Bensonhurst Beautification	11-3233233
Gentile	St. Rosalia-Regina Pacia Neighborhood Improvement Association, Inc.	11-2697931	DYCD	\$2,000.00	260	312		
Greenfield	Shmira Civilian Volunteer Patrol of Boro Park, Inc.	11-3260405	DYCD	(\$35,000.00)	260	312		
Greenfield	Mekimi	95-0870419	DYCD	\$10,000.00	260	312		
Greenfield	Bais Yaakov Faigeh Schonberger of Ades Yereim	20-3295496	DYCD	\$5,000.00	260	312		
Greenfield	Brooklyn Children's Museum	11-2495664	DYCD	\$5,000.00	260	312		
Greenfield	United Talmudical Academy of Boro Park	23-7359018	DYCD	\$5,000.00	260	312		
Greenfield	Making Opportunities for Upgrading Schools and Education (MOUSE, Inc.)	13-3973196	DYCD	\$5,000.00	260	312		
Greenfield	Misaskim Corp.	20-3857164	DYCD	\$5,000.00	260	312		

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 27, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered Res. No. 1665

Report of the Committee on Finance in favor of approving a Resolution concerning the establishment of the SoHo Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district

The Committee on Finance, to which the annexed resolution was referred on February 27, 2013, respectfully

REPORTS:

INTRODUCTION

This Resolution is required by Chapter 4 of Title 25 of the New York City Administrative Code, as amended by Local Law 82 of 1990, which authorized the City Council to establish Business Improvement Districts (BIDs).

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law, which would establish the SOHO Business Improvement District.

The hearing on the local law and the BID plan will be held on March 13 2013 at 10:00 a.m. in the City Hall Committee Room to hear all persons interested in the establishment of the District.

This Resolution also directs that all notices required under the BID law be properly given by the Department of Small Business Services and the SOHO BID Steering Committee, respectively.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget. The program permits the use of the city's taxing authority to levy an assessment on real property located within the district. The assessment is then returned to a local management group, which provides services and improvements to the district that are in addition to those provided by the City.

Geographically, the proposed BID is located in Lower Manhattan (zip codes 10012 & 10013) in Community Board 2 and is comprised of an area of approximately 12 block-fronts, or approximately 280 tax lots. The proposed BID targets the Broadway corridor, and is broadly defined by the east and west side of Broadway from the north side of Canal Street to the south side of East Houston.

The 280 tax lots consist of approximately 70 commercial properties, 48 mixed use condominium properties, 1 vacant property, 1 tax exempt property owned by the Metropolitan Transit Authority, and 160 residential properties (14 cooperatives and 146 condominiums). The area consists of a diverse mix of retail, art galleries and neighborhood services. Buildings within the proposed BID are typically 5 to 12 story loft buildings with commercial uses on the ground floor and joint-live-work-quarters-for-artists on the upper floors.

Services

The services to be provided in the proposed BID are governed by the proposed BID's Amended Plan. The services provided in the proposed BID will supplement municipal services that are already provided by the City in the proposed BID area, will not take the place of services provided by the City on a city wide basis¹. According to the proposed BID's Amended Plan, the following services will be provided and performed under the direction of the DMA:

- **Sanitation and Snow Removal:** Includes sweeping and cleaning of sidewalks and curbs, maintenance of trash receptacles, graffiti removal, maintenance of street furniture and management of news boxes, as well as snow removal at street corners.
- **Pedestrian:** designed to manage the sidewalk congestion and to mitigate the impact of street vending; due to the proposed BID's emergence as a major retailing destination.
- **Public Safety Services:** includes unarmed patrol; utilizing a licensed and bonded company to provide public safety services under a contract with the SOHO DMA and work in conjunction with the local NY PD Precinct.
- **Advocacy:** The BID will act as advocate on behalf of the stakeholders of the proposed BID to government agencies and elected public officials
- **General & Administration:** The proposed BID will be administered by salaried staff which may include, but not be limited to: Executive Director, Project Manager and any other special staff and/or consultants deemed necessary by the proposed BID's Board of Directors. Administrative costs may also include office-related expenses such as rent, telephone, insurance, supplies, fringe benefits and other ordinary, necessary, and reasonable services and supplies.
- **Capital Improvements:** Street and sidewalk amenities to identify, enhance, and beautify the proposed BID; and capital improvement projects, which may include but are not limited to, storefront and/or facade improvement projects that address issues of signage, pedestrian area lighting.

¹ See Section 25-411 of the Administrative Code of the City of New York.

Service Cost

The expenses to provide the above services to the benefited real properties within the proposed BID are detailed in the chart below.

Services	Budget
Sanitation and Snow Removal	\$200,000
Pedestrian and Public Safety	\$150,000
Advocacy and General Administration	\$200,000
Capital Improvements	As needed
TOTAL FIRST YEAR BUDGET	\$550,000

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1665:)

Res. No. 1665

Resolution concerning the establishment of the SoHo Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

By Council Members Recchia, Comrie, Gennaro and Koo.

Whereas, Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated October 12, 2010, provided for the preparation of a district plan (the "Plan") for the SoHo Business Improvement District (the "District") in the Borough of the Manhattan; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

Whereas, Pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on October 26, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on October 29, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on October 29, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community board (Manhattan Community Board Number 2, hereinafter the "Community Board") for the community district in which the proposed District is located on October 29, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

Whereas, On November 18, 2010, the Community Board voted to oppose the establishment of the District; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its qualified approval with recommendations for modification of the Plan; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Member representing the council district in which the proposed District is located; and

Whereas, Pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on January 26, 2011; and

Whereas, Pursuant to section 25-406 (a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

Whereas, Pursuant to section 25-406 (a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

Whereas, Pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

Whereas, Pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

- i. March 13, 2013 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;
- ii. the SoHo BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing,

mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;

- iii. the Department of Small Business Services shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and
- iv. in the event that the SoHo BID Steering Committee mails, or the Department of Small Business Services arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

ATTACHMENT: SoHo B.I.D. Amended District Plan

(Editor's Note: For space considerations, certain pages were consolidated for purposes of these Minutes)

AMENDED

**DISTRICT PLAN
AS OF**

JULY 2011

**DISTRICT PLAN FOR THE
SOHO
BUSINESS IMPROVEMENT DISTRICT**

In

The City of New York
Borough of Manhattan

Prepared pursuant to

Section 25-405(a) of Chapter 4 of Title 25
of the Administrative Code of the City of New York

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PURPOSE

The purpose of the proposed SoHo BID is:

- to foster a unique, vibrant, mixed-use district with enhanced maintenance and public safety, effective advocacy and administration, technical and professional services for its members, and strategic capital improvements.

Furthermore, the SoHo BID is dedicated to:

- the promotion and support of the artistic, architectural, cultural, and historical links and landmarks that contribute to the identity and character of the District and the SoHo community at large;
- the enhancement of the quality of life and the recognition of the diverse experiences of all who live, work and visit within the District;
- encouraging members of the District to be "good neighbors", making "mixed-use" work for everyone, and to benefit from the inclusive representation inherent in the BID organization as neighborhood type issues will require striking a reasonable balance between residential and commercial interests.

Lastly, it is anticipated that the first Board of Directors will choose an appropriate name in place of the generic "SoHo Business Improvement District."

INTRODUCTION

This District Plan describes the proposed SoHo Business Improvement District, its guiding principles, the sources of funding, the first year budget and budget allocations, as well as the general guidelines pursuant to local and state law.

I. MAP OF THE DISTRICT

Geographically, the proposed SoHo Business Improvement District (the "District") is located in Lower Manhattan (zip codes 10012 & 10013) and is comprised of an area of approximately 12 block-fronts, or approximately 280 taxlots. The District is broadly defined by the east and west side of Broadway from the north side of Canal Street to the south side of East Houston. The District is further defined and delineated on the map annexed hereto as Exhibit I.

Mayor Michael R. Bloomberg, by a resolution dated October 12, 2010, a copy of which is annexed hereto as Exhibit II, has approved preparation of this plan (the "Plan") pursuant to authority granted by Chapter 4 of Title 25 of the Administrative Code of the City of New York (the "Law") for the District.

II. PRESENT USES OF DISTRICT PROPERTY AND DISTRICT PROFILE

A. Area Profile

The District, located within the SoHo neighborhood, generally contains five- to twelve-story loft buildings, many with upper floor commercial uses ranging from small service-oriented firms to art galleries to large companies such as Scholastic Corporation who occupies a full building and leases additional space throughout the District. Many loft buildings have upper floors that were converted to Joint-Live-Work-Quarters-for-Artists (JLWQAs), while new developments have introduced residential condominium units to the District. Ground floor retail establishments occupy most of the District's properties. The history of the SoHo neighborhood summarized below represents an effort to meet the challenges associated with balancing the area's industrial past and its vibrant, mixed-use present and future.

The District reflects the M1-5B zoning designation and the SoHo-Cast Iron Historic District designated by the NYC Landmarks Commission in August 1973. Many of the structures within the SoHo-Cast Iron Historic District were built in the post Civil War era as store and loft buildings which were occupied by a variety of commercial establishments into the early 20th century. A major change in occupancy occurred after

World War Two, as textile firms began to relocate, and printing firms and storage uses moved into the large SoHo buildings. By the 1960s, many artists established studio space and living quarters in the loft buildings. An arts community developed and was in full swing through the mid-1990s. As early as the 1970s, the trend towards increasing rents and real estate values as well as new residential developments had begun to take place. Today, the District still maintains the essence of its early industrial history, and its reputation as a creative center, even as it continues to evolve into one of the City's most attractive and popular residential neighborhoods and shopping destinations, as well as attracting a wide range of creative professionals seeking office space in commercial loft buildings. The District is located within Manhattan Community Board 2, and the area is represented by a New York City Council member from District 1. The area is also represented by the public officials associated with the US Senate, the US Congressional District #8, the New York State Assembly Districts #66 and the NYS Senate Districts #25. Additionally, the NYPD Precincts #1 & #5 covers the District. (See Exhibit III).

B. Commercial Office and Retail Use

There are over 130 retail uses within the District, of which approximately 65% are apparel and accessories type stores with the remaining storefronts occupied by a mix of personal services, general merchandise, health and beauty, and food stores as well as a limited number of eating and drinking establishments. The commercial buildings within the District provide office space for over 800 companies.

C. Not-For-Profit & Public

The District contains one, publicly-owned parcel. It is a triangular-shaped parcel at the southeast corner of Broadway and East Houston Street. The NYC Transit Authority has jurisdiction over the property.

D. Residential Use

Located within a M1-5B zoning designation, allowing light manufacturing and most commercial uses "as-of-right", the presence of loft and JLWQA residential units, has created a more mixed-use character in the District and SoHo overall. The City Planning Commission reports that the District contains almost 400 residential units, represented by 146 residential condominium units, 14 mixed-use cooperative buildings, and the balance contained within the various rental properties throughout the District.

E. Transportation Access

The District is directly served by subway and bus transportation along Broadway. The MTA bus line M5 has several stops along Broadway and the "Broadway Local-R" subway has stations Prince Street and then at Canal Street. The Broadway-Lafayette station for the B, D, and F subway lines provide one-stop access to the A,C, and E subway lines and the Lexington #6 subway stations are located just beyond the District.

III. PROPOSED SERVICES

A. Description of Services

The services to be provided pursuant to this Plan (the "Services") may include any services required for the enjoyment and protection of the public, and the promotion and enhancement of the District. The Services will supplement the municipal services that are provided by the City to the District, and shall not take the place of services provided by the City on a city wide basis. The Services shall be performed under the direction of the SoHo District Management Association (hereafter, the "DMA"). The Services shall include, but not be limited to, the following:

1. Sanitation and Snow Removal

Sanitation and snow removal may include, but shall not be limited to, the sweeping and cleaning of sidewalks and curbs, maintenance of trash receptacles, graffiti removal, maintenance of street furniture and management of news boxes, as well as snow removal at street corners within the District. Sanitation services will be performed with the cooperation of the NYC Department of Sanitation.

2. Pedestrian/Public Safety Services

Public Safety services are intended to focus on the pedestrian areas and to develop solutions to manage the sidewalk congestion and to mitigate the impact of street vending due to the District's emergence as a major retailing destination. Services may include, but shall not be limited to, unarmed patrol of the District or designated to specific areas of concern, utilizing a licensed and bonded company which would provide public safety services under a contract with the SoHo DMA and work in conjunction with the local NYPD Precinct. The public safety officers would be the "eyes and ears" of the District for all types of activities, including the monitoring of street vending to ensure enforcement of existing regulations by the proper authorities, and to project a positive image of the District by providing information and assistance as well as maintaining a safe and secure environment for all who experience the District.

3. Advocacy, General & Administration

The BID will act as advocate on behalf of the stakeholders of the District to government agencies and elected public officials. The administration of the District shall be by salaried staff which may include, but not be limited to: Executive Director, Project Manager and any other special staff and/or consultants that the Board of Directors may deem necessary from time to time, such as communications professionals, and others with specialized technical knowledge and abilities. Administrative costs may also include office-related expenses such as rent, telephone, insurance, supplies, fringe benefits and other ordinary, necessary, and reasonable services and supplies.

4. Additional Services

Subject to any approvals and controls that may be required by any City agency having jurisdiction thereof and in addition to the approval of the Board of Directors of the District Management Association (DMA), in subsequent years, the District may provide such additional services as are permitted by law.

B. Implementation

1. It is anticipated that the District Management Association will commence most services during the first Contract Year (hereafter defined).

C. General Provisions

1. All Services shall be in addition to (and not in substitution for) required and customary municipal services provided by The City of New York (the "City") on a city-wide basis.
2. All Services need not be performed in every Contract Year.
3. The staff and/or subcontractors of the District Management Association may render such administrative services as are needed to support performance of the Services.
4. In the event that in any given Contract Year, the sources of funding (as same are described in Section V of this Plan) do not in the aggregate produce revenues equal to the Total Annual Budget Amount (hereafter defined) for such Contract Year, the District Management Association may, subject to the Contract (hereafter defined), forego providing one or more or all Services in order to have revenues sufficient to pay the debt service (if any) required in the Budget (hereafter defined) for such Contract Year.

IV. PROPOSED IMPROVEMENTS

A. Description of Improvements

The improvements (the "Improvements") to be provided pursuant to this Plan may include, but are not limited to, the following, provided that any Improvements that require review and approval by an appropriate City agency shall be submitted to that City agency and to the affected Community Board(s) prior to undertaking any Improvement.

1. Street and sidewalk amenities to identify and enhance and beautify the District as well as improve pedestrian circulation and safety, including, but not limited to:
 - a) Street identification and way-finding signs
 - b) Recognition of historic links and landmarks.

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2. Capital Improvement Projects

Capital improvement projects, may include but are not limited to, storefront and or façade improvement projects that address issues of signage, pedestrian area lighting, among others. When necessary, the BID will assist and act as a liaison to governmental agencies that have jurisdiction, particularly NYC Landmarks Commission, as the SoHo BID area properties are located within the SoHo-Cast Iron Historic District. Capital improvement projects may also include, but not be limited to physical streetscape improvements or amenities within the District that identify, enhance and beautify the District.

B. Implementation Schedule

The Improvements may be implemented on an as-needed basis.

C. General Provisions

1. All Improvements shall be in addition to and not in substitution for required and customary municipal improvements provided by the City on a city-wide basis, benchmarks for which are presently being studied and recorded.
2. The staff and/or sub-contractors of the District Management Association may render such administrative services as are needed to support construction and installation of the Improvements.

V. PROPOSED SOURCES OF FUNDING

A. Sources of Funding: General

The proposed sources of funding are for all (i) Services and Improvements, (ii) proceeds derived from indebtedness permitted pursuant to paragraph D herein below, and (iii) administrative costs necessary to support the program contemplated under this Plan, and (iv) Improvements, shall be the sources of funding described in paragraphs B through F (inclusive). Subject to requirements of law, the SoHo District Management Association may apply all monies derived from the sources of funding permitted herein toward funding any expenditure permitted under this Plan.

6

B. Sources of Funding: Assessments

The District Management Association may enter into Contract (hereinafter defined) with the City for the purpose of having the City levy and collect, and then disburse to the District Management Association, assessments with respect to the Benefited Properties (hereafter defined, in exchange for the rendering of Services and Improvements by the District Management Association. A list of the Benefited Properties is attached hereto as Exhibit IV. Such assessments, as described in paragraphs 1, 2, and 3 herein below, shall be defined as "Assessments".

1. General

To defray the cost of Services and Improvements in the District, all real property in the District shall be assessed in proportion to the benefit such property receives from the Services and Improvements. Each property will be assessed an amount determined by the District Management Association, that when totaled together with the amounts for other properties in the District, shall yield an amount sufficient to meet its annual budget. Each individual assessment shall be calculated pursuant to the assessment formula set forth below times the percentage for the type of property in question.

All taxable real property within the District, except any site and building thereon devoted to entirely residential use, will be assessed each fiscal year according to a assessment formula that is based on a Flat Rate, Broadway Front Footage rate, side Street Front Footage (where applicable), and an Assessed Value rate for each BID Class.

2. Classes of Properties

Class A –Commercial Use

All properties with wholly or partial commercial use, except for cooperative and condominium properties, shall constitute Class A properties. Class A properties shall be assessed based on a BID Assessment Formula equal to: [Base Rate + (Property Front Footage * Front Footage Rate) + (Property Side Street Footage * Side Street Frontage Rate) + (Property Assessed Value * Assessed Value Rate)].

7

Class ACG –Commercial Condo- Ground Floor Unit

All ground floor commercial condominium units as defined by the property condominium plan shall constitute Class ACG properties. Class ACG properties shall be assessed based on a BID Assessment Formula equal to: [Base Fee + (Property Front Footage * Front Footage Rate) + (Property Side Street Footage * Side Street Frontage Rate) + (Property Assessed Value * Assessed Value Rate)].

Class B –Commercial Condo Use – Upper Floor or Below Grade Unit

All upper floor and below grade commercial condominium units as defined by the property condominium plan shall constitute Class B properties. Class B properties shall be assessed based on a BID Assessment Formula equal to: [Base Fee + (Property Assessed Value * Assessed Value Rate)].

Class C – Privately-Held Vacant Land

All privately-held, unimproved (vacant land) properties shall constitute Class C properties. Class C properties shall be assessed based on a BID Assessment Formula equal to: [Base Fee + (Property Front Footage * Front Footage Rate) + (Property Side Street Footage * Side Street Frontage Rate) + (Property Assessed Value * Assessed Value Rate)].

Class D – Tax Exempt and Publicly-owned

All properties with designated as "tax-exempted" by the NYC Department of Finance will be exempt from the assessment and constitute Class D properties.

8

Class E – Residential Condominiums and Cooperatives

All properties that are residential condominium units and all residential cooperative buildings shall constitute Class E properties. These properties are to be assessed at a total sum of \$1.00 per year.

3. Limitation on Assessment

The amounts, exclusive of debt service, assessed and levied in a given year against the Benefited Properties as Assessments may not exceed 20% of the total general City taxes levied in that year against the Benefited Properties.

4. Specific Formula

All properties as classified in the most recent New York City tax rolls and as described in BID Classes will be assessed based on the formula specified above for each BID Class. However, in order to reflect the relationship among the many variables (i.e. Total Budget, Base Fee, Front Footage, Side Street footage, Assessed Value, BID Class), the following defines how each rate is determined.

Base Fee: Base fee is defined as a flat annual fee of \$250. The flat fee is assigned to all BID Classes, except for BID Classes D & E.

Front Footage (FF) Rate: The front footage rate is assigned to all BID Classes, except for BID Classes B, D & E. This rate is the result of the following calculation:

$$\frac{[(\text{TOTAL ANNUAL BUDGET} - \text{Class A Base Fee Sum} - \text{Class ACG Base Fee Sum} - \text{Class B Base Fee Sum} - \text{Class C Base Fee Sum} - \text{Class E Base Fee Total}) * 40\%]}{[\text{Class A FF} + (40\% * \text{Class A SSF}) + \text{Class ACG FF} + (40\% * \text{Class ACG SSF}) + \text{Class C FF} + (40\% * \text{Class C SSF})]}$$

Side Street Footage (SSF) Rate: The Side Street Footage rate assigned to all BID Classes, except for BID Classes B, D & E. This rate represents 40% of the Front Footage Rate as calculated above.

Assessed Value (AV) Rate for BID Classes A, ACG, B & C: The Assessed Value rate assigned to all BID Classes, except for BID Classes C, D & E. The assessed value rate calculated for BID Classes A, ACG, & B as follows:

$$\frac{[(\text{TOTAL ANNUAL BUDGET} - \text{Class A Base Fee Sum} - \text{Class ACG Base Fee Sum} - \text{Class B Base Fee Sum} - \text{Class C Base Fee Sum} - \text{Class E Base Fee Total}) * 60\%]}{[\text{Class A AV} + \text{Class ACG AV} + \text{Class B AV}]}$$

C. Source of Funding: Grants and Donations

The District Management Association may accept grants and donations from private institutions, the City, other public entities or individuals and other not-for-profit organizations.

D. Source of Funding: Borrowings

1. Subject to subparagraphs 2 and 3 immediately hereinbelow, the District Management Association may borrow money from private lending institutions, the City, other public entities or [individuals] for the purpose of funding operations, or financing the cost of improvements.
2. The use of monies received by the District Management Association from the City or from any other public entity, whether in the form of a grant or proceeds from a loan, shall be subject to (i) all statutory requirements applicable to the expenditures and use of such monies, and (ii) any contractual requirements imposed by the City (whether pursuant to the Contract or otherwise) or by any other public entity, as the case may be.
3. Any loan which the District Management Association may enter into as a borrower shall be subject to Section VI of this Plan.

E. Source of Funding: Charges for User Rights

Subject to the approval and control of the appropriate City agency, the District Management Association may, in accordance with Section IX of this Plan, impose charges as consideration for the sub-granting or sub-licensing of user rights (hereafter defined) as such charges and user rights are described in Section IX of the Plan.

F. Source of Funding: Other

The District Management Association may derive revenues from any other sources of funding not heretofore mentioned and which are permitted by law.

G. Assignment of Funding

The District Management Association may assign revenues from the sources of funding described in paragraphs B, C, D, E, and F of this Section V for the purpose of securing loans which the District Management Association obtains pursuant to paragraph D of this Section V, provided, however, such assignments are subject to the requirements of Section V of this Plan.

VI. PROPOSED EXPENDITURES: ANNUAL BUDGET

A. Total Annual Expenditures and Maximum Cost of Improvements

The total amount proposed to be expended by the District Management Association for Improvements, if any, Services and operations for the First Contract Year is \$550,000, as more fully set forth in Subsection B of this Section VI.

The total amount proposed to be expended by the District Management Association for any subsequent Contract year, shall not be greater than the aggregate amount of all the monies which the District Management Association may collect for the Contract Year in question from all funding sources permitted under Section V of the Plan.

During the existence of the BID, the maximum cost of improvements, if any, will not exceed \$5,000,000.

B. Annual Budget

1. First Year Budget – It is anticipated that the budget of proposed expenditures to be made during the first Contract year is as follows:

a. Services	
Sanitation and Snow Removal	\$ 200,000
Pedestrian/Public Safety	\$ 150,000
Advocacy, General and Administrative	\$ 200,000
TOTAL FIRST CONTRACT YEAR BUDGET	\$ 550,000

2. Subsequent Budgets

The District Management Association shall establish for each Contract Year after the first contract Year, a proposed budget of expenditures. Such proposed budgets shall (with respect to the Contract Years to which they respectively apply): (i) reasonably itemize the purpose for which monies are proposed to be expended by the District Management Association; (ii) specify the amount, if any, proposed to be expended by the District Management Association for debt service; and (iii) set forth the total amount proposed to be expended (the "Total Annual Budget Amount"). A proposed budget, whether for the First Contract Year or for subsequent Contract Year, shall be referred to as a "Budget".

C. General Provisions

1. The District Management Association shall make no expenditures other than in accordance with and pursuant to: (i) a Budget for which a Total Annual Budget amount has been approved by the City and the Board of Directors of the District Management Association, (ii) any provisions in the

Contract providing for the satisfaction of outstanding obligations of the District Management Association; or (iii) any provisions in the Contract providing for the expenditure of amounts provided in the Budget for, but expended in, a previous Contract Year.

2. The Total Annual Budget Amount shall not exceed the maximum total and annual amount which the District Management Association may expend for the Contract Year in question pursuant to Paragraph A of this Section VI.
3. The Total Annual Budget Amount shall not be less than the amount needed to satisfy the District Management Association's debt service obligations for the Contract Year in question.
4. Subject to the District Management Association's need to satisfy its debt service obligations for the Contract Year in question, the District Management Association may revise the itemizations within any Budget.
5. In the event that in any given Contract Year the sources of funding do not in the aggregate produce revenues equal to the Total Annual Budget Amount for such Contract Year, the District Management Association may, subject to the Contract, forego some or all of the non-debt service expenditures as are provided for in the Budget in question in order to have revenues sufficient to pay the debt service provided for in such Budget.

VII. BENEFITED PROPERTIES

The providing of Services and Improvements shall benefit all properties within the District (the "Benefited Properties"). The Benefited Properties are described, in the alternative, by the following: the District Map or the tax block and lots indicated in Exhibit IV hereto.

VIII. DISTRICT MANAGEMENT ASSOCIATION

The District Management Association, a not-for-profit corporation incorporated under Section 402 of the New York State Not-For-Profit Corporation Law and is named the SoHo Business Improvement District Management Association and has been established as the SoHo District Management Association, Inc. The corporation is organized for the purpose of executing the responsibilities of a District Management Association as set forth in the Law. Furthermore, the District Management Association will carry out the activities prescribed in the Plan and will promote and support the District.

The District Management Association is organized exclusively for charitable and educational purposes as specified in Section 501 c (3) of the Internal Revenue code of 1986, as amended.

The District Management Association will have four classes of voting membership and one class of non-voting membership. The voting classes are composed of (i) owners of record of real property located within the District; (ii) commercial tenants leasing space within the District; (iii) residential tenants, including proprietary leases, leasing space within the District, if any, and (iv) elected public officials.

The non-voting class shall include community board representatives, and may include others with an interest in the welfare of the District. Each voting class will elect members to the Board of Directors in the manner prescribed by the by-laws of the District Management Association.

The Board of Directors of the District Management Association includes the representatives of owners of record of real property within the District (which shall constitute a majority of the Board), the representatives of both commercial and residential tenants (including proprietary leases) leasing space in the buildings within the District, and one member appointed by each of the following public officials: the Mayor of the City; the Comptroller of the City, the Borough President of the Manhattan and the City Council member representing the District, or if more than one City Council member represents portions of the District, then by the Speaker of the City Council.

IX. USER RIGHTS

A. User Rights: General

The District Management Association may undertake or permit commercial activities or other private uses of the streets or other parts of the District in which the City has any real property interest (the "User Rights"), provided, however, that the User Rights to be so undertaken or permitted by the District Management Association shall have been: (i) set forth in this Plan or authorized for licensing or granting by the City council, and/or (ii) licensed or granted to the District Management Association by the City, pursuant to the contract and/or (iii) authorized by the appropriate City agency having jurisdiction thereof. Once so granted or licensed, the User Right(s) in question shall be undertaken or permitted by the District Management Association in such a manner as to conform to the requirements, if any, set forth in this Plan, or the aforesaid Local Law with respect to User Right(s), and conform to the requirements authorized by the appropriate City agency having jurisdiction thereof. Such requirements may include but shall not be limited to: (i) requirements as to what consideration the District Management Association shall pay to the City for the grant and/or license in question; (ii) requirements as to whether and how the District Management Association may permit other persons to undertake the User

Right(s) in question pursuant to a sub-grant or sub-license; (iii) requirements as to what charges the District Management Association may impose upon other persons as consideration for such sub-grant or sub-license; and (iv) requirements as to the general regulation of the User Right(s) by whomsoever undertaken.

B. User Rights: Proposed

Subject to the approval of the appropriate City agency and/or subject to any requirements set forth in any Contract, the District Management Association may, but is not required, to undertake or to permit User Rights, subject to the requirements of this Contract.

X. REGULATIONS

The rules and regulations proposed for governing the operation of the District and the provision of Services and Improvements by the District Management Association (the "Regulations") are set forth hereinbelow.

1. The District Management Association shall obligate itself to provide the Services and Improvements in a Contract or Contracts into which both the District Management Association and the City shall enter (collectively, the "Contract") for a specified term (each year of the contract term to be defined as a "Contract Year"). The City shall, pursuant to the terms, conditions and requirements of the Contract, levy and collect, and then disburse to the District Management Association the Assessments. Such disbursements shall be made in accordance with general procedures for the payment of other City expenditures.
2. The District Management Association shall comply with all terms, conditions and requirements (i) elsewhere set forth in the Plan, and (ii) to be set forth in the Contract and in any other contracts into which both the District Management Association and the City may enter and (iii) shall comply with all terms, conditions and requirements set forth in writing by the appropriate City agency which is required to give its approval.

3. The District Management Association shall let any sub-contracts that it intends to enter into in connection with providing the Services and Improvements.

XI. GLOSSARY OF TERMS

TERM	SECTION LOCATION OF DEFINITION
Assessments	V (B)
Budgets	VI (B)
City	I
Contract	X
Contract Year	X (1)
District	I
District Management Association	VIII
District Map	I
Improvements	IV
Services	III
Total Annual Budget	VI (B)
User Rights	IX

EXHIBIT I

PROPOSED SOHO BID
DISTRICT MAP
(BOUNDARY AND BENEFITED PROPERTIES)

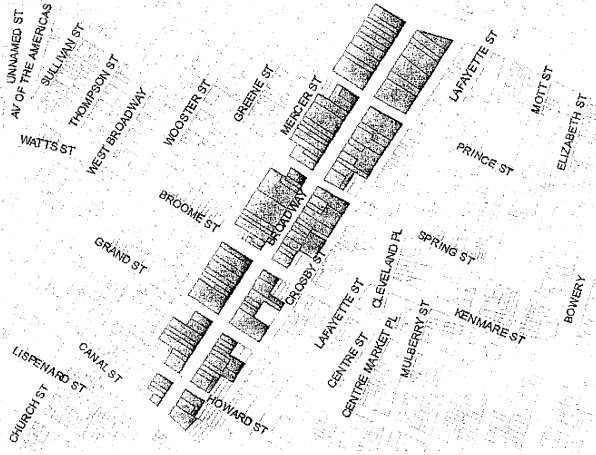


EXHIBIT III

Community Maps

A. Land Use Map

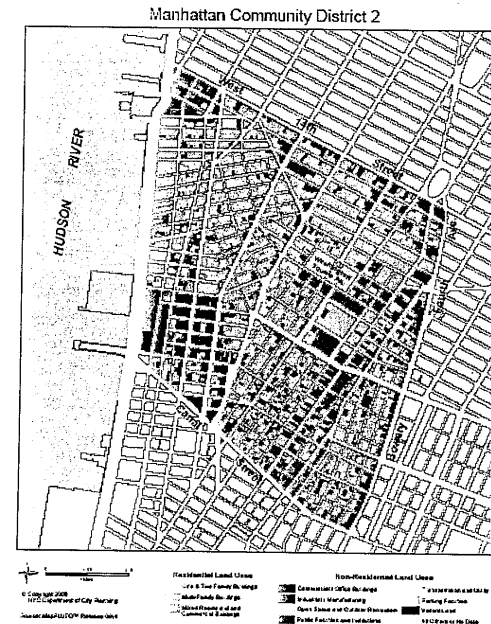


EXHIBIT II

PLAN PREPARATION AUTHORIZATION



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

October 12, 2010

Mr. Robert W. Walsh
Commissioner
Department of Small Business Services
Third Floor
110 William Street
New York, NY 10038-3901

Dear Commissioner Walsh:

Pursuant to Section 25-405(a) of the Administrative Code of the City of New York, I hereby authorize the preparation of a district plan for the establishment of the SoHo Business Improvement District, located in the Borough of Manhattan. The proposed SoHo Business Improvement District is bounded generally as follows:

BID Boundaries: Properties on both sides of Broadway from the north side of Canal Street to the south side of East Houston Street.

Sponsor Organization: SoHo BID Steering Committee

The Department of Small Business Services shall prepare the District Plan pursuant to authority granted by Section 25-405(a) of this law.

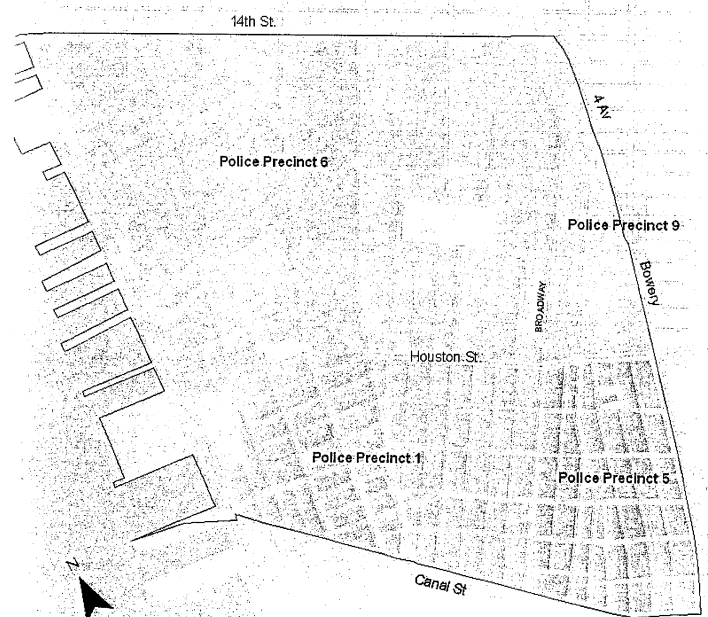
The authorization shall take effect immediately.

Sincerely,
Michael R. Bloomberg
Michael R. Bloomberg
Mayor

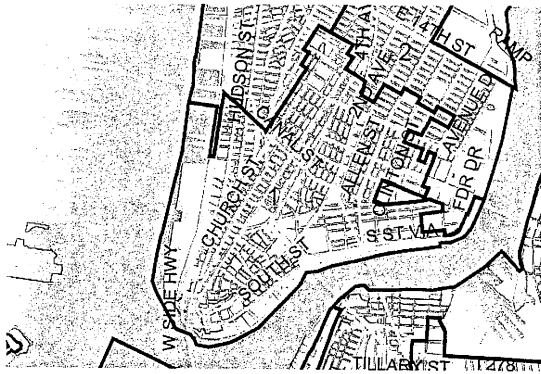
MRB:jk

cc: The Honorable Christine Quinn, Speaker of the City Council
The Honorable Domenic M. Recchia, Jr. Chair of the City Council Finance Committee
The Honorable Scott M. Stringer, Manhattan Borough President
Members of the City Council
Robert Steel, Deputy Mayor for Economic Development
Andrew Schwartz, First Deputy Commissioner, Department of Small Business Services
David Margalit, Deputy Commissioner, Department of Small Business Services
Jeremy Waldrup, Assistant Commissioner, Department of Small Business Services

B. NYPD – Precinct 1 & Precinct 5 Map



C. New York City Council District Map



NYC City Council District 1 Map

D. Manhattan Community Board District 2 Map



SoHo-Cast Iron

SoHo-Cast Iron
Historic District
Manhattan
Designated: August 14, 1973

Historic District Boundaries

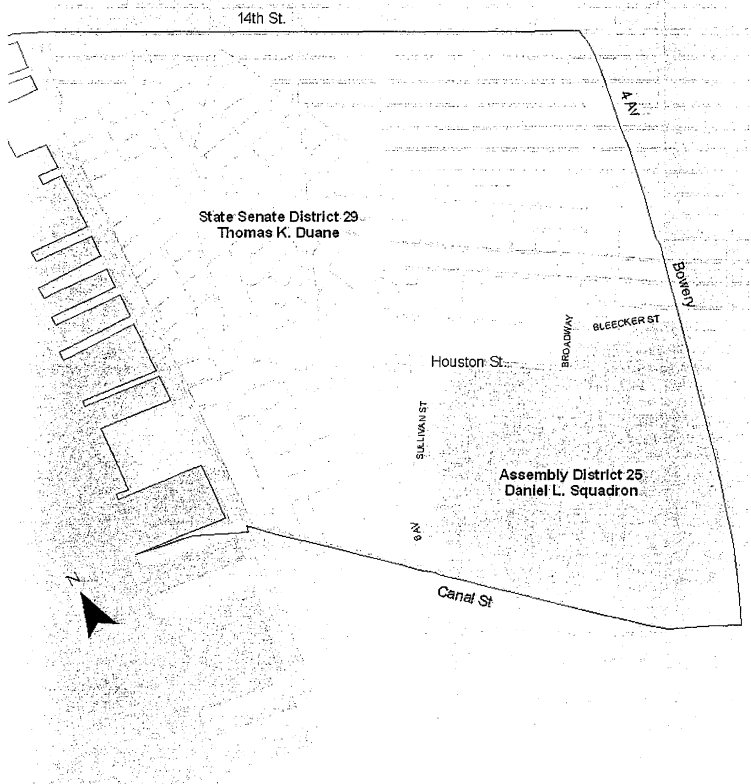
SoHo-Cast Iron
Historic District Extension
Borough of Manhattan, NY
Landmarks Preservation Commission

Calendar: June 23, 2009
Public Hearing: February 27, 2009
Designated: May 11, 2010

Boundary of Existing Districts
 Boundary of District Extension
 Tax Map Lots, District Extension

NYC
Landmarks Preservation
Commission

E. New York State Assembly & New York State Senate District Maps



F. Congressional District Maps

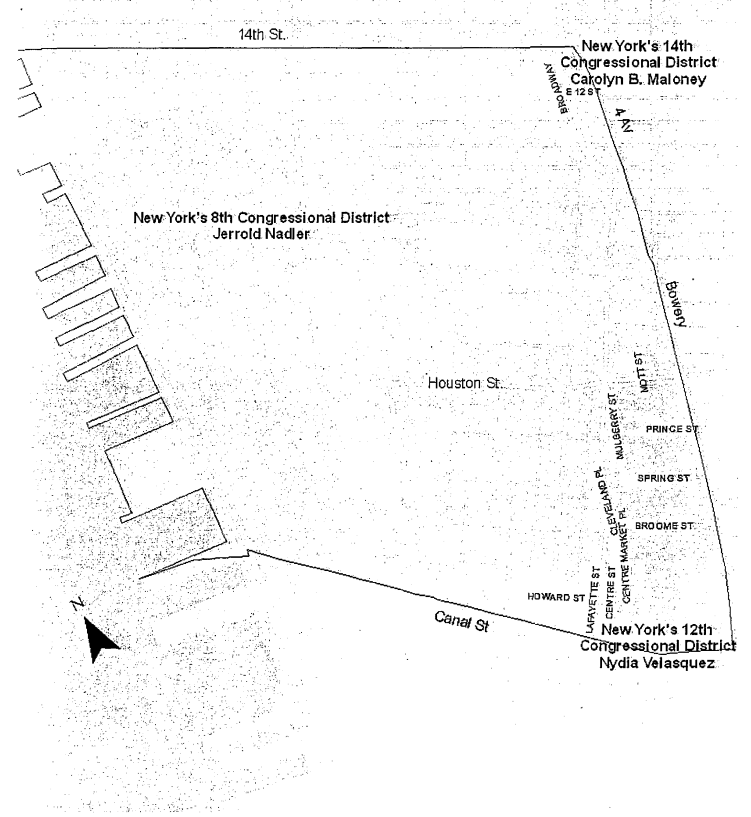


EXHIBIT IV

TAX BLOCKS AND LOTS OF BENEFITED PROPERTIES

PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)

BLOCK	LOT	STREET ADDRESS	BID CLASS
209	1	418 Broadway	A
209	5	428 Broadway	A
209	1001	424 Broadway	ACG
209	1002	424 Broadway	B
209	1003	424 Broadway	B
209	1004	424 Broadway	B
209	1005	424 Broadway	B
209	1006	424 Broadway	B
231	8	427 Broadway	A
231	10	425 Broadway	A
231	11	423 Broadway	A
231	12	419 Broadway	A
231	14	433 Broadway	C
231	30	459 Broadway	A
231	32	455 Broadway	A
231	35	451 Broadway	A
231	36	449 Broadway	A
231	37	447 Broadway	A
231	40	441 Broadway	A
231	1001	443 Broadway	ACG
231	1002	443 Broadway	E
231	1003	22 Mercer Street	E
231	1004	22 Mercer Street	E
231	1005	22 Mercer Street	E
231	1006	22 Mercer Street	E
231	1007	22 Mercer Street	E
231	1008	22 Mercer Street	E
231	1009	22 Mercer Street	E
231	1010	22 Mercer Street	E
231	1011	22 Mercer Street	E
231	1012	22 Mercer Street	E
231	1013	22 Mercer Street	E
231	1014	22 Mercer Street	E
231	1015	22 Mercer Street	E
231	1016	22 Mercer Street	E
231	1017	22 Mercer Street	E

PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)

BLOCK	LOT	STREET ADDRESS	BID CLASS
232	1	434 Broadway	A
232	3	440 Broadway	A
232	4	442 Broadway	A
232	5	444 Broadway	A
232	6	446 Broadway	A
232	8	450 Broadway	A
232	9	452 Broadway	E
232	10	454 Broadway	A
232	11	456 Broadway	A
232	12	458 Broadway	E
473	1	462 Broadway	A
473	5	470 Broadway	A
473	7	474 Broadway	A
473	10	478 Broadway	A
473	14	486 Broadway	A
473	1001	476 Broadway	ACG
473	1002	476 Broadway	B
473	1003	476 Broadway	B
473	1004	476 Broadway	B
473	1005	476 Broadway	B
473	1006	476 Broadway	E
473	1007	476 Broadway	E
473	1008	476 Broadway	E
473	1301	472 Broadway	ACG
473	1302	472 Broadway	E
473	1303	472 Broadway	E
473	1304	472 Broadway	E
473	1305	472 Broadway	E
474	29	487 Broadway	E
474	30	483 Broadway	A
474	32	481 Broadway	A
474	33	479 Broadway	A
474	1101	471 Broadway	ACG
474	1102	471 Broadway	E
474	1301	475 Broadway	ACG
474	1302	475 Broadway	E

**PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)**

BLOCK	LOT	STREET ADDRESS	BID CLASS
474	1303	475 Broadway	E
474	1305	475 Broadway	E
474	1306	475 Broadway	E
474	1307	475 Broadway	E
474	1308	475 Broadway	E
474	1309	475 Broadway	E
474	1310	475 Broadway	E
474	1311	475 Broadway	E
474	1312	475 Broadway	E
474	1313	475 Broadway	E
474	1314	475 Broadway	E
474	1315	475 Broadway	E
474	1401	473 Broadway	ACG
474	1402	473 Broadway	E
474	1403	46 Mercer Street	E
474	1404	473 Broadway	E
474	1405	46 Mercer Street	E
474	1406	473 Broadway	E
474	1407	473 Broadway	E
474	1408	473 Broadway	E
474	1409	473 Broadway	E
474	1410	473 Broadway	E
474	1411	473 Broadway	E
474	1412	473 Broadway	E
474	1413	473 Broadway	E
474	1414	473 Broadway	E
474	1501	40 Mercer Street	E
474	1502	40 Mercer Street	E
474	1503	40 Mercer Street	E
474	1504	40 Mercer Street	E
474	1505	40 Mercer Street	E
474	1506	40 Mercer Street	E
474	1507	40 Mercer Street	E
474	1508	40 Mercer Street	E
474	1509	40 Mercer Street	E
474	1510	40 Mercer Street	E

**PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)**

BLOCK	LOT	STREET ADDRESS	BID CLASS
483	3	494 Broadway	A
483	4	496 Broadway	A
483	5	498 Broadway	A
483	7	504 Broadway	A
483	8	506 Broadway	A
483	10	510 Broadway	E
483	13	514 Broadway	E
483	14	518 Broadway	A
483	15	520 Broadway	A
483	17	524 Broadway	A
483	1001	508 Broadway	ACG
483	1002	508 Broadway	E
483	1003	508 Broadway	E
483	1004	508 Broadway	E
483	1005	508 Broadway	E
483	1201	56 Crosby Street	ACG
483	1202	56 Crosby Street	E
483	1203	56 Crosby Street	E
483	1204	56 Crosby Street	E
483	1205	56 Crosby Street	E
483	1206	56 Crosby Street	E
483	1207	56 Crosby Street	E
483	1208	56 Crosby Street	E
483	1209	56 Crosby Street	E
483	1210	56 Crosby Street	E
484	1	84 Mercer Street	E
484	9	525 Broadway	A
484	11	523 Broadway	A
484	12	521 Broadway	A
484	17	511 Broadway	A
484	23	499 Broadway	A
484	24	495 Broadway	A
484	26	491 Broadway	E
484	28	489 Broadway	A
484	1001	501 Broadway	ACG
484	1002	72 Mercer Street	E

**PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)**

BLOCK	LOT	STREET ADDRESS	BID CLASS
484	1003	72 Mercer Street	E
484	1004	72 Mercer Street	E
484	1005	72 Mercer Street	E
484	1006	72 Mercer Street	E
484	1007	72 Mercer Street	E
484	1008	72 Mercer Street	E
484	1009	72 Mercer Street	E
484	1010	72 Mercer Street	E
497	1	530 Broadway	A
497	4	536 Broadway	A
497	6	540 Broadway	A
497	7	542 Broadway	E
497	9	546 Broadway	A
497	11	550 Broadway	A
497	12	552 Broadway	A
497	15	558 Broadway	A
497	18	560 Broadway	A
498	5	565 Broadway	E
498	7	561 Broadway	E
498	9	557 Broadway	A
498	11	549 Broadway	A
498	15	547 Broadway	E
498	16	545 Broadway	A
498	17	543 Broadway	E
498	18	541 Broadway	E
498	20	537 Broadway	E
498	21	535 Broadway	A
498	23	529 Broadway	A
511	1	75 Prince Street	A
511	6	580 Broadway	A
511	8	584 Broadway	A
511	12	592 Broadway	A
511	15	598 Broadway	A
511	16	600 Broadway	A
511	19	East Houston St.	D
512	14	595 Broadway	A

**PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)**

BLOCK	LOT	STREET ADDRESS	BID CLASS
474	1511	40 Mercer Street	E
474	1513	40 Mercer Street	E
474	1514	40 Mercer Street	E
474	1515	40 Mercer Street	E
474	1516	40 Mercer Street	E
474	1517	40 Mercer Street	E
474	1518	40 Mercer Street	E
474	1519	40 Mercer Street	E
474	1520	40 Mercer Street	E
474	1521	40 Mercer Street	E
474	1522	40 Mercer Street	E
474	1523	40 Mercer Street	E
474	1524	40 Mercer Street	E
474	1525	40 Mercer Street	E
474	1526	40 Mercer Street	E
474	1527	40 Mercer Street	E
474	1528	40 Mercer Street	E
474	1529	40 Mercer Street	E
474	1530	40 Mercer Street	E
474	1531	40 Mercer Street	E
474	1532	40 Mercer Street	E
474	1533	40 Mercer Street	E
474	1534	40 Mercer Street	E
474	1535	40 Mercer Street	E
474	1536	40 Mercer Street	E
474	1537	40 Mercer Street	E
474	1538	40 Mercer Street	E
474	1539	40 Mercer Street	E
474	1540	40 Mercer Street	E
474	1541	40 Mercer Street	E
474	1542	40 Mercer Street	ACG
474	1543	40 Mercer Street	ACG
474	1544	40 Mercer Street	ACG
474	1545	40 Mercer Street	ACG
474	1546	40 Mercer Street	ACG
474	1547	40 Mercer Street	B
483	1	490 Broadway	A

**PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)**

BLOCK	LOT	STREET ADDRESS	BID CLASS
512	15	593 Broadway	A
512	16	591 Broadway	A
512	17	589 Broadway	A
512	20	579 Broadway	A
512	22	577 Broadway	A
512	23	569 Broadway	A
512	1001	583 Broadway	ACG
512	1002	583 Broadway	ACG
512	1010	599 Broadway	ACG
512	1011	599 Broadway	B
512	1012	599 Broadway	B
512	1013	599 Broadway	B
512	1014	599 Broadway	B
512	1015	599 Broadway	B
512	1016	599 Broadway	B
512	1017	599 Broadway	B
512	1018	599 Broadway	B
512	1019	599 Broadway	B
512	1020	599 Broadway	B
512	1021	599 Broadway	B
512	1022	599 Broadway	B
512	1023	599 Broadway	B
512	1101	597 Broadway	B
512	1102	597 Broadway	ACG
512	1103	597 Broadway	B
512	1104	597 Broadway	B
512	1105	597 Broadway	B
512	1106	597 Broadway	B
512	1107	597 Broadway	B
512	1108	170 Mercer Street	E
512	1109	170 Mercer Street	E
512	1110	170 Mercer Street	E
512	1111	597 Broadway	E
512	1112	170 Mercer Street	E
512	1113	597 Broadway	E
512	1114	597 Broadway	E

**PROPOSED SOHO BID PROPERTIES
(Listed by TaxLot)**

BLOCK	LOT	STREET ADDRESS	BID CLASS
512	1115	597 Broadway	E
512	1116	597 Broadway	E
512	1201	583 Broadway	E
512	1202	583 Broadway	E
512	1203	583 Broadway	E
512	1204	583 Broadway	E
512	1205	583 Broadway	E
512	1206	583 Broadway	E
512	1207	583 Broadway	E
512	1208	583 Broadway	E
512	1209	583 Broadway	E
512	1210	583 Broadway	E
512	1211	583 Broadway	E
512	1212	583 Broadway	E
512	1213	583 Broadway	E
512	1214	583 Broadway	E
512	1215	583 Broadway	E
512	1216	583 Broadway	E
512	1217	583 Broadway	E
512	1218	583 Broadway	E
512	1219	583 Broadway	E
512	1220	583 Broadway	E
512	1221	583 Broadway	E
512	1222	583 Broadway	E
512	1223	583 Broadway	E

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 27, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Res. No. 1651-A

Report of the Committee on Finance in favor of approving as amended, a Resolution concerning amendments to the District Plan of the Hub Third Avenue Business Improvement District that add services and modify existing services in the district, add a capital improvement program in the district, change the method of assessment upon which the district charge is based, and increase the maximum total amount to be expended for improvements in the district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Hub Third Avenue Business Improvement District

The Committee on Finance, to which the annexed amended resolution was referred on February 6, 2013 (Minutes, page 255), respectfully

REPORTS:

Today, the Committee on Finance will consider Proposed Resolution No. 1651-A, a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the HUB Third Avenue Business Improvement for March 13, 2013, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m.

ANALYSIS:

This Proposed Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the "BID Law"), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the HUB Third Avenue Business Improvement District (the "HUB Third Avenue BID").

The Hub Third Avenue business improvement district was established in 1988 to provide supplemental services within the district. Over time, the district's needs related to certain services have changed. This bill would authorize additional services, the modification of existing services, and the addition of a capital improvement program in the district. The changes in services would result in the modification of the public safety, sanitation, and promotion and marketing programs and the addition of a community service program. The addition of a capital improvement program will provide for street and sidewalk amenities within the district. These additional improvements would require a total maximum amount of \$7 million to be expended. Finally, in order to finance the capital improvements, the Hub Third Avenue District Management Association shall change the method of assessment for Class B property (vacant property) to an amount equal to 68% of the Class A Front Footage Rate. Class C residential use shall be charged a flat fee of \$1.00 per year. Class D "tax exempt" properties shall not be assessed.

The hearing on the local law and the HUB Third Avenue BID plan, as amended, will be held on March 13, 2013, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the HUB Third Avenue District Management Association. The notice of the hearing will state the proposed change in the method of assessment upon which the district charge in the HUB Third Avenue Business Improvement District is based.

BID's, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

(For text of the District Plan and related material, please refer to the Office of the City Clerk, 141 Worth Street, New York, N.Y. 10013).

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1651-A:)

Res. No. 1651-A

Resolution concerning amendments to the District Plan of the Hub Third Avenue Business Improvement District that add services and modify existing services in the district, add a capital improvement program in the district, change the method of assessment upon which the district charge is based, and increase the maximum total amount to be expended for

improvements in the district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Hub Third Avenue Business Improvement District.

By Council Members Recchia, Arroyo, Wills and Gennaro.

Whereas, Pursuant to the authority formerly granted to the Board of Estimate by Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the Board of Estimate, by Resolution dated October 28, 1982 (Calendar No. 260), provided for the preparation of a district plan (the "District Plan") for the Hub Third Avenue Business Improvement District (the "District") in the City of New York; and

Whereas, The Board of Estimate, by Resolution dated January 14, 1988 (Calendar No. 279) authorized the establishment of the District in accordance with the District Plan; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, Pursuant to Local Law No. 5 for the year 2011, the City Council authorized an amendment to the District Plan to increase the amount to be expended annually in the District; and

Whereas, Pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such changes; and

Whereas, Pursuant to Section 25-410(c) of the BID Law, an amendment to the District Plan that provides for an increase in the maximum total amount to be expended for improvements in the District may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such increase; and

Whereas, The Hub Third Avenue Business Improvement District wishes to amend the District Plan, in order to add services and modify existing services in the District, add new capital improvements within the District, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the District; and

Whereas, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the District specifying the time when and the place where the hearing will be held; and

Whereas, Pursuant to Section 25-410(c) of the BID Law, the City Council is required to give notice of the hearing in the manner provided in Section 25-406 of the BID Law, which requires the City Council to: cause a copy of the relevant resolution or a summary thereof to be published at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date set for the hearing; not less than ten nor more than thirty days before the date set for the hearing, cause a copy of the resolution or a summary thereof to be mailed to each owner of real property within the District, to such other persons as are registered with the City to receive tax bills concerning real property within the District and to the tenants of each building within the District; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-410(b) and Section 25-410(c) of the BID Law, hereby directs that:

(i) March 13, 2013 is the date and the City Council Committee Room, 2nd floor, City Hall, is the place and 10AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services and the modification of existing services in the District, the addition of a capital improvement program in the District, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in the District; and

(ii) on behalf of the City Council and pursuant to Section 25-410(b) and Section 25-410 (c) of the BID Law, the District Management Association of the Hub Third Avenue Business Improvement District is hereby authorized to, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of the resolution or a summary thereof to each owner of real property within the District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the District, and to the tenants of each building within the District; and

(iii) the Department of Small Business Services shall arrange for the publication of a copy of the resolution or a summary thereof and a notice of the public hearing at least once in the City Record or a newspaper in general circulation in the City and a newspaper in general circulation in the District, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the District Management Association of the Hub Third Avenue Business Improvement District mails, or the Department of Small Business Services arranges for the publication of, a summary of the resolution, such summary shall include the information required by section 25-406(c) of the BID Law.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 27, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Res. No. 1652-A

Report of the Committee on Finance in favor of approving as amended, a Resolution concerning an amendment to the District Plan of the Myrtle Avenue Business Improvement District that authorizes additional services and modifies existing services for the district, and setting the date, time and place for the public hearing of them local law authorizing additional services and modifying existing services for the district.

The Committee on Finance, to which the annexed amended resolution was referred on February 6, 2013 (Minutes, page 257), respectfully

REPORTS:

Today, the Committee on Finance will consider Proposed Res. 1652-A, a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the Myrtle Avenue Business Improvement for March 13, 2013, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 am.

ANALYSIS:

This Proposed Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the "BID Law"), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the Myrtle Avenue Business Improvement District (the "Myrtle Avenue BID").

The Myrtle Avenue business improvement district was established in 1988 to provide supplemental services within the district. Over time, the district's needs related to certain services have changed. The local law would authorize additional services and modify existing services in the district. The changes would result in the discontinuance of the maintenance program and the addition of sanitation and graffiti removal services in place of that program, additional security and promotional services, and additional holiday and seasonal decorations.

The hearing on the local law and the Myrtle Avenue BID plan, as amended, will be held on March 13, 2013, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 am. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the Myrtle Avenue District Management Association. The notice of the hearing will state the proposed change in the method of assessment upon which the district charge in the Myrtle Avenue Business Improvement District is based.

BID's, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

(For text of the District Plan and related material, please refer to the Office of the City Clerk, 141 Worth Street, New York, N.Y. 10013).

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1652-A:)

Res. No. 1652-A

Resolution concerning an amendment to the District Plan of the Myrtle Avenue Business Improvement District that authorizes additional services and modifies existing services for the district, and setting the date, time and place for the public hearing of the local law authorizing additional services and modifying existing services for the district.

By Council Members Recchia, Wills and Gennaro.

Whereas, Pursuant to the authority formerly granted to the Board of Estimate by chapter 4 of title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the Board of Estimate, by Resolution dated August 19, 1982 (Calendar No. 285) provided for the preparation of a district plan (the "District Plan") for the Myrtle Avenue Business Improvement District (the "District") in the City of New York; and

Whereas, The Board of Estimate, by Resolution dated January 14, 1988 (Calendar No. 281) authorized the establishment of the District in accordance with the District Plan; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, Pursuant to section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in section 25-412 of the BID Law will not be exceeded by such changes; and

Whereas, The Myrtle Avenue Business Improvement District wishes to amend the District Plan, as amended, in order to authorize additional services and modify existing services for the District; and

Whereas, Pursuant to section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the District specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to section 25-410(b) of the BID Law hereby directs that:

(i) March 13, 2013 is the date and the City Council Committee Room, 16th floor, 250 Broadway, is the place and 10AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services and modify existing services for the District; and

(ii) on behalf of the City Council and pursuant to section 25-410(b) of the BID Law, the District Management Association of the Myrtle Avenue Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed amendment to the District Plan authorizing additional services and modifying existing services for the Myrtle Avenue Business Improvement District.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 27, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered L.U. No. 764

Report of the Committee on Finance in favor of approving Multifamily Preservation Loan Program Sunset 203K, 1344 Willoughby Street, Block 3211, Lot 17; 1560 Dekalb Avenue, Block 3248, Lot 11; 26 Morgan Avenue, Block 3187, Lot 24; 314 Troutman Street, Block 3012, Lot 08; 64 Bleeker Street, Block 3305, Lot 19, Community District No. 4, Council District No. 34, 37

The Committee on Finance, to which the annexed resolution was referred on February 27, 2013, respectfully

REPORTS:

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

February 27, 2013

TO: Hon. Domenic M. Recchia, Jr.
Chair, Finance Committee

Members of the Finance Committee

FROM: Amy Stokes, Finance Division

RE: Finance Committee Agenda of February 27, 2013 - Resolution approving tax exemptions for one preconsidered Land Use Item (Council District 34 and Council District 37)

Sunset 203K (Block 3211, Lot 17; Block 3248, Lot 11; Block 3187, Lot 24; Block 3012, Lot 8; Block 3305, Lot 19) in Brooklyn consists of five buildings with 21 units of rental housing for low-income families. The Sunset 203K Housing Development Fund Corporation ("HDFC") will acquire the Exemption Area and will rehabilitate and operate the property. The HDFC will finance the acquisition and rehabilitation of the property through loans from private institutional lenders and from public sources, including HPD. The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation.

This item has the approval of Councilmember Dilan and Councilmember Reyna.

In connection herewith, Council Members Recchia offered the following resolution:

Res. No. 1666

Resolution approving an exemption from real property taxes for property located at (Block 3211, Lot 17), (Block 3248, Lot 11), (Block 3187, Lot 24), (Block 3012, Lot 8), (Block 3305, Lot 19) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 764).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 13, 2012 that the Council take the following action regarding a housing project to be located at (Block 3211, Lot 17), (Block 3248, Lot 11), (Block 3187, Lot 24), (Block 3012, Lot 8), (Block 3305, Lot 19) Brooklyn ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

(a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC and (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.

(b) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as:

Block 3211, Lot 17, on the Tax Map of the City of New York,

Block 3248, Lot 11, on the Tax Map of the City of New York,

Block 3187, Lot 24, on the Tax Map of the City of New York,

Block 3012, Lot 08, on the Tax Map of the City of New York,

Block 3305, Lot 19 on the Tax Map of the City of New York.

- (d) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company of an entity wholly controlled by a housing development fund company.
- (e) “HDFC” shall mean Sunset 203K Housing Development Fund Company, Inc.
- (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
- (h) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary, the Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (vi) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
4. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
5. In consideration of the Exemption, the Owner of the Exemption Area, (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 27, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Immigration

Report for Int. No. 982-A

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the police department.

The Committee on Immigration, to which the annexed amended proposed local law was referred on December 18, 2012 (Minutes, page 4718), respectfully

REPORTS:

I. INTRODUCTION

On February 26, 2013, the Committee on Immigration, chaired by Council Member Daniel Dromm, will vote on Proposed Introductory Bill Number 982-A (“Prop. Int. No. 982-A”), a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the police department, and Proposed Introductory Bill Number 989-A (“Prop. Int. No. 989-A”), a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction. The Committee previously held a hearing on Introductory Bill Number 982 (“Int. No. 982”), a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained, and on Introductory Bill Number 989 (“Int. No. 989”), a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction on January 25, 2013.

II. BACKGROUND

There are nearly 40 million immigrants living in the United States, more than half of whom may be subject to deportation¹ simply because of their immigration status.² Over the past several years, increased deportation efforts by the federal government led to an increase in the number of immigrants being deported from the United States. In fact, since 2009, Immigration and Customs Enforcement (“ICE”), a division of the Department of Homeland Security (“DHS”), has been responsible for the most deportations in the nation’s history, removing approximately 400,000 immigrants each year.³ The legislation being considered today seeks to address the impact of the Criminal Alien Program (“CAP”), through which ICE cooperates with law enforcement to identify incarcerated individuals who may be subject to deportation, and Secure Communities, which facilitates the rapid identification of arrested individuals who may be subject to deportation, on New York City. These programs have resulted in the deportation of countless New Yorkers who pose no risk to public safety, unnecessarily damaging communities across the City. Further, the fear of deportation is negatively affecting community policing and the willingness of immigrant crime victims and witnesses to report crimes.

Reports indicate that thousands of New York City’s immigrants are apprehended, detained, and removed each year.⁴ For example, between October 2005 through December 2010, ICE apprehended more than 34,000 New Yorkers.⁵ These high numbers can be attributed, in part, to CAP. Under CAP, ICE is able to identify, process and remove certain individuals whom ICE terms “criminal aliens”⁶ and who are incarcerated in federal, state and local prisons and jails throughout the United States.⁷ CAP seeks to prevent the release of most “criminal aliens” by securing final orders of removal prior to the termination of their sentences.⁸ CAP enforcement activity is conducted by ICE Enforcement and Removal Operations officers and agents, who are responsible for screening inmates to identify individuals who may be subject to deportation under the program. When such an individual is identified, ICE places a detainer⁹ on that individual in order to facilitate his or her removal from the United States, and prevent his or her release to the general public.¹⁰ Since the implementation of CAP in New York City, it has accounted for nearly 77 percent of ICE’s apprehensions.¹¹

Although the stated goal of the DOC’s cooperation with ICE is the removal of “criminal aliens,” it has instead resulted in the deportation of many immigrants without criminal records. In response to growing concern about CAP and the presence of ICE agents at DOC facilities, the New York City Council enacted Local Law 62 of 2011 (“Local Law 62”) to ensure that the DOC’s cooperation with ICE facilitated the detention and removal only of criminals and of others who had prior immigration violations, or who posed public safety or national security threats. Specifically, Local Law 62 established guidelines for DOC to follow in determining whether to honor immigration detainers, providing that, among other things, a detainer would not be honored on an individual who had no criminal record. Pursuant to Local Law 62, between March 9 and September 20, 2012, the DOC did not honor 267 detainers, accounting for 20 percent of the detainers received by the DOC from ICE.¹²

On May 15, 2012, subsequent to the enactment of Local Law 62, ICE activated Secure Communities in New York City. ICE began implementation of the Secure Communities program in 2008 with the stated goal of working with state and local law enforcement agencies to identify and remove “criminal aliens, those who pose a threat to public safety, and repeat immigration violators.”¹³ Under Secure Communities, fingerprints of persons arrested are shared electronically with DHS so that ICE can determine whether an arrestee is deportable. Should a person be identified as unlawfully present in the United States, or otherwise be removable due to a criminal conviction, ICE may issue a detainer on the individual, requesting local law enforcement officials to hold the individual so that they can be turned over to ICE. At the time DHS began implementation of Secure Communities, it did not inform states that participation was mandatory. New York State, in fact, sought to opt-out of Secure Communities on the grounds of, among other things, the high number of immigrants without criminal records being deported, the program’s significant potential to cause racial and ethnic profiling, and the inadequate auditing and oversight of the program. In 2011, however, ICE announced that participation in Secure Communities was mandatory and that states could not “opt-out” of the

program or prohibit the information sharing that is at the “heart” of the program.¹⁴

The activation of Secure Communities in New York City has resulted in detainees being lodged more quickly against deportable individuals, often while those individuals are in the custody of the NYPD. Moreover, since the implementation of Local Law 62, research and work by Committee staff with advocates, the Bloomberg Administration and others, as well as additional guidance from ICE,¹⁵ led to the conclusion that fewer detainees than originally contemplated by Local Law 62 need be honored. In order to address these issues, Int. No. 982 and Int. No. 989 were introduced in the Council on December 18, 2012. Int. No. 982 specifically addresses the NYPD’s response to detainees, while Int. No. 989 would amend Local Law 62 in certain significant ways.

III. HEARING ON INT. NO. 982 AND INT. NO. 989

At the hearing held on January 25, 2013, the Committee received testimony in support of both bills from the Honorable Robert M. Morgenthau, John Feinblatt, Chief Advisor to the Mayor for Policy and Strategic Planning, and representatives from the NYPD, and the DOC (collectively, the “Administration”). Mr. Morgenthau spoke to the need for the legislation and the Administration focused its testimony on plans to implement the bills and the impact the implementation will have on the number of detainees honored by the City.¹⁶ The Committee also received testimony from advocates, immigration practitioners, public defenders, and affected individuals in support of the bills. Their testimony generally focused on the impact of CAP and Secure Communities on immigrant New Yorkers.

Since the hearing on Int. No. 982 and Int. No. 989, several technical changes have been made to the proposed legislation.

- The term “convicted of a crime” found in Int. No. 982 and Int. No. 989 is replaced by the terms “covered crime” and “convicted of a covered crime” in Prop. Int. No. 982-A and Prop. Int. No. 989-A for clarification purposes. This is a technical change that will not affect how and when detainees will be honored.

- Int. No. 982 and Int. No. 989 use the term “pending criminal case.” The Proposed A-versions of these bills use the terms “covered criminal case” and “pending covered criminal case” for clarification purposes. This is a technical change that will not affect how and when detainees will be honored.

- Convictions under section 240.37 of the penal law remain excluded from the definition of covered crime, but the A-versions provide that such convictions must not relate to the patronizing of a prostitute.

- The circumstances in which a charge under section 265.01 of the penal law would cause a detainee to be honored are expanded in the A-versions to not only include charges that relate to possession of a firearm, rifle, or shotgun, but also to those that relate to a bullet or ammunition.

- In the bills as introduced, a pending charge for assault in the third degree or criminal contempt in the second degree would cause a detainee to be honored unless the defendant *is released upon* failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of New York’s Criminal Procedure Law. In the proposed A-versions, detainees would be honored for pending cases involving assault in the third degree or criminal contempt in the second degree, unless the defendant *is ordered by the court to be released* for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the New York Criminal Procedure Law. This is a technical change made for clarification purposes only. Language was included to ensure that cases resolved with an adjournment in contemplation of dismissal or a conditional discharge are not considered pending criminal cases for purposes of determining whether to honor a detainee.

The reporting requirements for the NYPD are streamlined in consideration of the ways in which the Department catalogs information on individuals in its custody and the length of time in which individuals are in the NYPD’s custody. The reporting requirements for the DOC have been expanded to capture and disaggregate certain data and to reflect the revised ICE detainer form and the revised ICE detainer policy (both released in December 2012).

IV. DESCRIPTIONS OF PROP. INT. NO. 982-A AND PROP. INT. NO. 989-A

Prop. Int. No. 982-A

If enacted, Prop. Int. No. 982-A would limit the cooperation between the NYPD and ICE and require the NYPD to report on data related to its cooperation with ICE. Under Prop. Int. No. 982-A, the NYPD would generally be prohibited from honoring detainees in the form of holding an individual beyond the time when he or she would otherwise be released from NYPD custody and from notifying ICE of such individual’s release. The NYPD would, however, still be permitted to honor detainees if the individual in question:

3. has been “convicted of a covered crime;”
4. is a defendant in a “pending covered criminal case;”
 - (a) has an outstanding criminal warrant;
6. is identified as a known gang member;
7. is identified as a possible match in the terrorist screening database;

8. has an outstanding warrant of removal; or

9. currently is, or has in the past, been subject to a final order of removal.

Prop. Int. No. 982-A defines a “covered crime” as any misdemeanor or felony charge brought in New York state courts, with the exception of : (i) prostitution; (ii) loitering for the purpose of engaging in a prostitution offense; and (iii) certain subdivisions of the crime of aggravated unlicensed driving in the second degree. An individual would be considered “convicted of a covered crime” under Prop. Int. No. 982-A when a final judgment of guilt is entered on a “covered crime.” However, the NYPD would be prohibited from honoring a detainee on that basis of such a conviction if the individual was adjudicated as a youthful offender or juvenile delinquent, or never convicted of a felony and never convicted of a misdemeanor that is a “covered crime” within ten years of the instant arrest.

Further, Prop. Int. No. 982-A would permit the NYPD to honor detainees where an individual has a “pending covered criminal case.” A “pending covered criminal case” means a “covered criminal case” where judgment has not been entered. A “covered criminal case” would include any case where there is a pending felony charge, or a pending misdemeanor charge for the following:

10. assault in the third degree, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of New York’s Criminal Procedure Law;

11. sex offenses under Article 130 of the New York Penal Law;

12. criminal possession of a weapon in the fourth degree, provided that such charge must relate to possession of a firearm, rifle, shotgun, bullet or ammunition;

13. criminal contempt in the second degree, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the New York Criminal Procedure Law; and

14. alcohol and drug related offenses under Article 31 of the New York Vehicle and Traffic Law.

It is important to note that under Prop. Int. No. 982-A, no other open misdemeanors would be considered “pending criminal cases.” This is a change from how open cases have been treated under Local Law 62. Additionally, the legislation acknowledges the challenges that might arise in cases where the only reason to honor a detainee is a charge of misdemeanor assault or contempt. Specifically, such detainees may only be honored in cases where the defendant is not ordered released pursuant to 170.70. This does two things: (i) ensures detainees will be honored in those cases that are most likely to move forward; and (ii) recognizes the fact that, because arraignments happen quickly and sometimes before all of the facts are known, it could prove useful for the time between arraignment and the 170.70 date to be available for defense counsel, or other advocates, to speak with the prosecutor. As a result of such conversations, a prosecutor could determine that corroborating the complaint after the 170.70 date would not compromise the effective prosecution of the case.

If enacted, Int. No. 982 would require the NYPD to complete an annual report, starting September 30, 2013, to be posted on its website. The information in this report would include:

15. the number of civil immigration detainees received from federal immigration authorities;

16. the number of persons held pursuant to detainees beyond the time when such individual would otherwise be released from NYPD custody;

17. the number of individuals transferred to immigration authorities pursuant to detainees; and

18. the number of persons for whom civil immigration detainees were not honored.

Prop. Int. No. 989-A

Prop. Int. No. 989-A would amend Local Law 62 in order to ensure consistency among City agencies that work with ICE. Accordingly, the definitions of “convicted of a crime” and “pending criminal case” would be harmonized with the definitions of “convicted of a covered crime,” “covered crime,” “covered criminal case,” and “pending covered criminal case” found in Prop. Int. No. 982-A. These definitions mark a significant change from the definitions set forth in Local Law 62. Specifically, pursuant to Local Law 62, anyone with a criminal conviction, other than one that resulted in adjudication as a youthful offender or juvenile delinquent, is “convicted of a crime.”

The definitions of “covered criminal case” and “pending covered criminal case” under Prop. Int. No. 989-A are narrower than the definition of “pending criminal case” found in Local Law 62, which deems any individual with an open misdemeanor or who would be mandatorily adjudicated as a youthful offender or a juvenile delinquent a defendant in a “pending criminal case.” Such individuals would no longer be considered defendants in pending criminal cases under Prop. Int. 989-A, and accordingly detainees would not be honored against them.¹⁷

Finally, Prop. Int. No. 989-A would seek the following additional reporting from the DOC:

19. the total number of detainees lodged disaggregated by the reason given by immigration authorities for issuing the detainees;

20. the number of persons held pursuant to detainers beyond the time when such individual would otherwise be released from DOC custody disaggregated by the reason given by immigration authorities for issuing the detainers;

21. the number of individuals transferred to immigration authorities pursuant to detainers subsequent to the dismissal of the criminal case that brought the individual into the department's custody;

22. the number of individuals transferred to the custody of immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and had an outstanding warrant of removal or previously had been subject to a final order of removal;

23. the number of individuals transferred to immigration authorities pursuant to detainers who had no misdemeanor or felony convictions and were charged with a felony or felonies in a pending covered criminal case;

24. the number of individuals transferred to immigration authorities pursuant to detainers who had no misdemeanor or felony convictions and were charged solely with a misdemeanor or misdemeanors in a pending covered criminal case; and

25. the number of individuals held pursuant to detainers beyond the time when such individuals would otherwise have been released from the department's custody who were not transferred to the custody of immigration authorities either because of the expiration of the forty-eight-hour hold period or because immigration authorities disavowed an intention to assume custody.

Effective Date

Both Prop. Int. No. 982-A and Prop. Int. No. 989-A would take effect one hundred and twenty days after enactment into law.

¹ In this report, the terms "deportation" or "deported" are used interchangeably with the terms "removal" or "removed."

² Center for American Progress, *The Facts on Immigration: Everything You Need to Know About Our Foreign-Born Population, Current Immigration Policy, and the Voting Power of New Americans*, (July 6, 2012), <http://www.americanprogress.org/issues/immigration/report/2012/07/06/11888/the-facts-on-immigration-today/> (last visited Jan. 23, 2013).

³ U.S. Immigration and Customs Enforcement, *Immigration Enforcement Actions: 2011*, (Sept. 2012) available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/enforcement_ar_2011.pdf (last visited January 23, 2013); ICE, ICE Removal Statistics, <http://www.ice.gov/removal-statistics/> (last visited Jan. 23, 2013).

⁴ NYU School of Law Immigrant Rights Clinic, Immigrant Defense Project, and Families for Freedom, *Insecure Communities, Devastated Families: New Data on Immigrant Detention and Deportation Practices in New York City*, (July 23, 2012), http://familiesforfreedom.org/sites/default/files/resources/NYC%20FOIA%20Report%202012%20FINAL_1.pdf, 2 (last visited Jan. 23, 2013) [hereinafter *Insecure Communities*].

⁵ *Id.* at 5.

⁶ With regard to ICE law enforcement efforts, the term "criminal alien" refers to a non-citizen convicted of a criminal offense under state or federal law.

⁷ U.S. Immigration and Customs Enforcement, *Fact Sheet: Criminal Alien Program* (Mar. 29, 2011), <http://www.ice.gov/news/library/factsheets/cap.htm> (last visited Jan. 23, 2013).

⁸ *Id.*

⁹ "Any authorized immigration officer may at any time issue a[n]...Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that [ICE] seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise [ICE], prior to the release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible."

"Temporary detention at Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department." 8 CFR §287.7(a), (d).

¹⁰ *Id.*

¹¹ *Insecure Communities* at 2.

¹² *Hearing on Int. No. 982, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained, and Int. No. 989, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction, Before the Committee on Immigration*, 63, Jan. 25, 2013 (testimony of Lewis Finkelman, First Deputy Commissioner, Department of Correction).

¹³ U.S. Immigration and Customs Enforcement, *Secure Communities*, http://www.ice.gov/secure_communities/ (last visited Jan. 24, 2013).

¹⁴ Letter from John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, to The Hon. Zoe Lofgren, U.S. House of Representatives (Apr. 28, 2011) (on file with Committee staff); U.S. Immigration and Customs Enforcement, *Frequently Asked Questions: Can a state or local law enforcement agency choose not to have fingerprints it submits to the FBI not checked against DHS' system?*, http://www.ice.gov/secure_communities/faq.htm (last visited Jan. 24, 2013).

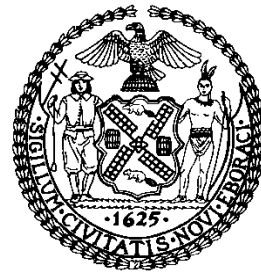
¹⁵ On December 21, 2012, ICE issued a new national detainer policy to ensure that ICE's enforcement resources are dedicated to individuals whose removal promotes public safety and national security, among other things. Memorandum from John Morton, Director, U.S. Immigration and Customs Enforcement, to All Field Office Directors, All Special Agents in Charge, All Chief Counsel (Dec. 21, 2012), <http://www.ice.gov/doclib/detention-reform/pdf/detainer-policy.pdf> (last visited Jan. 24, 2013).

¹⁶ See generally, *Hearing on Int. No. 982, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained, and Int. No. 989, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction, Before the Committee on Immigration*, 55, 75-76, Jan. 25, 2013 (testimony of John Feinblatt, Chief Advisor to the Mayor for Policy and Strategic Planning).

¹⁷ As set forth above in the discussion of Int. 982, individuals charged with the following misdemeanors: (i) criminal possession of a weapon in the fourth degree, provided that such charge

must relate to possession of a firearm; (ii) sex offenses under Article 130 of the New York Penal Law; (iii) alcohol and drug related offenses under Article 31 of the New York Vehicle and Traffic Law; (iv) criminal contempt in the second degree, unless the defendant is released upon failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the New York Criminal Procedure Law, and (v) assault in the third degree, unless the defendant is released upon failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of New York's Criminal Procedure Law, would still be considered defendants in pending criminal cases.

(The following is the text of the Fiscal Impact Statement for Int. No. 982-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 982-A

COMMITTEE:
Immigration

TITLE: To amend the administrative code of the City of New York, in relation to persons not to be detained by the police department.

SPONSOR(S): The Speaker (Council Member Quinn) and Council Members Mark-Viverito, Dromm, Brewer, Chin, Comrie, Eugene, Ferreras, Jackson, James, Lander, Mendez, Palma, Reyna, Williams, Wills, Lappin and Rodriguez

SUMMARY OF LEGISLATION: Proposed Int. 982-A is a bill that would amend Chapter 1 of title 14 of the administrative code of the City of New York by adding a new section 14-154, in relation persons that should not be detained by the police department. This amendment would prohibit the New York City Police Department (NYPD) from honoring detainers issued by Immigration and Customs Enforcement (ICE) in the form of holding individuals beyond the time when they would otherwise be released from NYPD's custody, and from notifying ICE of the individual's release. The NYPD would, however, still be permitted to honor a detainer if the individual in question:

- has been convicted of a covered crime;
- is a defendant in a pending covered criminal case;
- has an outstanding criminal warrant;
- is identified as a known gang member;
- is identified as a possible match in the terrorist screening database;
- has an outstanding warrant of removal; or
- currently is, or has in the past, been subject to a final order of removal.

Proposed Int. No. 982-A defines a "covered crime" as any misdemeanor or felony charge brought in New York state courts, with the exception of: (i) prostitution; (ii) loitering for the purpose of engaging in a prostitution offense; and (iii) certain subdivisions of the crime of aggravated unlicensed driving in the second degree.

An individual would be considered "convicted of a covered crime" under Proposed Int. No. 982-A when a final judgment of guilt is entered on a "covered crime." However, the NYPD would be prohibited from honoring a detainer on that basis of such a conviction if the individual was:

- adjudicated as a youthful offender or juvenile delinquent; or
- never convicted of a felony and never convicted of a misdemeanor that is a "covered crime" within ten years of the instant arrest.

Proposed Int. No. 982-A would permit the NYPD to honor detainers where an individual has a "pending covered criminal case." A "pending covered criminal case" means a "covered criminal case" where judgment has not been entered. A "covered criminal case" would include any case where there is a pending felony charge, or a pending misdemeanor charge for the following:

- assault in the third degree, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of New York's Criminal Procedure Law;
- sex offenses under Article 130 of the New York Penal Law;
- criminal possession of a weapon in the fourth degree, provided that such charge must relate to possession of a firearm, rifle, shotgun, bullet or ammunition;
- criminal contempt in the second degree, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the New York Criminal Procedure Law; and
- alcohol and drug related offenses under Article 31 of the New York Vehicle and Traffic Law.

The bill would also require the NYPD to post an annual report on its website that includes information regarding the number of: (1) civil immigration detainers received from federal immigration authorities; (2) individuals held pursuant to civil immigration detainers beyond the time when they would otherwise be released from NYPD's custody; (3) individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers; and (4) individuals for whom civil immigration detainers were not honored.

NYPD would be required to post this information on its website no later than September 30, 2013 and no later than September 30th of each year after the first web posting. Each report would include information from the previous 12 months.

EFFECTIVE DATE: This local law would take effect 120 days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: According to the New York Police Department, no additional fiscal resources would be required in order for it to implement the requirements of this bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Police Department

ESTIMATE PREPARED BY: Crystal Coston, Senior Legislative Financial Analyst
Lionel Francois, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director
Regina Poreda Ryan, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro. 982 by the Council on December 18, 2012 and referred to the Committee on Immigration. A hearing was held by the Committee on Immigration and the legislation was laid over by the Committee on January 25, 2013. An amendment has been proposed and an amended version, Proposed Intro. 982-A, is scheduled to be voted out of the Immigration Committee on February 26, 2013 and the Full Council on February 27, 2013

DATE SUBMITTED TO COUNCIL: December 18, 2012

(For text of Int No. 989-A and its respective Fiscal Impact Statement, please see the Report of the Committee on Finance for Int No. 989-A printed in these Minutes; for text of Int No. 982-A, please see immediately below:)

Accordingly, the Committee recommends the adoption of Int No. 982-A and Int No. 989-A.

(The following is the text of Int. No. 982-A:)

Int. No. 982-A

By The Speaker (Council Member Quinn) and Council Members Mark-Viverito, Dromm, Brewer, Chin, Comrie, Eugene, Ferreras, Jackson, James, Lander, Mendez, Palma, Reyna, Williams, Wills, Lappin, Rodriguez, Arroyo, Gonzalez, Levin, Barron, Gennaro, King and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the police department.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-154 to read as follows:

§14-154. Persons not to be detained. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Civil immigration detainer" shall mean a detainer issued pursuant to 8 C.F.R. 287.7.

2. "Convicted of a covered crime" shall mean a final judgment of guilt entered on a covered crime, including a conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state. A person shall not be considered convicted of a covered crime if that person:

i. was adjudicated as a youthful offender, pursuant to article seven hundred twenty of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, or a juvenile delinquent, as defined by subdivision one of section 301.2 of the family court act, or a comparable status pursuant to federal law or the law of another state; or

ii. has never had a final judgment of guilt entered against him or her on a felony and has not had a final judgment of guilt entered against him or her on a misdemeanor that is a covered crime for at least ten years prior to the date of the instant arrest.

3. "Covered crime" shall mean a misdemeanor or felony charge brought in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, provided, however, that a charge brought pursuant to section 230.00 of the penal law, section 240.37 of the penal law, except when such charge relates to the patronizing of a prostitute, or subdivision one or subparagraph (i) or (iv) of paragraph (a) of subdivision two of section five hundred eleven of the vehicle and traffic law, or a comparable provision of federal law or the law of another state, shall not be deemed a covered crime.

4. "Covered criminal case" shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where any felony charge, or a misdemeanor charge pursuant to any of the following provisions, or a comparable provision of federal law or the law of another state, is pending:

A. section 120.00 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law;

B. article one hundred thirty of the penal law;

C. section 265.01 of the penal law, provided that such charge relates to possession of a firearm, rifle, shotgun, bullet or ammunition;

D. section 215.50 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law; or

E. article thirty-one of the vehicle and traffic law.

5. "Federal immigration authorities" shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

6. (i) "Pending covered criminal case" shall mean a covered criminal case where judgment has not been entered.

(ii) Notwithstanding anything to the contrary in subparagraph i of this paragraph, any person who is a defendant in more than one case where judgment has not been entered and where a covered crime is charged, shall be deemed to be a defendant in a pending covered criminal case.

(iii) Any person whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

(iv) Any person who has been sentenced to conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

(v) Any person who, if convicted, must be found by the court to be a youthful offender, pursuant to paragraph (b) of subdivision one of section 720.20 of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case.

7. "Terrorist screening database" shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.

b. Prohibition on honoring a civil immigration detainer. 1. The department shall not honor a civil immigration detainer by:

(i) holding a person beyond the time when such person would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or

(ii) notifying federal immigration authorities of such person's release.

2. Paragraph one of this subdivision shall not apply under any of the following circumstances:

(i) A search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court, that such person:

A. has been convicted of a covered crime;

B. is a defendant in a pending covered criminal case;

C. has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States; or

E. is identified as a possible match in the terrorist screening database.

(ii) The search conducted pursuant to subparagraph i of this paragraph indicates, or the department has been informed by federal immigration authorities, that such person:

A. has an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or

B. is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.

3. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraph two of this subdivision.

c. No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold persons on civil immigration detainers beyond the authority, if any, that existed prior to the enactment of this section.

d. No conflict with existing law. This local law supersedes all conflicting policies, rules, procedures and practices of the city of New York. Nothing in this local law shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department.

f. Reporting. No later than September 30, 2013, and no later than September thirtieth of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period:

1. the number of civil immigration detainees received from federal immigration authorities;
 2. the number of persons held pursuant to civil immigration detainees beyond the time when such person would otherwise be released from the department's custody;
 3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainees; and
 4. the number of persons for whom civil immigration detainees were not honored pursuant to subdivision b of this section.
- g. For the purpose of this section, any reference to a statute, rule, or regulation shall be deemed to include any successor provision.
- §2. This local law shall take effect 120 days after it shall have become a law, except that the commissioner shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS A. RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 989-A

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction

The Committee on Immigration, to which the annexed amended proposed local law was referred on December 18, 2012 (Minutes, page 4749), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Immigration for Int No. 982-A printed above in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 989-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 FISCAL IMPACT STATEMENT
 INTRO. NO: 989-A
 COMMITTEE: Immigration

TITLE: To amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction.

SPONSOR: By Council Members Mark-Viverito, the Speaker (Council Member Quinn), Dromm, Chin, Comrie, Eugene, Ferreras, Jackson, James, Koppell, Lander, Mendez, Palma, Reyna, Vann, Williams, Willis, Lappin and Rodriguez.

SUMMARY OF LEGISLATION: Summary of Legislation: Proposed Int. No. 989-A would amend Local Law 62 of 2011 to narrow the categories of persons for whom the Department of Correction ("DOC") will honor detainees issued by U.S. Immigration and Customs Enforcement ("ICE") and expand reporting requirements related to DOC's cooperation with ICE.

Currently, DOC is prohibited from honoring detainees in the form of holding an individual beyond the time when he or she would otherwise be released from its custody and from notifying ICE of such individual's release. DOC still honors detainees if the individual in question:

- has been "convicted of a crime;"
- is a defendant in a "pending criminal case;"
- has an outstanding criminal warrant;
- is identified as a known gang member;
- is identified as a possible match in the terrorist screening database;
- has an outstanding warrant of removal; or
- currently is, or has in the past, been subject to a final order of removal.

Proposed Int. No. 989-A would amend the definitions of "convicted of a crime" and "pending criminal case." These amendments further limit the DOC's ability to honor detainees.

Specifically, the term "convicted of a crime" in Local Law 62 is replaced by "covered crime" and "convicted of a covered crime" in Proposed Int. No. 989-A. The term "covered crime" is defined as any misdemeanor or felony charge brought in New York state courts, with the exception of: (i) prostitution; (ii) loitering for the purpose of engaging in a prostitution offense; and (iii) certain subdivisions of the crime of aggravated unlicensed driving in the second degree.

An individual would be considered "convicted of a covered crime" when a final judgment of guilt is entered on a "covered crime." DOC would, however, be prohibited from honoring a detainee on the basis of such a conviction if the individual was (i) adjudicated as a youthful offender or juvenile delinquent; or (ii) never convicted of a felony and never convicted of a misdemeanor that is a "covered crime" within ten years of the instant arrest.

Proposed Int. No. 989-A would also narrow the categories of persons for whom DOC will honor detainees on the ground that they are a defendant in a pending criminal case. Pursuant to Local Law 62, DOC honors detainees on any individual with a pending misdemeanor or felony charge. The proposed legislation will change that practice by permitting DOC only to honor detainees when an individual is a defendant in a "covered criminal case," which would include any case where there is a pending felony charge, or a pending misdemeanor charge for the following:

Intro. 989-A Page 1

- assault in the third degree, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of New York's Criminal Procedure Law;
- sex offenses under Article 130 of the New York Penal Law;
- criminal possession of a weapon in the fourth degree, provided that such charge must relate to possession of a firearm, rifle, shotgun, bullet or ammunition;
- criminal contempt in the second degree, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the New York Criminal Procedure Law; and alcohol and drug related offenses under Article 31 of the New York Vehicle and Traffic Law.

Additionally, any individual who would be mandatorily adjudicated as a youthful offender or a juvenile delinquent would no longer be considered a defendant in a "pending criminal case" under Prop. Int. No. 989-A.

Additionally, Proposed Int. No. 989-A, would require DOC to further disaggregate and report on additional data, in part as a result of changes made to the recently issued ICE detainee request form and the detainee policy. DOC would be required to report this information on its website no later than September 30, 2013 and no later than September 30th of each year after the initial web posting. Each report would include information from the preceding 12 months.

EFFECTIVE DATE: This local law shall take effect 120 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	Up to \$274,000	Up to \$174,000
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues from the enactment of this legislation

IMPACT ON EXPENDITURES: According to the Department of Correction, the mandates of Local Law 62 and the additional requirements of Proposed Intro. No 989-A would require the Department to develop a database program to support the enhanced reporting requirements, assign a data analyst to perform quality assurance work, and a dedicated attorney to ensure that the Department complies with the requirements of Local Law 62 and Proposed Intro. 989-A. Development of the database would entail a one-time programming cost of \$100,000 for the new reporting requirements; the annual staffing costs would be \$84,000 for an analyst and \$90,000 for an attorney. The Department has already staffed one round the clock captain's post to manage the Local Law 62 requirements. While it is recognized that Proposed Intro. No. 989-A would increase the Department's workload, it is estimated that the Department could meet all the requirements using the staffing resources currently devoted to Local Law 62 compliance and additional existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: City tax-levy

SOURCE OF INFORMATION: Department of Correction

ESTIMATE PREPARED BY: Eisha N. Wright, Unit Head

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Tanisha Edwards, Finance Counsel

HISTORY: On December 18, 2012, Proposed Intro. 989 was introduced by the Council and referred to the Committee on Immigration. On January 25, 2013 the Committee held a hearing on Intro. 989, which was then laid over and subsequently amended. The Committee will consider Proposed Intro. 989-A. on February 26, 2013.

Intro. 989-A

Page 3

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 989-A:)

Int. No. 989-A

By Council Members Mark-Viverito, the Speaker (Council Member Quinn), Dromm, Chin, Comrie, Eugene, Ferreras, Jackson, James, Koppell, Lander, Mendez, Palma, Reyna, Vann, Williams, Wills, Lappin, Rodriguez, Arroyo, Levin, Barron, Brewer, Gennaro, King and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 9-131 of chapter 1 of title 9 of the administrative code of the city of New York, as added by local law number 62 for the year 2011, is amended to read as follows:

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Civil immigration detainee" shall mean a detainee issued pursuant to § 287.7 of the C.F.R.

2. "Convicted of a covered crime" shall mean a final judgment of guilt entered on a [misdemeanor or felony charge in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States] covered crime, including a conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state. [Persons] An individual shall not be considered convicted of a covered crime if that individual:

i. was adjudicated as a youthful [offenders] offender, pursuant to article [720] seven hundred twenty of the criminal procedure law, or a comparable [provision of] status pursuant to federal law or the law of another state, or a juvenile [delinquents] delinquent, as defined by subdivision one of section [301.2(1)] 301.2 of the family court act, or a comparable [provision of] status pursuant to federal law or the law of another state [shall not be considered convicted of a crime]; or

ii. has never had a final judgment of guilt entered against him or her on a felony and has not had a final judgment of guilt entered against him or her on a misdemeanor that is a covered crime for at least ten years prior to the date of the instant arrest.

3. "Covered crime" shall mean a misdemeanor or felony charge brought in any of the criminal courts of the state of New York, as defined in section 10.10 of the

criminal procedure law, or any other court of competent jurisdiction in the United States, provided, however, that a charge brought pursuant to section 230.00 of the penal law, section 240.37 of the penal law, except when such charge relates to the patronizing of a prostitute, or subdivision one or subparagraph (i) or (iv) of paragraph (a) of subdivision two of section five hundred eleven of the vehicle and traffic law, or a comparable provision of federal law or the law of another state, shall not be deemed a covered crime.

4. "Covered criminal case" shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where any felony charge, or a misdemeanor charge pursuant to any of the following provisions, or a comparable provision of federal law or the law of another state, is pending.

A. section 120.00 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law;

B. article one hundred thirty of the penal law;

C. section 265.01 of the penal law, provided that such charge relates to possession of a firearm, rifle, shotgun, bullet or ammunition;

D. section 215.50 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law; or

E. article thirty-one of the vehicle and traffic law.

5. "Department" shall mean the New York city department of correction and shall include all officers, employees and persons otherwise paid by or acting as agents of the department.

[4] 6. "Federal immigration authorities" shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

[5] 7. i. "Pending covered criminal case" shall mean a covered criminal case [in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States,] where judgment has not been entered [and where a misdemeanor or felony charge is pending].

ii. Notwithstanding anything to the contrary in subparagraph i of this paragraph, an individual who is a defendant in more than one case where judgment has not been entered and where a covered crime is charged, shall be deemed to be a defendant in a pending covered criminal case.

iii. Any individual whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

[A case in which the highest charge is a violation or a non-criminal infraction, including a case in which an]

iv. Any individual who has been sentenced to conditional discharge [for committing a violation or a non-criminal infraction] pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

v. Any individual who, if convicted, must be found by the court to be a youthful offender, pursuant to paragraph (b) of subdivision one of section 720.20 of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case.

[6] 8. "Terrorist screening database" shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.

§ 2. Subparagraph i of paragraph 2 of subdivision b of section 9-131 of the administrative code of the city of New York, as added by local law number 62 for the year 2011, is amended to read as follows:

i. a search, conducted at or about the time when such individual would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court, that such individual:

A. has been convicted of a covered crime;

B. is a defendant in a pending covered criminal case;

C. has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States; or

E. is identified as a possible match in the terrorist screening database.

§ 3. Subdivision f of section 9-131 of the administrative code of the city of New York, as added by local law number 62 for the year 2011, is amended to read as

follows:

f. Reporting. No later than September 30, 2012 and no later than September [30] *thirtieth* of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding [12] *twelve* month period:

1. *the total number of detainees lodged with the department, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainees, including, but not limited to, that federal immigration authorities:*

i. had reason to believe that the individuals in the department's custody are subject to removal from the United States;

ii. initiated removal proceedings and served a notice to appear or other charging document on individuals in the department's custody;

iii. served a warrant of arrest for removal proceedings on individuals in the department's custody; or

iv. obtained orders of deportation or removal from the United States for individuals in the department's custody;

2. the number of individuals held pursuant to civil immigration detainees beyond the time when such individual would otherwise be released from the department's custody, *disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainees, including, but not limited to, that federal immigration authorities:*

i. had reason to believe that the individuals in the department's custody are subject to removal from the United States;

ii. initiated removal proceedings and served a notice to appear or other charging document on individuals in the department's custody;

iii. served a warrant of arrest for removal proceedings on individuals in the department's custody; or

iv. obtained orders of deportation or removal from the United States for individuals in the department's custody;

[2.] 3. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees;

[3.] 4. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had at least one felony conviction;

[4.] 5. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had at least one misdemeanor conviction but no felony convictions;

[5.] 6. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions;

7. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees subsequent to the dismissal of the criminal case that brought the individual into the department's custody;*

8. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and had an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or had previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.*

[6.] 9. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were identified as known gang members in the database of the national crime information center or a successor database maintained by the United States;

[7.] 10. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were identified as possible matches in the terrorist screening database;

[8.] 11. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were identified as both possible matches in the terrorist screening database and known gang members in the database of the national crime information center or a successor database maintained by the United States;

[9.] 12. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were defendants in a pending criminal case;

13. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were charged with a felony or felonies in a pending covered criminal case;*

14. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were charged solely with a misdemeanor or misdemeanors in a pending covered criminal case;*

[10.] 15. the amount of state criminal alien assistance funding requested and received from the federal government; [and

11.] 16. the number of individuals for whom civil immigration detainees were not honored pursuant to subdivision b of this section.; and

17. *the number of individuals held pursuant to civil immigration detainees beyond the time when such individuals would otherwise have been released from the department's custody who were not transferred to the custody of federal immigration authorities either because of the expiration of the forty-eight-hour hold period provided in 8 C.F.R. 287.7 or because federal immigration authorities disavowed an intention to assume custody.*

§4. This local law shall take effect 120 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS A. RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, February 26, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Land Use

Report for L.U. No. 756

Report of the Committee on Land Use in favor of approving Application No. C 090154 ZMK, submitted by Fairmont Lanes, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an M1-1 District to an R6A District property bounded by the southerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), 60th Street, 16th Avenue, and 61st Street, Borough of Brooklyn, Community Board 12, Council District 38.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 158), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 090154 ZMK

City Planning Commission decision approving an application submitted by Fairmont Lanes, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an M1-1 District to an R6A District property bounded by the southerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), 60th Street, 16th Avenue, and 61st Street, Borough of Brooklyn, Community District 12, as shown in a diagram (for illustrative purposes only) dated September 4, 2012, and subject to the conditions of CEQR Declaration E-289.

INTENT

To amend the Zoning Map, changing from M1-1 to R6A to facilitate construction of a mixed use development in the Borough Park/Bensonhurst section of Brooklyn.

PUBLIC HEARING

DATE: February 12, 2013

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 12, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: February 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Wills, Ignizio

Against: Barron

Abstain: Williams

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1667

Resolution approving the decision of the City Planning Commission on ULURP No. C 090154 ZMK, a Zoning Map amendment (L.U. No. 756).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 23, 2013 its decision dated January 23, 2013 (the "Decision"), on the application submitted by Fairmont Lanes, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, to rezone the property located at 1560 60th Street (Block 5516, Lot 34) from an M1-1 District to an R6A, to facilitate the construction of a mixed-use development with 112 dwelling units, Community District 12 (ULURP No. C 090154 ZMK), Borough of Brooklyn (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the conditional negative declaration (CEQR No. 11DCP022K) issued on January 23, 2013 (the "Conditional Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to (i) CEQR Declaration E-289 and (ii) the following terms of the Conditional Negative Declaration:

The applicant has entered into a restrictive declaration (Block 5516, Lot 34) to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur prior to construction on the premises (Block 5516, Lot 34). The restrictive declaration would ensure that appropriate remediation measures for on-site hazardous materials, if necessary, would occur.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090154 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22d, changing from an M1-1 District to an R6A District property bounded by the southerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), 60th Street, 16th Avenue, and 61st Street, as shown in a diagram (for illustrative purposes only) dated September 4, 2012, and subject to the conditions of CEQR Declaration E-289, Community District 12, Borough of Brooklyn.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 760

Report of the Committee on Land Use in favor of approving Application No. C 130023 PPQ, submitted by NYC Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located in the JFK Industrial Business Zone, on the south side of 146th Avenue, between 153rd Court and 157th Street (Block 14260, p/o Lot 1), Borough of Queens, Community District 13, Council District 28.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 159), respectfully

REPORTS:

SUBJECT

QUEENS CB - 13

C 130023 PPQ

City Planning Commission decision approving an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property located in the JFK Industrial Business Zone, on the south side of 146th Avenue, between 153rd Court and 157th Street (Block 14260, p/o Lot 1), pursuant to zoning.

INTENT

Disposition of City-owned property to Prologis to be improved and used as an accessory parking lot in the JFK Industrial Business Zone.

PUBLIC HEARING

DATE: February 12, 2013

Witnesses in Favor: Two
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: February 12, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Levin, Gonzalez, Koo

Against: None

Abstain: None

COMMITTEE ACTION

DATE: February 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1668

Resolution approving the decision of the City Planning Commission on ULURP No. C 130023 PPQ, for the disposition of city-owned property located in the JFK Industrial Business Zone, on the south side of 146th Avenue, between 153rd Court and 157th Street (Block 14260, part of Lot 1), Borough of Queens (L.U. No. 760).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on January 11, 2013 its decision dated January 9, 2013 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services (DCAS), for the disposition of city-owned property located in the JFK Industrial Business Zone, on the south side of 146th Avenue, between 153rd Court and 157th Street (Block 14260, part of Lot 1), pursuant to zoning (Application No. C 130023 PPQ), Community District 13, Borough of Queens (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the New York City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2013;

WHEREAS, the Council has considered the land use implications, environmental issues and other policy issues relating to the Decision and Application; and

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130023 PPQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Rules, Privileges and Elections

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for Preconsidered M-1056

Report of the Committee on Rules, Privileges and Elections approving the designation by the Council of Joseph A. Puma as a member of the New York City Civilian Complaint Review Board

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 27, 2013, respectfully

REPORTS:

February 27 2013

Topic: New York City Civilian Complaint Review Board — (Candidate for designation by the Council)

• Joseph A. Puma [Preconsidered-M-1056]

New York City Charter ("Charter") § 440 created the New York City Civilian Complaint Review Board ("CCRB" or "the Board") as an entity independent of the New York City Police Department ("NYPD"). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public [*Charter* §440(a)]. The Board's membership must reflect the City's diverse population, and all members must be residents of the City [*Charter* §440(b)(1)].

The CCRB consists of a board of thirteen members of the public as well as a civilian staff to assist the CCRB exercising its powers and fulfilling its duties. The members are appointed by the Mayor as follows: five members, one from each borough are designated by the City Council; five members, including the chair, are selected by the Mayor; and three members having law enforcement experience are designated by the Police Commissioner [*Charter* §440(b)(1)]. Only those appointees

to the CCRB designated by the Police Commissioner may have law enforcement experience [*Charter* §440(b)(2)]. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition [*Charter* §440(b)(2)]. The CCRB is authorized to appoint employees that are necessary to exercise its powers and fulfill its duties [*Charter* §440(c)(5)].

All appointees to the CCRB serve three-year terms [*Charter* §440(b)(3)]. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member's unexpired term [*Charter* §440(b)(4)]. Board members are prohibited from holding any other public office or public employment [*Charter* §440(b)(2)]. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.

The CCRB is authorized to "receive, investigate, hear, make findings and recommend action" upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB's jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability [*Charter* §440(c)(1)].

The CCRB has promulgated procedural rules pursuant to the City's Administrative Procedural Act ("CAPA"). These rules regulate the way investigations are conducted, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three (3) Board members; provide that no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees; and authorize panels to supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints [*Charter* §440(c)(2)]. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints [*Charter* §440(c)(3)].

The CCRB's findings and recommendations with respect to complaints, and the basis thereof, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint [*Charter* §440(d)(3)]. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint [*Charter* §440(c)(1)].

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigations to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be investigated fully [*Charter* §440(c)(4)].

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is mandated to develop and administer an ongoing program to educate the public about the CCRB [*Charter* §440(c)(6)].

If designated by the Council and subsequently appointed by the Mayor, Mr. Puma, a resident of Manhattan, will serve the remainder of a three-year term that expires on July 4, 2015. A copy of Mr. Puma's resume and report/resolution are annexed to this briefing paper.

¹ The CCRB employs civilian investigators to investigate all complaints against members of the NYPD.

(After interviewing the candidate and reviewing the relevant submitted material, this Committee decided to approve the designation of nominee Joseph A. Puma [Preconsidered-M 1056].)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Joseph A. Puma as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2015.

This matter was referred to the Committee on February 27, 2013.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1669

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF JOSEPH A. PUMA AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD

By Council Member Rivera.

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the designation by the Council of Joseph A. Puma as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, February 27, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Alice Cancel	333 Pearl Street #22K New York, N.Y. 10038	1
Noralba Vanderpool	521 FDR Drive #3B New York, N.Y. 10002	2
Michael Gsovski	2363 Adam Clayton Powell Jr. Blvd New York, N.Y. 10030	9
Catalina Fanington	364 East 159 th Street #2A Bronx, N.Y. 10451	17
Harold Rodriguez	58-16 Lawrence Street Flushing, N.Y. 11355	20
Nicholas Carayannis	31-35 Crescent Street #1N Queens, N.Y. 11106	22
Tracey Michelle Jordan	144-31 226 th Street #2 Queens, N.Y. 11413	31
Ariel Courage	421 52 nd Street #3 Brooklyn, N.Y. 11220	38
Jessica M. King	463 4 th Avenue #4R Brooklyn, N.Y. 11215	39
Irina Stephova	455 Ocean Parkway #8B Brooklyn, N.Y. 11218	39
Emilia Krakovskaya	3124 Emmons Avenue #2 Brooklyn, N.Y. 11235	46
Joann Maldonado	2316 West 1 st Street Brooklyn, N.Y. 11223	47
Pamela DeRose	30 Downes Avenue Staten Island, N.Y. 10312	51
Stephen M. DiPerte	291 Montreal Avenue Staten Island, N.Y. 10306	51

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Rachel G. Milgrim	504D Grand Street #33D New York, N.Y. 10002	1
Latreva Vonzella Mumford	420 East 102 nd Street #11E New York, N.Y. 10029	8
Cynthia Thompson	2375 First Avenue #8D New York, N.Y. 10035	8
Mary Ann Santiago	181 West 151 st Street #2A New York, N.Y. 10039	9

Fung Che Au-Haiman	3750 Hudson Manor Terrace Bronx, N.Y. 10463	11
Deborah Cooke	120 Casals Place #22 Bronx, N.Y. 10475	12
Leslie Peterson	100 Casals Place #4H Bronx, N.Y. 10475	12
Blanca Daly	2300 Olinville Avenue #18B Bronx, N.Y. 10467	13
Marilyn Jenkins	1480 Washington Avenue #8A Bronx, N.Y. 10456	16
Norma Iris Rosado	1323 West Farms Road #1E Bronx, N.Y. 10459	17
Mabel C. Garcia	1159 Underhill Avenue Bronx, N.Y. 10475	18
Iris N. Hernandez	436 Beach Avenue Bronx, N.Y. 10473	18
Erfan Ibne	161-12 Nounal Road #2 Jamaica, N.Y. 11432	24
Michael G. Den Dekker	77-18 31 st Avenue Queens, N.Y. 11370	25
Rose Tiego	97-22 57 th Avenue #18N Corona, N.Y. 11368	25
Beverly Anne Burgess	112-18 204 th Street St.Albans, N.Y. 11412	27
Clive Wint	179-73 Selover Road Queens, N.Y. 11434	27
Anthony Mangone	62-09 82 nd Street Queens, N.Y. 11379	30
Denise Stracuzza	77-03 72 nd Street Queens, N.Y. 11385	30
Frank Zito	65-47 77 th Street Queens, N.Y. 11379	30
Eileen Miele	162-30 99 th Street Queens, N.Y. 11414	32
Janet A. Powers	161-36 85 th Street Queens, N.Y. 11414	32
Evelyn Adjoa-Jean Gray	44 Hancock Street #4F Brooklyn, N.Y. 11202	36
Betty Robinson	997 Dekalb Avenue #3D Brooklyn, N.Y. 11221	36
Edison Stewart	1309 Sterling Place Brooklyn, N.Y. 11213	36
LaToya Williams	321 Tompkins Avenue #3A Brooklyn, N.Y. 11216	36
Yvette Watts	11A Eldert Street Brooklyn, N.Y. 11207	37
Daniel T. Matthew	14 Maple Street Brooklyn, N.Y. 11225	40
Marisol Concepcion-Sewpaul	914 Gates Avenue #2A Brooklyn, N.Y. 11221	41
Evone M. Nelson	320 Bainbridge Street Brooklyn, N.Y. 11233	41
Gem Gardner	339 Berriman Street Brooklyn, N.Y. 11208	42
George A. Banat	9040 Ft. Hamilton Pkwy Brooklyn, N.Y. 11209	43
Edward Ninive	2156 East 34 th Street #1 Brooklyn, N.Y. 11234	46
Catherine Ninive	2156 East 34 th Street #1 Brooklyn, N.Y. 11234	46
Marina Ukrainsky	3901 Nostrand Avenue #4L Brooklyn, N.Y. 11235	46
Claire Delgaudio	2428 East 2 nd Street Brooklyn, N.Y. 11223	47
Dov Levavi	967 East 18 th Street Brooklyn, N.Y. 11230	48
Victoria Romanyuk	2918 Brighton 6 th Street #4A Brooklyn, N.Y. 11235	48
Erin A. Cunningham	10 Hardin Avenue Staten Island, N.Y. 10310	49
Brianne K. Kelly	27 Tyler Avenue Staten Island, N.Y. 10310	49
Karen Becker	37 Norway Avenue	50

Gladys Pietri-McCormack	Staten Island, N.Y. 10305 269 Kell Avenue Staten Island, N.Y. 10314	50
Colleen Errigo	71 Moffett Street Staten Island, N.Y. 10312	51
Francine Misseri-Olito	73 Mayberry Promenade Staten Island, N.Y. 10312	51
Gina Riggi	30 Lott Lane Staten Island, N.Y. 10314	51

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)**

- (1) **M 1056 & Res 1669 -** Joseph A. Puma - Candidate for designation by the Council to the Civilian Complaint Review Board
- (2) **Int 16-A -** In relation to requiring reports from the department of consumer affairs, the department of health and mental hygiene and the environmental control board on vendor adjudications
- (3) **Int 434-A -** In relation to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.
- (4) **Int 684-A -** In relation to prohibiting vending against or within taxi stands
- (5) **Int 727-A -** In relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.
- (6) **Int 789-A -** In relation to prohibiting vending on the sidewalk abutting no standing zones adjacent to hospitals.
- (7) **Int 817-A -** In relation to requiring certain information on notices of violation issued to food vendors.
- (8) **Int 982-A -** In relation to persons not to be detained by the police department
- (9) **Int 989-A -** In relation to persons not to be detained by the department of correction
- (10) **Res 1651-A -** Hub Third Avenue Business Improvement District
- (11) **Res 1652-A -** Myrtle Avenue Business Improvement District
- (12) **Res 1664 -** Designation funding in the Expense Budget (**Transparency Resolution**).
- (13) **Res 1665 -** SoHo Business Improvement District
- (14) **L.U. 756 & Res 1667 -** App. C **090154 ZMK**, District property bounded by the southerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), 60th Street, 16th Avenue, and 61st Street, Borough of Brooklyn, Community Board 12, Council District 38.
- (15) **L.U. 760 & Res 1668 -** App. C **130023 PPQ**, city-owned property located in the JFK Industrial Business Zone, on the south side of 146th Avenue, between 153rd Court and 157th Street (Block 14260, p/o Lot 1), Borough of Queens, Community District 13, Council District 28.
- (16) **L.U. 764 & Res 1666 -** Multifamily Preservation Loan Program Sunset 203K, 1344 Willoughby Street.
- (17) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 434-A**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **44**.

Negative – Gentile, Recchia, and Weprin – **3**.

The following was the vote recorded for **Int No. 982-A** and **Int No. 989-A**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gonzalez, Greenfield, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **40**.

Negative -- Gentile, Halloran, Ignizio, Recchia, Ulrich, Vallone, Jr., and Oddo - **7**.

The following was the vote recorded for **LU No. 756 & Res No. 1667**:

Affirmative – Arroyo, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 16-A, 434-A, 684-A, 727-A, 789-A, 817-A, 982-A, and 989-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 81-A

Report of the Committee on Governmental Operations in favor of approving, as amended, a Resolution calling on the City of New York to acknowledge the years of suffering of all those involved in the Central Park Jogger case, including both the five men whose convictions were vacated and the jogger herself, by settling this matter out of court as expeditiously as possible in order to avoid a continuation of this painful, lengthy and costly legal proceeding that will only cause further anguish for all parties

The Committee on Governmental Operations, to which the annexed amended resolution was referred on March 25, 2010 (Minutes, page 929), respectfully

REPORTS:

I. INTRODUCTION

Today, the Committee on Governmental Operations will hold a hearing and vote on Proposed Resolution 81-A. This Resolution concerns the convictions of five young men of the April 19, 1989 rape of a woman in Central Park, and the ongoing civil suit brought by the five young men relating to such convictions.

II. THE INCIDENT

On the evening of April 19, 1989, a series of violent offenses occurred in Central Park.¹ Among these incidents was the rape of a 29 year-old woman, commonly referred to as “the Central Park Jogger” and subsequently identified as Tricia Meili. Two of the five young men (Kevin Richardson and Raymond Santana) initially convicted of this rape were apprehended as suspects in other crimes prior to the discovery of Ms. Meili, unconscious, in a wooded area. The other three (Antron McCray, Yusef Salaam, and Kharey Wise) were brought in for questioning shortly thereafter.

During the questioning, which many now believe to have been coercive², all five young men made statements to police implicating themselves in certain crimes in the park, including crimes connecting them to the attack on Ms. Meili, but none admitted to having raped her. Four of these confessions were videotaped. On May 4, indictments were filed in connection with the attack, and each of the defendants was charged with attempted murder in the second degree, rape in the first degree, sodomy in the first degree, sexual abuse in the first degree, riot in the first degree, robbery in the first degree, two counts of robbery in the second degree, two counts of assault in the second degree, and two counts of assault in the first degree. Some of these charges related to the attack on Ms. Meili, and some did not.

Laboratory tests on genetic evidence that could have linked the defendants to the rape and attempted murder of Ms. Meili were reported as inconclusive five months later, in October of 1989.

III. THE TRIAL

The joint trial of three of the five young men (Antron McCray, Yusef Salaam, and Raymond Santana) began in June of the following year. The confessions given to the police by each defendant were a key part of the prosecution’s case. Ms. Meili testified that she had no recollection of the attack, and was not cross-examined by the defense.

Throughout the trial, the defense contended that the confessions were coerced, and that there were too many inconsistencies in the confessions for them to be valid. Attorneys for the defendants pointed out, for example, that the defendants, who were only 15 and 16 at the time of the incident, were in custody, in some cases, for 28 hours before the videotaping of their confessions. They also contended that the detectives used physical and psychological coercion to produce the statements.

After ten days of deliberations, the jury convicted the three at trial of the assault and rape of the Ms. Meili, as well as robbery, assault, and riot elsewhere in Central Park on the same night. The jury acquitted all three of attempted murder and sodomy in relation to Ms. Meili. Each was sentenced as a juvenile to consecutive terms of from three and one-third to ten years on each count, resulting in an aggregate of five to ten years in prison.

In October of the same year, the remaining two of the five (Kevin Richardson and Kharey Wise) were tried jointly. The jury found Richardson guilty of all charges in the indictment, and Wise was convicted of assault and sexual abuse with respect to the Ms. Meili, and riot for unrelated incidents from the same night. Richardson was sentenced as a juvenile to consecutive sentences of from three and one-third to ten years on each count, resulting in an aggregate of five to ten years in prison. Wise was sentenced to terms of five to fifteen years for assault, two and one-third to seven years for sexual abuse, and one to three years for riot, resulting in an aggregate of five to fifteen years.

IV. CONVICTIONS VACATED

Over 11 years after the trials, in January of 2002, an investigative supervisor from the Inspector General’s Office interviewed incarcerated convicted rapist and murderer Matias Reyes by about his statement to a corrections officer that he had attacked a 29 year-old woman, alone, on April 19, 1989. In February, the Manhattan District Attorney’s Office was notified of Reyes’s claim and, three months later, that Reyes’s DNA matched DNA taken from a sock found at the scene of the 1989 rape. Following this notification, the Manhattan District Attorney’s Office interviewed Reyes. After this and subsequent interviews at which Reyes linked himself to the crime, lawyers for the five defendants petitioned to have their clients’ convictions vacated.

On December 5, 2002, Manhattan District Attorney Robert Morgenthau recommended vacating all rape and assault convictions against the five defendants due to the new DNA evidence and admission of Matias Reyes. In so arguing, the office wrote that no physical or forensic evidence connected the defendants to the attack, and that Reyes’s account of the attack and rape was corroborated by independent evidence. Further, Mr. Morgenthau noted that the confessions of the five had inconsistencies throughout, differing on nearly every significant fact about the crime. State Supreme Court Justice Charles Tejada granted the request to vacate the convictions on December 19, 2002.

The five served significant time in prison. Kharey Wise served thirteen years, Raymond Santana served eight, Kevin Richardson and Yusef Salaam for six and one-half years, and Antron McCray for six years.

V. FURTHER DEVELOPMENTS

After the convictions were vacated, the Police Commissioner convened a panel to explore the role of the Police Department in this case. In its final report, the panel found that there was no misconduct by any member of the New York City Police Department in relation to the five defendants.³ The report also pointed out that, despite the attention that the inconsistencies in the confessions of the five had received since the convictions were vacated, these issues were discussed in pre-trial hearings on the admissibility of the confessions as well as during the trial. The report raised the possibility that Reyes committed the attack with the participation of the five defendants, noting that Reyes’s statement that he acted alone was uncorroborated, and concluding that it was “more likely than not” that the five had participated in the attacks.⁴

In January of 2003, the New York City Council Committee on Public Safety held an oversight hearing on the Central Park Jogger case. Later that year, three of the five men (Antron McCray, Kevin Richardson, and Raymond Santana) filed suit against the City, claiming that their convictions were racially motivated and were the result of a conspiracy amongst law enforcement officers.⁵ The other two men eventually joined onto the suit. This litigation has continued for ten years, and nearly 24 years have passed since the night of the crimes. Four of the five men have urged the City to settle the suit.⁶ The City has refused, however, arguing that police or prosecutors did not engage in any misconduct. In response calls on the City to settle, Celeste Koeleveld, executive assistant corporation counsel for public safety has stated, “The charges against the plaintiffs and other youths were based on abundant probable cause, including confessions that withstood intense scrutiny, in full and fair pretrial hearings and at two lengthy public trials. Nothing unearthed since the trials, including Matias Reyes’s connection to the attack on the jogger, changes that fact.”⁷

The resolution being heard today calls on the City of New York to settle the suits of the five men outside of court in an expeditious manner. The resolution states that such a settlement would assist in avoiding a continuation of a painful, lengthy, and costly legal proceeding that continues to cause suffering for all parties involved. The resolution further states that a settlement would represent an acknowledgement by the City of the suffering of those involved in the case, both of the five men as well as Ms. Meili.

¹ The facts included in this summary are derived from Manhattan District Attorney Robert Morgenthau’s “Affirmation in Response to Motion to Vacate Judgment of Conviction,” Indictment No. 4762/89, *The People of the State of New York vs. Kharey Wise, Kevin Richardson, Antron McCray, Yusef Salaam, and Raymond Santana* (the “Affirmation”).

² Note that it was not described as such in the Affirmation

³ Michael F. Armstrong, et al., “New York Police Department Panel Review of the Central Park Jogger Case,” Jan. 27, 2003.

⁴ *Id.* at 41.

⁵ Susan Saulny, “3 of 5 in Jogger Case Sue City, Charging a Widespread Conspiracy,” N.Y. TIMES, Dec. 9, 2003.

⁶ Michael Feeney, “Four of ‘The Central Park Five’ appeal for settlement in 10-year-old wrongful conviction in case of 1989 Central Park jogger rape,” DAILY NEWS, Jan. 28, 2013.

⁷ John Eligon, “City Vows to Fight Suits in Central Park Jogger Case,” N.Y. TIMES, Apr. 19, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 81-A:)

Res. No. 81-A

Resolution calling on the City of New York to acknowledge the years of suffering of all those involved in the Central Park Jogger case, including both the five men whose convictions were vacated and the jogger herself, by settling this matter out of court as expeditiously as possible in order to avoid a continuation of this painful, lengthy and costly legal proceeding that will only cause further anguish for all parties involved.

By Council Members Barron, Comrie, Dilan, Dromm, Jackson, Mealy, Palma, Vann, Rodriguez, Mendez, Foster, Mark-Viverito, Rose, Cabrera, Williams, Ferreras, Arroyo, James, Chin, Reyna, Wills, King, Weprin, Levin, Dickens, Brewer, Crowley, Gennaro and Lander.

Whereas, The tragic case of Trisha Meili, who is also known as the Central Park Jogger, stunned the city of New York during the spring of 1989; and

Whereas, Five teenagers, Antron McCray, Kevin Richardson, Raymond Santana, Yusef Salaam and Korey Wise, were arrested and, after lengthy police interrogations viewed by many to have been coercive, confessed to the rape and beating of Ms. Meili; and

Whereas, Despite inconsistencies and inaccuracies in these confessions, the five were indicted and tried for the crimes committed against Ms. Meili; and

Whereas, Largely on the basis of those confessions, the five teenagers were convicted of the rape and beating, and each spent between 6 and 13 years in prison; and

Whereas, In 2002, The Central Park Jogger case was re-opened when DNA left at the scene of the crime was matched to Matias Reyes, a convicted serial rapist and murderer, who came forward and claimed sole responsibility for, and confessed to the rape of, Ms. Meili; and

Whereas, The new DNA evidence and Reyes's confession eventually led to the vacating of the convictions of the teenagers; and

Whereas, This revelation came too late; the teenagers, now men, had their adolescence stolen from them as they spent those years in prison; and

Whereas, Subsequently, the five teenagers, now men, in 2003 brought a lawsuit against the city of New York, among other parties, seeking monetary damages related to their arrest, prosecution and incarceration for the rape of Ms. Meili; and

Whereas, The lawsuit is pending before the Honorable Deborah A. Batts in Federal District Court in the Southern District of New York; three of the five men commenced the lawsuit in 2003 and the two others joined as plaintiffs in 2004; and

Whereas, In May of 2010, Judge Batts stated that she was, "displeased by the apparent foot-dragging of some of the defendants in this matter" and accordingly, referred the matter to Magistrate Judge Ronald L. Ellis for "active supervision;" and

Whereas, It is incumbent upon all the defendants, but especially the city of New York, to comply with the deadlines set in the Court's orders; and

Whereas, Discovery is still ongoing; and

Whereas, This lawsuit has been pending for many years and the five plaintiffs spent years in prison based on an investigation and prosecution that, at best, failed to discern Matias Reyes's involvement in the crimes; and

Whereas, A sense of injustice is felt by many New Yorkers over the investigation and prosecution of the Central Park Jogger case; perhaps it is most keenly felt by people of color, for whom the investigation, prosecution, and lengthy pendency of this case deepen the powerful belief that they receive treatment tainted by bias and prejudice from the criminal justice system; and

Whereas, The Central Park Jogger case is a painful part of the City's history and it is in everyone's interest to bring this matter to a conclusion as quickly as possible; now, therefore, be it

Resolved, That the Council of the City of New York calls on the city of New York to acknowledge the years of suffering of all those involved in the Central Park Jogger case, including both the men whose convictions were vacated and the jogger herself, by settling this matter out of court as expeditiously as possible in order to avoid a continuation of this painful, lengthy and costly legal proceeding that will only cause further anguish for all parties involved.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr; Committee on Governmental Operations, February 12, 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 6 Council Members formally voted against this item: Council Members Fidler, Vallone, Jr., Halloran, Ignizio, Ulrich and Oddo.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1662

Resolution calling upon the United States House of Representatives to immediately pass the Violence Against Women Reauthorization Act of 2013 (VAWA).

By The Speaker (Council Member Quinn), Council Members Williams, Ferreras, Dromm, Rose, Lappin, Recchia, King, Arroyo, Brewer, Chin, Comrie, Dickens, Fidler, Foster, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Nelson, Palma, Van Bramer and Vann.

Whereas, In 1994, the United States Congress passed the Violence Against Women Act (VAWA) as part of the Violent Crime Control and Law Enforcement Act of 1994; and

Whereas, VAWA was a groundbreaking legislative package that focused on many facets of violence against women for the first time; and

Whereas, According to a Congressional Research Service Report entitled Violence Against Women Act: History and Federal Funding, VAWA emphasizes funding of law enforcement efforts as well as educational and social programs to prevent crime; and

Whereas, According to Legal Momentum, The Women's Legal Defense and Education Fund, since the passage of VAWA, there has been a paradigm shift in how the issue of violence against women is addressed "from law enforcement to victim services to Capitol Hill"; and

Whereas, According to the New York State Coalition Against Domestic Violence, many City-based domestic violence programs receive funding through VAWA grants; and

Whereas, Most of New York City's domestic violence and sexual assault service providers are recipients of VAWA funding, including the New York City Family Justice Centers; and

Whereas, New York City continues to need such funding to continue its coordinated community response to crimes of violence; and

Whereas, According to the Mayor's Office to Combat Domestic Violence, the

New York City Police Department (NYPD) responded to 263,207 domestic violence incidents in 2012, which is an average of over 720 incidents per day; and

Whereas, Since its initial passage, VAWA was reauthorized without controversy in 5 year increments in 2000 and 2005; and

Whereas, VAWA was again due for reauthorization in 2011 and legislation was introduced in both Houses of Congress, however, each house passed different versions which were never reconciled and therefore died at the end of the session; and

Whereas, Legislation was reintroduced in the current session, and on February 12, 2013, the United States Senate overwhelmingly passed S.47, also known as the Violence Against Women Reauthorization Act of 2013; and

Whereas, In his State of the Union address on February 12, 2013, President Obama called on the House of Representatives to act swiftly and pass VAWA reauthorization as well; and

Whereas, In the past nineteen years, VAWA has aided thousands of women and families and has likely prevented untold numbers from entering into or remaining in abusive relationships; and

Whereas, The Violence Against Women Reauthorization Act of 2013 improves upon previous VAWA reauthorizations by expanding certain programs to better serve victims of violence who are immigrants, children, lesbian, gay, bisexual, transgender and queer (LGBTQ), Native American, persons who are trafficked, and those who are victimized later in life; and

Whereas, In addition, the VAWA 2013 reauthorization also includes language to address sexual assault, sexual violence and stalking on college campuses and aims to eliminate the national backlog of sexual assault forensic evidence kits; and

Whereas, VAWA reauthorization is essential to continue this progress and the House of Representatives must act to bring strong bi-partisan legislation to the floor for a vote; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives to immediately pass the Violence Against Women Reauthorization Act of 2013 (VAWA).

Referred to the Committee on Women's Issues.

Int. No. 1003

By Council Members Dilan, Arroyo, Comrie, Koo and Wills (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto.

Be it enacted by the Council as follows:

Section 1. 28-105.11 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-105.11 Posting of permit. The building permit or a copy thereof shall be posted in a conspicuous place at the work site, visible to the public for the duration of the work, or the use and operation of the equipment, or until the expiration of the permit. No such permit shall be posted or displayed at any location other than the location of the premises or equipment for which the permit was issued. *Where the permit is exposed to the weather, it shall be laminated or encased in a plastic covering to protect it from the elements.*

Exception: *Where a project information panel is required by Section 3301.9.1, of the New York city building code, the permit shall be posted in accordance with such section, and no other permits shall be posted in any location readily visible to the public, except as provided in Section 3301.9.5 of the New York city building code.*

§2. Section BC 3301.9 of the New York city building code is REPEALED and a new section 3301.9 is added to read as follows:

3301.9 Required signs. *Signs shall be posted at a construction or demolition site in accordance with Sections 3301.9.1 through 3301.9.5.*

3301.9.1 Fence project information panel. *Where a site is enclosed with a fence in accordance with Section 3307.7, a project information panel meeting the requirements of Sections 3301.9.1.1 through 3301.9.1.6 shall be posted. Required project information panels shall be in place throughout the duration that the fence remains at the site.*

Exceptions:

1. *At a site where the project permit was issued or renewed prior to June 1, 2013, signs meeting the requirement of Section 3301.9.3 may be posted in lieu of a project information panel. Such signs shall be removed and a project information panel in accordance with the requirements of this section installed upon date of the first permit renewal on or after June 1, 2013.*
2. *Project information panels at government-owned sites may be modified by department rule.*

3301.9.1.1 Project information panel content. *Project information panels shall contain the following information:*

1. *A rendering, elevation drawing, or zoning diagram of the building exterior that does not contain logos or commercially recognizable symbols;*

2. A description of the type of work in progress (e.g., New x-story Residential Building, Renovated x-story Commercial Building, etc.);
3. Anticipated project completion date;
4. The corporate name, address, and telephone number of the owner of the property;
5. Website address or phone number to contact for project information;
6. The corporate name and telephone number of the general contractor, or for a demolition site, the demolition contractor;
7. The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311."; and
8. A copy of the primary project permit, with accompanying text "To see other permits issued on this property, visit: www.nyc.gov/buildings." The permit shall be laminated or encased in a plastic covering to protect it from the elements or shall be printed directly onto the project information panel.

Exception: A rendering, elevation drawing, or zoning diagram of the building exterior is not required for demolition projects.

3301.9.1.2 Posting of project information panels. A project information panel shall be posted on the fence on each perimeter fronting a public thoroughfare. Where such perimeter is more than 150 feet in length, a project information panel shall be posted at each corner. Such panels shall be posted on the fence at a height of 4 feet (1219 mm) above the ground, with such distance measured from the ground to the bottom edge of the panel.

3301.9.1.3 Project information panel material. Project information panels shall be constructed out of a durable and weatherproof material such as vinyl, plastic, or aluminum, and such material shall be flame retardant in accordance with NFPA 701 or listed under UL 214.

3301.9.1.4 Project information panel specifications. Project information panels shall be 6 feet (1829 mm) wide and 4 feet (1219 mm) high, with the content required by Section 3301.9.1.1 arranged in accordance with Figures 1 and 2. The content required by Section 3301.9.1.1, items number 2 through 7 shall be written in the Calibri font or similar sans serif font style, with letters a minimum of 1 inch (25mm) high, as measured by the upper case character. Such letters shall be white, on a blue background, with such blue color of a shade matching Pantone 296M, RGB 15, 43, or 84, or CMYK 35, 38, 88, or 100.

Exception: The dimensions for a project information panel posted in conjunction with a demolition project shall be 2 feet 4 inches (711 mm) wide and 4 feet (1219 mm) high.

3301.9.1.5 Updating content. When content required by Section 3301.9.1.1 changes, the project information panel shall be updated.

3309.9.1.6 Maintenance of project information panels. Project information panels shall be maintained so that the panel remains legible, securely attached, and free of sharp edges, protruding nails, or similar hazards. Content required by Section 3301.9.1.1 shall not be obscured by panel attachments, including but not limited to grommets or grommet holes.

3301.9.2 Sidewalk shed parapet panel. Where a sidewalk shed is installed, a sidewalk shed parapet panel meeting the requirements of Sections 3301.9.2.1 through 3301.9.2.6 shall be posted. Required sidewalk shed parapet panels shall be in place throughout the duration that the sidewalk shed remains at the site.

Exception: At a site where the sidewalk shed permit was issued or renewed prior to June 1, 2013, signs meeting the requirement of Section 3301.9.4 may be posted in lieu of a sidewalk shed parapet panel. Such signs shall be removed and a sidewalk shed parapet panel in accordance with the requirements of this section installed upon date of the first permit renewal on or after June 1, 2013.

3301.9.2.1 Sidewalk shed parapet panel content. Sidewalk shed parapet panels shall contain the following information:

2. The address of the site;
3. Name (which may incorporate a logo) of the contractor responsible for the site or where there is no contractor, the name (which may incorporate a logo) of the owner of the site; and
4. For a site maintained in accordance with a program acceptable to the commissioner for best construction site management practices pursuant to rules of the department, either the name or logo of such program.

3301.9.2.2 Posting of sidewalk shed parapet panels. Sidewalk shed parapet panels shall be posted on the parapet that runs along the long axis of the sidewalk shed. Such sign:

1. Shall not be posted above or below the level of the parapet; and
2. Shall be posted at least 3 feet (914 mm) and no more than 6 feet (1828 mm) from the left edge of the sidewalk shed parapet, as viewed from the perspective of an individual on the sidewalk opposite the long axis of the sidewalk shed and facing the sidewalk shed; or
3. Where a project information panel in accordance with Section 3301.9.1 is posted on the fence, the horizontal center of the sidewalk shed parapet panel shall be in line with a vertical plane

drawn through the horizontal center of the project information panel.

3301.9.2.3 Sidewalk shed parapet panel material. Sidewalk shed parapet panels shall be constructed out of a durable and weatherproof material such as vinyl, plastic, or aluminum, and such material shall be flame retardant in accordance with NFPA 701 or listed under UL 214.

3301.9.2.4 Sidewalk shed parapet panel specifications. Sidewalk shed parapet panels shall be 3 feet (914 mm) high and 6 feet (1829 mm) wide, with the content required by Section 3301.9.2.1 arranged in accordance with Figures 3 and 4. The sign shall have a white background. The content required by item number 1 must be written in Calibri font or similar sans serif font style, and such letters shall be blue, with such blue color a shade matching Pantone 296M, RGB 15, 43, or 84, or CMYK 35, 38, 88, or 100.

3301.9.2.5 Updating content. When content required by Section 3301.9.2.1 changes, the sidewalk shed parapet panel shall be updated.

3309.9.2.6 Maintenance of sidewalk shed parapet panels. Sidewalk shed parapet panels shall be maintained so that the panel remains legible, securely attached, and free of sharp edges, protruding nails, or similar hazards. Content required by Section 3301.9.2.1 shall not be obscured by sign attachments, including but not limited to grommets or grommet holes.

3301.9.3 Project signs. Where a site is enclosed with a fence in accordance with Section 3307.7, and a project information panel is not required in accordance with Section 3301.9.1, a sign or signs meeting the requirements of Sections 3301.9.3.1 through 3301.9.3.3 shall be posted. Required signs shall be in place throughout the duration that the fence remains at the site.

3301.9.3.1 Project sign content and posting. One or more signs needed to accommodate the following information shall be posted on the fence on each perimeter fronting a public thoroughfare at a height of no more than 12 feet (3658 mm) above the ground, with such distance measured from the ground to the top of the panel:

1. The name, address, and telephone number of the owner of the property;
2. The name, address, and telephone number of the general contractor, or for a demolition site, the demolition contractor; and
3. The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE THAT ENDANGER WORKERS, CALL 311."

3301.9.3.2 Maintenance of project signs. Project signs shall be maintained so that the panel remains legible, securely attached, and free of sharp edges, protruding nails, or similar hazards.

3301.9.3.3 Project sign specifications. Project signs shall be constructed of 3/4 inch (19 mm) plywood or material of equivalent strength, durability and weatherproofing, including but not limited to sheet metal, aluminum, vinyl, or plastic. The letters on such panels shall be black on a white background. Such panels shall be no larger than that needed to accommodate the information required by Section 3301.9 in letters no less than 3 inches (76 mm) high.

3301.9.4 Sidewalk shed signs. Where a sidewalk shed is installed, and a sidewalk shed parapet panel is not required in accordance with Section 3301.9.2, a sign readily visible from the street shall be posted on the parapet that runs along the long axis of the sidewalk shed. Such sidewalk shed sign shall be in place throughout the duration that the sidewalk shed remains at the site. Such sidewalk shed sign shall include:

1. The corporate name, address, and telephone number of the sidewalk shed permit holder;
2. The sidewalk shed permit number; and
3. The expiration date of the sidewalk shed permit.

3301.9.5 Other signs. Signs required by law to be displayed at a construction or demolition site shall be posted within the site, readily visible to workers, and shall not be posted in any location readily visible to the public unless otherwise required by law.

Figure 1

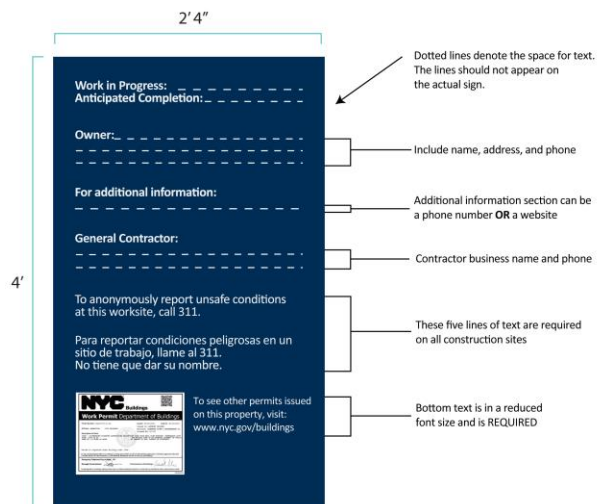


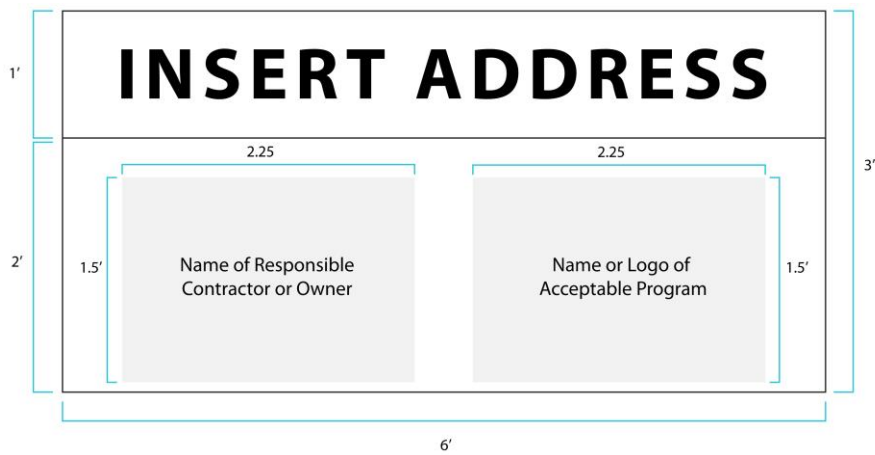
Figure 2



Figure 3



Figure 4



§3. Section BC 3307.1.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3307.1.1 Signs. Other than as specified in Section 3301.9 and 3301.10, there shall be no sign, information, pictorial representation, or any business or advertising messages posted on a sidewalk shed, bridge, fence, or other protective structure listed in this section that is erected at the construction or demolition site.

Where a protective structure required by this section obscures from view a lawful existing sign, a temporary sign may be installed in accordance with Section 3301.10.

No illuminated signs shall be permitted on any protective structure required by this section.

§4. Section BC 3307.6.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3307.6.4 Construction of sidewalk sheds. Sidewalk sheds shall be constructed in accordance with the following:

1. Sidewalk sheds shall be constructed out of wood, steel, or other materials having equivalent strength and suitability.
2. The members of the sidewalk shed shall be adequately braced and connected to prevent displacement or distortion of the framework. Where posts supporting the shed deck are placed beyond the curb, such posts shall be protected against displacement by vehicles as directed by the Department

of Transportation. Such placement shall require a permit from the Department of Transportation.

3. The upright members of the sidewalk shed shall be plumb. The tolerance is L/100. "L" is measured as the distance from the ground to the first x-brace or bottom of the beam.
4. The deck of the sidewalk shed shall consist of planking laid closely and made tight.
5. Unless the top deck of the sidewalk shed is built solidly against the face of the structure in such a manner that no material can fall onto the sidewalk, the side of the shed toward the structure shall be solidly sealed with wood or other suitable material for the full height of the shed. Solid sliding or in swinging gates may be provided as necessary for the proper prosecution of the work.
6. The outer side and ends of the deck of the shed shall be provided with a substantial enclosure at least 3 feet 6 inches (1067 mm) high. Such enclosure may be vertical or inclined outward at approximately 45 degrees (0.79 rad), and shall consist of boards laid close together and secured to braced uprights, of galvanized wire screen not less than no. 16 steel wire gage with a 1/2 inch (13 mm) mesh, of corrugated metal, or of solid plywood. Temporary removal of portions of the enclosure shall be permitted for handling material.
7. All sidewalk sheds shall provide protection for the full width of the shed extending upward at an angle of 45 degrees (0.79 rad) from the ends of the deck and outward a horizontal distance of at least 5 feet (1524 mm) beyond the ends of the shed. Such sloping end protection shall be constructed to meet the requirements of numbered items two and three with substantial outriggers bearing on and securely attached to the deck.
8. The passageway under the shed shall have a minimum clear ceiling height of 8 feet (2438 mm).

9. Sidewalk sheds erected on or after June 1, 2013 shall be painted the color of hunter green.

§5. Section BC 3307.7 of the New York city building code, as added by local law number 33 of the year 2007, is amended to read as follows:

3307.7 Fences. When required by this code, fences shall be at least 8 feet (2438 mm) high and constructed of wood or other suitable material. They shall be built solid for their entire length, except for openings with solid sliding or in swinging gates as are required for the proper prosecution of the work, and for viewing panels, which shall be blocked with plexiglass or equivalent nonfrangible material.

The fence shall be constructed along the inside edge of the sidewalk, walkway or temporary walkway. If permission to close the sidewalk has been obtained from the Department of Transportation, such fence may be erected along the curb or outside of the curb to such extent as approved by the Department of Transportation. The fence shall be returned at its ends to the extent necessary to effectively close off the site.

3307.7.1 Viewing panels. Viewing panels shall be provided in solid fences erected on or after June 1, 2013, at a rate of one for every 25 linear feet (7.6 m) per frontage, with a minimum of one per frontage. Viewing panels shall be 12 x 12 inches (305 x 305 mm) in size and shall be blocked with plexiglass or an equivalent nonfrangible material. The top of the viewing panel shall be located no more than 6 feet (1829 mm) above the level of the ground, and the bottom of the viewing panel shall be located no less than 3 feet (914 mm) above the level of the ground.

3307.7.2 Color of fences. Fences erected on or after June 1, 2013, shall be painted hunter green.

§6. This local law shall take effect on June 1, 2013, except that the commissioner of the department of buildings shall take such action necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1004

By Council Members Dilan, Chin, Comrie, Koo, Koppell and Halloran (by request of the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the construction and regulation of licensed hostels.

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 2100-a, to read as follows:

§2100-a Office for licensed hostels. a. There shall be within the business integrity commission an independent office for licensed hostels to be headed by a director appointed by the chairperson of the commission.

b. The office shall be responsible for regulating the establishment and operation of licensed hostels in accordance with chapter one of title twenty-six of the administrative code. In regulating such businesses the office shall have the powers and duties conferred by this section and such other powers and duties as are conferred by law. The powers and duties of the office shall include but not be limited to the following:

1. to establish standards for the issuance, denial, suspension and revocation of

licenses necessary for the use and occupancy of licensed hostels, the operation of hostel businesses and the fitness of licensed hostel operators and to issue, deny, suspend and revoke such licenses;

2. to investigate any matter within its jurisdiction and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation;

3. to establish standards for maintenance of licensed hostels, services provided by such hostels and the safety and operation of such hostels;

4. to conduct studies of, or investigations into, any matter within its jurisdiction in order to assist the city in formulating policies relating to hostels;

5. to create and disseminate materials on any matter within its jurisdiction in order to advise or educate such businesses and members of the public regarding such matters;

6. to adopt rules necessary or appropriate to carry out the powers and duties conferred on it by law; and

7. to establish reasonable fees (i) to recover costs for issuance and renewal of licenses including but not limited to costs of processing applications, conducting investigations of applicants and enforcing the licensing provisions and (ii) to recover costs for inspections of licensed hostels by the office or other city agencies.

§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 1, to read as follows:

CHAPTER 1
LICENSED HOSTELS

§26-101 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

a. The term "office" shall mean the office for licensed hostels within the business integrity commission.

b. The term "licensed hostel" shall mean a class B multiple dwelling providing lodging, food and other services to tourists, travelers and others requiring temporary accommodation in which more than seventy percent of the dwelling units are hostel units. A licensed hostel may contain private rooms but shall not contain apartments, as defined in the housing maintenance code, other than one apartment for a resident employee. A licensed hostel shall not be occupied by the same individual for more than twenty-nine days in any twelve month period. A licensed hostel shall not contain fewer than thirty sleeping spaces.

c. The term "hostel unit" shall mean a dwelling unit designed to provide sleeping space for not fewer than four nor more than eight individuals with rent charged separately for each individual sleeping space. Occupants of a hostel unit may share sanitary facilities located within the hostel unit with other occupants of such unit or may share common sanitary facilities located on the same floor as the hostel unit with other occupants of the hostel.

d. The term "private room" shall mean a dwelling unit designed for occupancy by up to four individuals and which is offered for rent as a unit. Sanitary facilities for occupants may be located within the dwelling unit or occupants may share common sanitary facilities located on the same floor as the private room with other occupants of the hostel.

e. The term "licensed hostel operator" or "operator" shall mean a person, corporation or other business entity that owns a licensed hostel or that is engaged in the business of operating a licensed hostel.

f. The term "bunk bed combination" shall mean a combination of not more than two single beds constructed one above the other.

§26-102 Applicability. Notwithstanding any inconsistent provision of section 27-2077 of the administrative code, on and after the effective date of this chapter it shall be lawful to construct a new building for occupancy or use as a licensed hostel or to alter or convert a building in existence on the effective date of this chapter for occupancy or use as a licensed hostel, subject to the following conditions:

1. Multiple dwellings in existence on the effective date of this chapter shall not be converted for use as licensed hostels, whether such conversion is effected with or without physical alteration.

2. Notwithstanding any inconsistent provision of title twenty-eight of the administrative code, a building in existence on the effective date of this chapter converted for occupancy or use as a licensed hostel must comply with the New York city building code as if it were a new building. The option to alter an existing building in accordance with provisions of the 1968 building code and the option to convert buildings erected prior to December 6, 1969 to multiple dwellings in accordance with applicable provisions of the multiple dwelling law shall not apply to the conversion of buildings for use as licensed hostels.

3. It shall be unlawful to use or occupy a building as a licensed hostel without a license for such building issued by the office for licensed hostels in accordance with this chapter, section 2100-a of the New York city charter and the rules of such office. Licenses shall be issued for a term to be set forth in the rules of such office and shall be renewable in accordance with such rules. The operator of a licensed hostel shall be subject to regulation by the office for licensed hostels in accordance with this chapter, section 2100-a of the New York city charter and the rules of such office. The applicant for a license for a licensed hostel shall be the licensed hostel operator. Construction documents, as defined in chapter 1 of title 28 of this code, for a licensed hostel shall not be approved by the department of buildings until the office for licensed hostels makes an initial determination relating to the fitness of the operator, including financing. A certificate of occupancy for the use or occupancy of a building as a licensed hostel shall expire by operation of law upon the expiration, suspension or revocation of such license. The office shall require that a new license be issued upon a change in operator or upon a change in the control of a corporate operator.

§ 26-103 Licensed hostel services. A license shall not be issued or renewed for a licensed hostel unless, in addition to sleeping accommodations, the hostel provides the following services for guests:

1. A restaurant, coffee shop or cafeteria located in the hostel.

2. Lockers for guests occupying hostel units to store personal belongings located in a central area in the hostel or in each hostel unit.

3. A desk at the main entrance of the hostel attended by hostel staff providing check-in, concierge, security and/or other services for guests. Such desk shall be staffed twenty-four hours a day, seven days a week.

4. A video security system.

5. One or more common lounge areas for guests.

§ 26-104 Maintenance standards for hostel units. The office shall prescribe minimum standards for the maintenance of hostel units, private rooms, sanitary facilities and common areas, which shall include but shall not be limited to:

1. Providing an adequate supply of clean linens and towels to guests.

2. Maintaining the cleanliness of hostel units, private rooms, sanitary facilities and common areas.

3. Storage of mattresses, linens, brooms, mops and other paraphernalia incidental to the occupancy and maintenance of the hostel.

4. Provision of metal or hard, noncombustible refuse containers with self-closing lids to be located on every story for scrap and refuse of a combustible nature.

5. Posting of maximum permitted occupancy on the interior of the entrance door to each private room and hostel unit.

§26-105 Minimum standards for safety and fire protection. The office shall prescribe minimum standards for safety and fire protection in hostels in addition to and stricter than the standards for safety and fire protection required for class B multiple dwellings by other provisions of law. Such additional and/or stricter standards shall include but shall not be limited to:

1. Maximum occupants per story. The number of persons occupying any story in a hostel shall not be greater than twenty-two persons for each full multiple of twenty-two inches in the smallest clear width of each required exit approved by the department of buildings.

2. Exit access. An unobstructed exit access path at least three feet wide shall be provided and maintained starting alongside at least one side of each bed or bunk bed combination to the door exiting from a hostel unit.

3. Spacing between beds and bunk bed combinations. No bed or bunk bed combination shall be placed within three feet of another bed or bunk bed combination located within the same hostel unit or private room, whether or not low partitions or dividers are provided.

4. Low partitions or dividers. No partitions or cubicles shall enclose spaces within the sleeping rooms in a hostel, except that noncombustible, low partitions or dividers shall be permitted between sleeping spaces in hostel units provided they do not exceed a height of four feet.

5. Interior finishes. No combustible wainscoting, molding or other facings shall be applied to walls, partitions or ceilings within hostel units and within entrance halls or other public halls or stairs, except for flat baseboards ten inches or less in height.

6. Stair construction. Stair stringers, handrails, soffits, fascias, railings, balustrades and newel posts shall be constructed of hard noncombustible material.

7. Storage rooms. There shall be one or more completely enclosed compartments remote from any stairway for the storage of mattresses, linens, brooms, mops and other paraphernalia incidental to the occupancy and maintenance of the hostel. The partitions forming each such compartment shall be enclosed with fire barriers with doors thereto fire-rated in accordance with Chapter 7 of the New York city building code. Each such compartment shall be ventilated in accordance with the New York city mechanical code. Any space which is used for the storage of mattresses, in addition to conforming to the other provisions of this section, shall be provided with a window ten square feet or more in area, and such window shall open upon a street or yard.

8. Fire alarms. The activation of a sprinkler water flow alarm shall cause annunciation of audible and visual notification appliances throughout the licensed hostel. The activation of a sprinkler tamper switch shall cause a notification to the central monitoring station and fire department.

9. Beds. All beds shall be metal or other noncombustible materials. No bed shall be placed or constructed above another bed except that bunk bed combinations are permitted. 10. Electrical receptacles. At least one duplex 120-volt electrical receptacle per sleeping space shall be provided within a hostel unit or private room. Where sanitary facilities are located within a hostel unit or private room such required electrical receptacles shall be in addition to the number of electrical receptacles required in such sanitary facilities by the New York city electrical code.

11. Lavatories. Within a hostel unit or private room, lavatories shall be permitted to be located outside of a toilet room for the convenience of guests, provided however that any such lavatories shall not reduce the minimum number of required lavatories in toilet rooms.

12. Dimensions. Within a room used for sleeping purposes in a hostel unit, there shall be a minimum of seventy square feet of floor space for each bed therein. For the purposes of this subdivision each bed of a bunk bed combination shall be counted separately. Such required minimum floor space shall be exclusive of closets, bathrooms and private halls and other similar spaces. No private room or hostel unit shall be less than six feet in its least dimension.

§26-106 Inspections. A licensed hostel shall be inspected by the office at intervals of three months or less in accordance with the rules of the office. Such inspections may be performed by employees of the office or by employees of other

agencies designated by the office. In addition, staff of the hostel shall perform inspections of common areas of the hostel at least once every two hours in accordance with the rules of the office.

§26-107 Records. The office shall prescribe minimum record keeping and reporting requirements for operators and shall require that such records and/or reports be made available for inspection by employees of the office or of other agencies designated by the office.

§26-108 License suspension or revocation. The office may revoke, suspend or refuse to renew a license issued pursuant to this chapter (i) for violation of any provision of this chapter or of rules promulgated by the office, (ii) based on any of the grounds for which the office may refuse to issue a license or, (iii) for violations of other applicable laws relating to safety and fire protection of buildings or the fitness of the operator. Before such action may be taken the office shall afford the operator notice and an opportunity for a hearing before the office of administrative trials and hearings. However where public safety may be imminently jeopardized by the continued operation of the hostel, the license may be suspended immediately, subject to the right of the operator to a prompt post suspension hearing.

§26-109 Civil penalties. Civil penalties not exceeding five thousand dollars for each violation may be imposed on the operator for violations of any provision of this chapter or of rules promulgated by the office. Such civil penalties may be imposed in proceedings before the environmental control board. Notices of violation returnable to such board may be served by employees of the office for licensed hostels or by employees of other city agencies designated by such office. The office may refuse to renew a license pending payment of civil penalties imposed by the environmental control board.

§26-110 Construction. The provisions of this chapter shall not be construed to prohibit the lawful occupancy or use of any Class B multiple dwelling in accordance with any other provisions of law authorizing such occupancy or use or to require that a license be obtained from the office for licensed hostels for such lawful occupancy or use.

§26-111 Use of term licensed hostel. It shall be unlawful for any person corporation or other business entity to use the term licensed hostel in reference to any sleeping accommodation or to hold out any sleeping accommodation as licensed pursuant to this chapter unless such accommodation has a license issued by the office for licensed hostels pursuant to this chapter. A violation of this section shall be punishable upon conviction by a fine of not more than twenty-five thousand dollars or imprisonment for not more than one year or both such fine and imprisonment.

§3 Item 7, residential classification, of Table 403.1 of the New York city plumbing code, as added by local law number 8 for the year 2008, is amended by adding a new row for required plumbing fixtures in licensed hostels following the row for dormitories, fraternities sororities and boarding houses, to read as follows:

N O.	CLASSIFICATION	OCCUPANCY ¹	DESCRIPTION	WATER CLOSETS URINALS (SEE SECTION 419.2)	LAVATORIES	BATH TUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1)	OTHER
				MALE FEMALE	MALE FEMALE			

7	Residential	R-1	Licensed hostels	1 per 6	1 per 6	1 per 6	1 per 100	1 service sink
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§4. Section 310.1.1 of the New York city building code is amended by adding a new item 4 to read as follows:

4. Licensed hostels authorized pursuant to Chapter 1 of Title 26 of the Administrative Code.

§5. Exception 2 of section 1011.1 of the New York city building code is amended to read as follows:

2. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group I-1 or R. However, in a congregate living unit where the occupancy of such unit exceeds four people and in hostel units in licensed hostels, exit signs shall be provided.

§6. This local law shall take effect on the later of the date of its enactment into law or the date of adoption of zoning text amendment application number XXXX (number to be filled in later) permitting licensed hostels as a use group 5 use in specified zoning districts.

Referred to the Committee on Housing and Buildings.

Int. No. 1005

By Council Members Greenfield, Eugene, Fidler, Foster, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Williams, Wills and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to identifying pedestrian bridges for snow and ice removal by the city and establishing a plan for the removal of snow and ice from such bridges.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 30-103 of the administrative code of the city of New York is amended to read as follows:

c. No later than November fifteenth two thousand twelve and every November fifteenth thereafter, the report required pursuant to subdivision b of this section shall include:

1. an inventory of all city-owned snow management equipment and resources that were used during any snow event;

2. an inventory of privately-owned snow management equipment and resources used by the city during any snow event, an assessment of how such equipment and resources were deployed and overseen by city agencies or offices and strategies, contracts or agreements used to ensure that such snow management equipment and resources were available to the city; [and]

3. the number of individuals who registered with the city to work during any snow event, and assessment on how such individuals were deployed and overseen by city agencies or offices and strategies, contracts or agreements used to ensure that such individuals were available to the city[.]; and

4. a list of pedestrian bridges for which the department or the department of transportation is responsible for removal of snow or ice, and a plan for the removal of snow and ice from such pedestrian bridges including resources to be used for such removal. Such information shall also be made available to the council members and community boards representing the community district in which any such pedestrian bridge is located.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1006

By Council Members Halloran, Chin, Comrie, Jackson, James, Koppell and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring food service establishments to provide bins for recyclable material in seating areas where waste bins are provided.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-306 of the administrative code of the city of New York is amended to read as follows:

§16-306 Private carter-collected waste. a. The commissioner shall adopt and implement rules designating recyclable materials that constitute in the aggregate at least one-half of all solid waste collected by private carters, and additional materials if the commissioner determines that economic markets exist for them. Pursuant to subdivision b of this section, such rules shall require generators of private carter-collected waste to source separate some or all of the designated materials and to arrange for lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters of such source separated materials. The commissioner shall adopt and implement recycling rules for food service establishments that provide waste bins for patrons. Such rules shall require such food service establishments to provide separate recycling bins for beverage containers with refund value pursuant to title ten of article twenty seven of the New York state environmental conservation law. With regard to designated materials that are not required by such rules to be source separated, generators of private carter-collected waste may source separate these designated materials and, in any event, shall arrange for their lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters. If a generator of private carter-collected waste has source separated the designated materials in accordance with the rules and arranged for the lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters of such source separated materials and, with regard to designated materials that are not required by such rules to be source separated, arranged for lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters, such arrangement shall constitute an affirmative defense to any proceeding brought against the generator pursuant to section 16-324 of this chapter.

§2. This local law shall take effect one hundred-twenty days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1007

By Council Members Ignizio, Oddo, the Speaker (Council Member Quinn), Comrie, James, Koo, Williams, Wills, Lappin and Halloran.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the raising and moving of a building.

Be it enacted by the Council as follows:

Section 1. Subchapter twenty-two of chapter two of title 20 of the administrative code of the city of New York is amended by adding a new section 20-403 to read as follows:

§ 20-403 Education and outreach. The department shall develop courses of

instruction and conduct public education on the consumer protection provisions of this subchapter, and the necessary licenses and permits that home improvement contractors must obtain to perform certain types of home improvement work, including but not limited to plumbing work, electrical work and the raising, lifting, elevating or moving of a home or building. Such instruction and public education shall be provided to home improvement contractors, homeowners and members of the public at least semiannually.

§2. Section 28-104.7 of the administrative code of the city of New York is amended by adding a new section 28-104.7.13 to read as follows:

§ 28-104.7.13 Identification of work involving raising or moving a building. *Where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved, such work shall be listed on the title sheet of the construction documents as subject to special inspection.*

§3. Section 28-116.2.3 of the administrative code of the city of New York is amended by adding a new section 28-116.2.3.2 to read as follows:

§ 28-116.2.3.2 Special inspection of raising and moving of a building. *Where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved, special inspection of such work is required. The permit holder shall notify the department in writing at least 48 hours before the commencement of such work.*

§4. Section BC 1704 of the New York city building code is amended by adding a new section BC 1704.27 to read as follows:

1704.27 Raising and moving of a building. *A continuous special inspection shall be required where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved.*

§5. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1008

By Council Members Ignizio, Eugene, Fidler, Foster, Koo, Koppell, Mendez, Nelson, Palma, Vann, Williams, Wills and Halloran.

A Local Law to amend the administrative code and the Building Code of the city of New York, in relation to requiring carbon monoxide alarms or detectors in certain assembly spaces.

Be it enacted by the Council as follows:

Section 1. Article 312 of the administrative code of the city of New York, as added by local law 75 of 2011, is amended by adding a new section 28-312.3 to read as follows:

§28-312.3. Carbon monoxide alarms or detectors required for certain existing assembly spaces. *In all existing spaces classified as occupancy group A-1, A-2, or A-3, carbon monoxide alarms or detectors shall be installed in accordance with Section BC 908.7.2 by June 7 2013.*

§2. Section BC 908.7.2 of the New York city building code is amended to read as follows:

§908.7.2 Group A-1, A-2, A-3, E, I-2 and I-4 occupancies. Listed carbon monoxide alarms or detectors shall be installed as follows:

1. Carbon monoxide alarms shall be installed within any occupied space containing carbon monoxide producing equipment and in all occupied spaces above and below the story where carbon monoxide producing equipment or enclosed parking is located.

2. Carbon monoxide detectors and audible notification appliances shall be installed within any unoccupied space containing carbon monoxide producing equipment. Such detector shall activate an audible alarm at a constantly attended location.

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1663

Resolution calling upon the New York State Legislature to enact and the Governor to sign A. 7218-A and S. 4220-A, which would ban hydraulic fracturing and the disposal and processing of fluids used in the hydraulic fracturing process in New York state.

By Council Members Jackson, Brewer, Chin, Foster, Gentile, James, Mendez, Palma, Vann, Wills and Rose.

Whereas, Hydraulic fracturing is a means of extracting natural gas or oil from shale formations whereby a tremendous amount of water combined with chemicals and sand is injected deep into the ground under high pressure, thereby fracturing the shale formation and opening passages for the natural gas or oil to flow out of the rock and thus be captured; and

Whereas, In extracting natural gas by hydrologic fracturing, much of the water injected into the ground is left underground, but a significant amount is retrieved with the gas and must be collected and disposed of; and

Whereas, Such retrieved water contains the toxic chemicals used in the hydrological fracturing process and often contains salts and other water pollutants, as well as radioactive material, with which the water has come into contact underground; and

Whereas, The water remaining underground and the gas or oil that is freed through hydraulic fracturing have the potential to migrate out of the shale formation through natural faults and other structures and pollute underground aquifers, drinking wells, or surface waters; and

Whereas, Some gas will escape into the atmosphere and contribute to global climate change, as natural gas is an extremely potent heat-trapping agent; and

Whereas, The intensive industrial activities, including drilling, the building of roads and pipelines, and the truck traffic associated with hydraulic fracturing, will pollute the air and harm human health, as well as destroy natural areas and permanently impact New York State's rural areas, causing significant damage to endangered, threatened, and other species, as well as to natural resources in general and quality of life; and

Whereas, The need to cut "greenhouse gases" released into the atmosphere when carbon-based fuels such as natural gas or oil are combusted to create energy calls for investment in alternative energy sources and not in new massive efforts to extract fuels such as natural gas; and

Whereas, Hydraulic fracturing, and the injection of fluids associated with hydraulic fracturing deep into the earth for the purpose of disposing of those fluids, have been shown in some cases to cause seismic activity such as small earthquakes which could damage surface structures or underground drinking water infrastructure; and

Whereas, Parts of New York City's drinking water watershed, and the infrastructure that carries that water from the watershed to city and other consumers, consisting of over nine million people, could be put at risk by hydraulic fracturing, either due to contamination of drinking water or from the destruction of underground tunnels or other vital infrastructure; and

Whereas, A. 7218-A and S. 4220-A, if passed and signed into law, would ban the issuance of permits for oil and natural gas extraction that would use hydraulic fracturing, as well as the acceptance, disposal, or processing of any fluids or drill cuttings associated with hydraulic fracturing, in the state of New York, thereby preventing all harms associated with hydraulic fracturing; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact and the Governor to sign A. 7218-A and S. 4220-A, which would ban hydraulic fracturing and the disposal and processing of fluids used in the hydraulic fracturing process in New York state.

Referred to the Committee on Environmental Protection.

Int. No. 1009

By Council Members Koppell, Foster, Mealy, Lander, Brewer, Chin, Fidler, James, Mendez, Williams, Wills and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to an annual report on preferred source contract awards.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-136 to read as follows:

§6-136. Reporting on preferred source procurement.

The City shall by October 1st of each year submit to the Council and post on the mayor's office of contract services website a report detailing the vendor, goods or services, term, registration date, and value of each contract awarded to a preferred source vendor pursuant to section 162 of the state finance law during the preceding fiscal year, by agency.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Contracts.

Int. No. 1010

By Council Members Recchia, Comrie, Fidler, Koo and Nelson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation for alterations and improvements to multiple dwellings.

Be it enacted by the Council as follows:

Section one. Subdivision b of section 11-243 of the administrative code of the

city of New York, as amended by local law number 57 for the year 2007, is amended to read as follows:

b. Subject to the limitations provided in subdivision d of this section and the restrictions in this section on conversion of buildings used in whole or in part for single room occupancy, any increase in the assessed valuation of real property shall be exempt from taxation for local purposes to the extent such increase results from the reasonable cost of: (1) the conversion of a class B multiple dwelling to a class A multiple dwelling except insofar as the gross cubic content of such building is increased thereby; or (2) the conversion of any nonresidential building or structure situated in the county of New York to a class A multiple dwelling except insofar as the gross cubic content of such building is increased; or (3) the conversion of any nonresidential building or structure situated in the counties of Bronx, Kings, Queens or Richmond to a class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (4) alterations or improvements to the exterior of an otherwise eligible building or structure visible from a public street pursuant to a permit issued by the landmarks commission with respect to a designated historic or landmark site or structure; or (5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, and conversions of direct metering to a system that includes a master meter and submeters in any cooperative, condominium, or housing development fund company organized under article eleven of the private housing finance law; or (7) alterations or improvements to existing dwellings to eliminate existing unhealthy or dangerous conditions in any such existing dwelling or replace inadequate and obsolete sanitary facilities in any such existing dwelling, any of which represents fire or health hazards, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, except insofar as the gross cubic content of such existing dwelling is increased thereby; or (8) conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings or portions thereof registered with the New York city loft board as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or (9) alterations or improvements commenced on or after September first, nineteen hundred eighty-seven constituting a substantial rehabilitation of a class A multiple dwelling, or a conversion of a building or structure into a class A multiple dwelling, as part of a program to provide housing for low and moderate income households as defined by the department of housing preservation and development pursuant to the rules and regulations promulgated pursuant to subdivision m of this section, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the department of housing preservation and development, a subsidy in the form of a below market sale from the city of New York; or (10) alterations or improvements to any private dwelling or conversion of any private dwelling to a multiple dwelling or conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversions are part of a project that has applied for or is receiving benefits pursuant to this section and shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality. Such conversions, alterations or improvements shall be completed within [thirty-six] *thirty* months after the date on which same shall be started except that such [thirty-six] *thirty* month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to paragraph eight of this subdivision. Notwithstanding the foregoing, a sixty-month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York if alterations and improvements are completed within seven years after the date of transfer. In addition, the department of housing preservation and development may grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations, improvements or conversions are completed within sixty months from commencement of construction. Provided, further, that such conversions, alterations or improvements shall in any event be completed prior to [December thirty-first] *June thirtieth*, two thousand [eleven] *fifteen*. Exemption for conversions, alterations or improvements pursuant to paragraph one, two, three, four, six, seven, eight or ten of this subdivision shall continue for a period not to exceed fourteen years and begin no sooner than the first tax period immediately following the completion of such conversions, alterations or improvements. Exemption for alterations or improvements pursuant to paragraph five or nine of this subdivision shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first tax period immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation, which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements is fully taxable. Provided, however, exemption for any conversions, alterations or improvements, which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen,

or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act, (42 U.S.C.A. 12701 et seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax period subsequent to the start of such conversions, alterations or improvements and prior to the completion of such conversions, alterations or improvements. The assessed valuation of the land occupied by such dwelling and any increase in assessed valuation resulting from conversions, alterations, or improvements other than those made pursuant to this section shall not be affected by the provisions of this section.

§ 2. Subdivision f of section 11-243 of the administrative code of the city of New York, as amended by local law number 49 for the year 1993, is amended to read as follows:

f. Subject to the provisions of subdivision d of this section, the department of housing preservation and development shall determine and certify the reasonable cost of any such conversions, alterations or improvements and eligibility for the benefits of this section and for that purpose may adopt rules and regulations, administer oaths to and take the testimony of any person, including but not limited to the owner of such property, may issue subpoenas requiring the attendance of such persons and the production of such bills, books, papers or other documents as it shall deem necessary, may make preliminary estimates of the maximum reasonable cost of such conversions, alterations or improvements, may establish maximum allowable costs of specified units, fixtures or work in such conversions, alterations or improvements, and may require the submission of plans and specifications of such conversions, alterations or improvements, and may require the submission of plans and specifications of such conversions, alterations or improvements before the start thereof. Applications for certification shall include all bills and other documents showing the cost of construction or such other evidence of such cost as shall be satisfactory to the department of housing preservation and development, including, without limitation, certification of cost by a certified public accountant in accordance with generally accepted accounting principles. Applications for certification for a building eligible for benefits pursuant to paragraph three of subdivision d of this section, for alterations or improvements completed more than three years after its conversion to cooperative or condominium ownership, shall include such documentation of the sale price of dwelling units or stock allocated to such dwelling units as may be required by the department of housing preservation and development, including but not limited to certification of sales price by a certified public accountant. In addition, such applications shall contain the consent of the applicant to allow the department of housing preservation and development access to records, including but not limited to other tax records, as the department may deem appropriate to enforce such conditions of eligibility. Applications for certification filed [on or after January first, nineteen hundred seventy-nine] *for conversions, alterations or improvements completed after December thirty-first, two thousand eleven* pursuant to paragraphs one through seven and paragraph nine of subdivision b of this section shall be made after completion and within [forty-eight] *thirty-six* months following the start of construction of the conversion, alteration or improvement, except that applications for certification for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York shall be made after completion and within seventy-two months following the start of the construction of the alteration or improvement. Provided, however, the department of housing preservation and development is empowered to grant an extension of the period for application for any project carried out with the substantial assistance of loans, grants or subsidies from any federal, state or local governmental agency or instrumentality, if such application is made within seventy-two months from commencement of construction. Applications for certification pursuant to paragraph eight of subdivision b of this section shall be filed within twelve months of the date of completion as provided by such subdivision.

§ 3. Subdivision g of section 11-243 of the administrative code of the city of New York is amended by adding a new paragraph 1-a to read as follows:

(1-a) are free of any violations of record which are classified under the housing maintenance code as hazardous or immediately hazardous, except for violations that were caused by a tenant and that have not been corrected because the tenant has refused access to the owner to correct such tenant-caused violations, provided that the owner has provided proof of such refusal and notice to the tenant as required by rule of the department of housing preservation and development; and

§ 4. Section 11-243 of the administrative code of the city of New York is amended by adding two new subdivisions i-1 and i-2 to read as follows:

i-1. (a) For purposes of this subdivision, "substantial governmental assistance" shall mean:

(i) grants, loans or subsidies from any federal, state or local agency or instrumentality in furtherance of a program for the development of affordable housing approved by the department of housing preservation and development, including, without limitation, financing or insurance provided by the state of New York mortgage agency or the New York city residential mortgage insurance corporation; or

(ii) a written agreement between a housing development fund corporation and the department of housing preservation and development limiting the incomes of persons entitled to purchase shares or rent housing accommodations therein.

(b) With respect to conversions, alterations or improvements completed on or after December thirty-first, two thousand eleven:

(i) except as otherwise provided in this section with respect to multiple dwellings, buildings and structures owned and operated either by limited-profit housing companies established pursuant to article two of the private housing finance law or redevelopment companies established pursuant to article five of the private housing finance law, or with respect to a group of multiple dwellings that was developed as a planned community and that is owned as two separate condominiums containing a total of ten thousand or more dwelling units, any multiple dwelling, building or structure that is owned as a cooperative or a condominium that has an average assessed value of thirty thousand dollars or more per dwelling unit shall only be eligible for such benefits if the alterations or improvements for which such multiple dwelling, building or structure has applied for the benefits pursuant to this section were carried out with substantial governmental assistance, and

(ii) no benefits pursuant to this section shall be granted for the conversion of any non-residential building or structure into a class A multiple dwelling unless such conversion was carried out with substantial governmental assistance;

(c) If the conversions, alterations or improvements for which such multiple dwelling, building or structure has applied for benefits pursuant to this section are not completed on the date upon which such department of housing preservation and development inspects the items of work claimed in such application, the department of housing preservation and development shall require the applicant to pay two times the actual cost for any additional inspections needed to verify the completion of such conversion, alteration or improvement.

(d) The revocation of benefits granted to any multiple dwelling, building or structure pursuant to this section shall not exempt any dwelling unit therein from continued compliance with the requirements of this section or of any local law or ordinance providing for benefits pursuant to this section.

i-2. Notwithstanding the provisions of any general, special or local law providing for benefits pursuant to this section, applications for exemption and/or abatement under this section shall be filed electronically if the department of housing preservation and development makes electronic filing available.

§ 5. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after December 31, 2011, provided, however, that section four of this local law shall not be deemed to change the eligibility for benefits, pursuant to such section, as a result of conversions, alterations or improvements completed before December 31, 2011.

Referred to the Committee on Finance.

Preconsidered Res. No. 1664

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia, Comrie, Gennaro and Koo.

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 29, 2011 the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Out of School Time Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Adult Literacy Council Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Callen Lorde Community Health Center in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the EarlyLearn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Initiative Fund Transfers in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13.

Adopted by the Council (preconsidered and approved by the Committee on Finance); for text of the Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1664 printed in these Minutes).

Preconsidered Res. No. 1665

Resolution concerning the establishment of the SoHo Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

By Council Members Recchia, Comrie, Gennaro and Koo.

Whereas, Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated October 12, 2010, provided for the preparation of a district plan (the "Plan") for the SoHo Business Improvement District (the "District") in the Borough of the Manhattan; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

Whereas, Pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on October 26, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on October 29, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on October 29, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community board (Manhattan Community Board Number 2, hereinafter the "Community Board") for the community district in which the proposed District is located on October 29, 2010; and

Whereas, Pursuant to section 25-405 (c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

Whereas, On November 18, 2010, the Community Board voted to oppose the establishment of the District; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its qualified approval with recommendations for modification of the Plan; and

Whereas, Pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Member representing the council district in which the proposed District is located; and

Whereas, Pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on January 26, 2011; and

Whereas, Pursuant to section 25-406 (a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

Whereas, Pursuant to section 25-406 (a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

Whereas, Pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

Whereas, Pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

- i. March 13, 2013 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;
- ii. the SoHo BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;
- iii. the Department of Small Business Services shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and
- iv. in the event that the SoHo BID Steering Committee mails, or the Department of Small Business Services arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 1011

By Council Member Wills.

A Local Law in relation to renaming one thoroughfare in the Borough of Queens, Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly.

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Tuskegee Airmen Way	South Road	Between Merrick Boulevard and Remington Street

§2. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law.

§3. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 1012

By Council Members Wills, Vann and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to establishing a commission to deal with the root causes of violence.

Be it enacted by the Council as follows:

Section 1. Legislative findings and declaration. While the murder rate in New York City declined between 2011 and 2012, the rate of other serious crimes such as felony assault, rape, and robbery increased. Periods of high levels of crime such as the summer of 2012, during which seven murders and twenty-one shootings occurred in one weekend alone, raise concerns about existing measures to combat crime. The City has a responsibility to stem the rise of violence and improve outcomes in the most affected and vulnerable communities, when crime reaches unacceptable levels. The Council finds that a commission dedicated to developing a plan to combat the rise of crime through the provision of social services is needed to help ensure the continued safety of New Yorkers.

§ 2. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 a. Short title. This section shall be known and may be cited as the "Community Violence Prevention Act."

b. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Assault" shall mean the offenses of assault in the first and second degree as such offenses are defined in article one hundred twenty of the penal law.
2. "Burglary" shall mean the offenses of burglary in the first, second and third degree as such offenses are defined in article one hundred forty of the penal law.
3. "Grand larceny" shall mean the offenses of grand larceny in the first, second, third, and fourth degree as defined by article one hundred fifty-five of the penal law.
4. "Grand larceny motor vehicle" shall mean the offenses of grand larceny in the first, second, third, and fourth degree involving the theft of a motor vehicle as defined by article one hundred fifty-five of the penal law.
5. "Murder" shall mean the offenses of aggravated manslaughter, manslaughter in the first and second degree, aggravated murder and murder in the first and second degree as such offenses are defined in article one hundred twenty-five of the penal law.
6. "Rape" shall mean the offenses of rape in the first, second and third degree as such offenses are defined in article one hundred thirty of the penal law.
7. "Robbery" shall mean the offenses of robbery in the first, second and third degree as such offenses are defined in article one hundred sixty of the penal law.

c. The department shall establish a commission to develop plans to deal with the root causes of violence in police precincts with high rates of crime. No later than the thirty-first day of January of two thousand fourteen and every three years thereafter no later than the thirty-first day of January, such commission shall identify the ten police precincts with the highest total number of complaints for the crimes of assault, burglary, grand larceny, grand larceny motor vehicle, murder, rape, and robbery during the two preceding calendar years. Such commission shall develop a specific three-year plan for each identified precinct to recommend measures the city should take to combat crime in such precinct. Such three-year plans shall include, but not be limited to, the recommendations for anti-violence programs, education programs, job development and readiness programs, and health and mental health programs. The commission shall issue a report outlining each three-year plan to the mayor and council no later than ninety days after identifying such police precincts with high rates of crime. No later than ninety days following the designated end date of each three-year plan, the commission shall issue a report to the mayor and the council that includes an assessment of to what extent, if any, each plan has been implemented, if all or some of each plan has not been implemented the reasons why, and the effect of each plan or parts thereof that have been implemented.

d. Such commission shall consist of the commissioner of the department, the commissioner of the administration for children's services, the commissioner of the department of social services/human resources administration, the commissioner of the department of youth and community development and the chancellor of the city school district of the city of New York, or the designees of such commissioners or chancellor. The mayor shall appoint two additional members, provided at least one such member shall have a background in crime prevention or youth violence. The speaker of the city council shall appoint three additional members, provided at least one such member shall have a background in crime prevention or youth violence.

e. At its first meeting, such commission shall select a chairperson from among its members by majority vote.

f. No member of the commission shall be removed except for cause and upon notice and hearing by the appropriate appointing official. Any vacancy shall be filled in the same manner as the original appointment.

g. Members of the commission shall serve without compensation and shall meet no less than once a month during the period in which such commission is developing such three-year plans.

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Health.

Preconsidered L.U. No. 764

By Council Member Recchia:

Multifamily Preservation Loan Program Sunset 203K, 1344 Willoughby Street, Block 3211, Lot 17; 1560 Dekalb Avenue, Block 3248, Lot 11; 26 Morgan Avenue, Block 3187, Lot 24; 314 Troutman Street, Block 3012, Lot 08; 64 Bleecker Street, Block 3305, Lot 19, Community District No. 4, Council District No. 34, 37

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 765

By Council Member Comrie:

Application No. C 070352 ZMQ submitted by Avery Fowler Owners pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 10b, changing from an M1-1 District to a C2-6A District property bounded by Avery Avenue, College Point Boulevard, Fowler Avenue, and the southerly centerline prolongation of Haight Street; and changing from an M1-2 District to a C2-6A District property bounded by Avery Avenue, the southerly centerline prolongation of Haight Street, Fowler Avenue, and 131st Street, Borough of Queens, Community Board 7, Council District 20.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 766

By Council Member Comrie:

Application No. C 130052 ZMM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 12b and 12d, changing from a C2-8 District to a C4-6 District property bounded by South Street, Brooklyn Bridge, the U.S. Pierhead Line, and a line 1250 feet easterly of the southerly prolongation of the westerly street line of Old Slip (westerly portion) Borough of Manhattan, Community Board 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 767

By Council Member Comrie:

Application No. N 130080 ZRM submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution, Article IX Chapter I, Special Lower Manhattan District, related hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal, Borough of Manhattan, Community Board 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 768

By Council Member Comrie:

Application No. C 130053 ZSM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 769

By Council Member Comrie:

Applications No. C 130054 ZSM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs and roof sign requirements of Section 32-65 (Permitted Projections or Height of Signs), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 770

By Council Member Comrie:

Application No. C 130055 ZSM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-834 of the Zoning Resolution to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback requirements of Section 62-342 (Developments on piers), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict) Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 771

By Council Member Comrie:

Application No. N 130056 ZAM submitted by South Street Seaport Limited Partnership for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict) Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if called up by a vote of the Council pursuant to Section 62-822(a) of the New York City Zoning Resolution.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 772

By Council Member Comrie:

Application No. C 130059 PPM submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property to the South Street Seaport Limited Partnership, located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to

the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 773

By Council Member Comrie:

Application No. 20135344 HAK submitted by the New York City Department of Housing Preservation and Development for the proposed modification of a previously approved Plan and Project to change from rehabilitation to new construction and deleting 27 Albany Avenue (Block 1859, Lot 1) from the Plan and Project pursuant to Section 115 of the Private Housing Finance Law, Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 774

By Council Member Comrie:

Application No. 20135345 HAM submitted by New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 272 Manhattan Avenue, Borough of Manhattan, Community Board 10, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 775

By Council Member Comrie:

Application No. 20135346 HAM submitted by New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 511 West 149th Street, 524 West 150th Street, 455 Convent Avenue and 457 Convent Avenue, Borough of Manhattan, Community Board 9, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 776

By Council Member Comrie:

Application No. 20135347 HAM submitted by New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 232-34 West 149th Street, 304 West 152nd Street, 2797 8th Avenue and 2472 7th Avenue, Borough of Manhattan, Community Board 10, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 777

By Council Member Comrie:

Application no. 20135309 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ambiance Wine LLC, d/b/a Vella Wine Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1480 Second Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 778

By Council Member Comrie:

Application no. 20135312 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Slice West Village, Ltd., d/b/a Slice the Perfect Food, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 535 Hudson Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 779

By Council Member Comrie:

Application no. 20135267 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Summit of the World Inc., d/b/a Bone Lick Park, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 75 Greenwich Avenue, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 780

By Council Member Comrie:

Application no. 20135381 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Four Green Fields LLC, d/b/a Agave, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 141 Seventh Avenue South, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 781

By Council Member Comrie:

Application no. 20135275 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Yo Burger, Inc., d/b/a Yo-Burger, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3720-3726 Riverdale Avenue, Borough of Bronx, Community Board 8, Council District 11. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, February 28, 2013

Note Topic Update

Committee on COMMUNITY DEVELOPMENT jointly with the Committee on FINANCE... 10:00 A.M.
Oversight - Examining the New York City Department of Finance's assessment practices relating to properties affected by SuperStorm Sandy.

Addition

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS
Jointly with the Select Committee on LIBRARY... 10:00 A.M.
Oversight - Recovery Efforts of the City's Libraries and Cultural Establishments

Deferred

Committee on CONSUMER AFFAIRS... 10:00 A.M.
Agenda to be announced
Committee Room - 250 Broadway, 14th Floor... Daniel Garodnick, Chairperson

Note Committee and Topics Addition

Committee on IMMIGRATION jointly with the Committee on CIVIL SERVICE AND LABOR... 10:00 A.M.
Res. 1598 - By Council Members Dromm, Brewer, Chin, Ferreras, James, Koppell, Lander, Mendez, Williams and Rodriguez - Resolution calling on the United States Congress to pass and the President to sign H.R. 2169/S.1195, also known as the POWER Act...

Note Topic Additions and Location Change

Committee on JUVENILE JUSTICE ... 10:00 A.M.
Int. 981 - By Council Members Rose, Brewer, Eugene, James, Mendez, Vann, Williams, Dromm and Rodriguez - A Local Law to amend the administrative code of the city of New York...

Note Topic Addition

Committee on GOVERNMENTAL OPERATIONS jointly with the Committee on SMALL BUSINESS ... 1:00 P.M.
Int. 941 - By Council Members Brewer, Jackson, Chin, Gentile, Gonzalez, James, Koo, Koppell, Mendez, Palma, Recchia, Rose, Williams, Lappin, Arroyo and Ulrich - A Local Law to amend the New York city charter...

Preconsidered Int. ___ - By Council Members Reyna and Chin (in conjunction with the Mayor) - A Local Law to relation to waiver of fees for businesses recovering from damage caused by Hurricane Sandy.
Committee Room - 250 Broadway, 16th Floor ... Gale Brewer, Chairperson
Diana Reyna, Chairperson

Deferred

Subcommittee on SENIOR CENTERS... 1:00 P.M.
Agenda to be announced
Hearing Room - 250 Broadway, 16th Floor ... David Greenfield, Chairperson

Note Committee Updates

Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the Committee on HEALTH, the Committee on ENVIRONMENTAL PROTECTION and the Committee on PARKS AND RECREATION... 1:00 P.M.
Oversight - Recovery: Post-Storm Cleanup and the Effects on the City's Health and Infrastructure
Committee Room - 250 Broadway, 14th Floor ... Letitia James, Chairperson

Friday, March 1, 2013

Committee on TECHNOLOGY ... 10:00 A.M.
Int. 984 - By Council Members Cabrera, Arroyo, Brewer, Comrie, Ferreras, Gentile, Jackson, James, Palma, Reyna, Williams, Wills, Rodriguez and Ulrich - A Local Law to amend the New York City Charter...

Committee on FIRE AND CRIMINAL JUSTICE SERVICES... 1:00 P.M.
Oversight - Examining Violence in New York City Jails
Committee Room - 250 Broadway, 14th Floor ... Elizabeth Crowley, Chairperson

Monday, March 4, 2013

New York City Council Fiscal Year 2014 Preliminary Budget, Mayor's FY '13 Preliminary Management Report and Agency Oversight Hearings

Table with 2 columns: Time and Location/Topic. Rows include 10:00 a.m. Finance Committee - Council Chambers - City Hall, 10:00 a.m. Office of Management and Budget, 12:45 p.m. Contract Budget (Joint with Committee on Contracts), etc.

Tuesday, March 5, 2013

Subcommittee on ZONING & FRANCHISES... 9:30 A.M.
See Land Use Calendar Available Thursday, February 28, 2013
Committee Room - 250 Broadway, 16th Floor Mark Weprin, Chairperson

Table with 2 columns: Time and Location/Topic. Rows include 10:00 a.m. Transportation Committee - 250 Broadway, 14th Floor - Committee Room, 10:00 a.m. MTA/NYC Transit (Expense), 10:30 a.m. MTA/NYC Transit (Capital), etc.

Deferred

~~11:00 a.m. Land Use Committee – 250 Broadway, 16th Floor – Committee Room~~

~~11:00 a.m. Landmarks Preservation Commission
 12:00 p.m. Department of City Planning
 1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)
 2:00 p.m. Public~~

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....11:00 A.M.
 See **Land Use Calendar** Available Thursday, February 28, 2013
 Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... 1:00 P.M.
 See **Land Use Calendar** Available Thursday, February 28, 2013
 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, March 6, 2013

10:00 a.m. Higher Education Committee – 250 Broadway, 16th Floor - Committee Room
 10:00 a.m. City University of New York
 11:30 a.m. Public

10:00 a.m. Consumer Affairs Committee – 250 Broadway, 14th Floor - Committee Room
 10:00 a.m. Department of Consumer Affairs
 11:00 a.m. Business Integrity Commission
 11:30 a.m. Public

1:00 p.m. Youth Services Committee – 250 Broadway, 14th Floor - Committee Room
 1:00 p.m. Department of Youth and Community Development (Joint with Community Development Committee)
 2:30 p.m. Public

1:30 p.m. Civil Rights Committee – 250 Broadway, 16th Floor - Committee Room
 1:30 p.m. Equal Employment Practices Commission
 2:00 p.m. Public

Thursday, March 7, 2013

Committee on **LAND USE**.....10:00 A.M.
All items reported out of the subcommittees AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

10:00 a.m. Fire & Criminal Justice Services Committee – 250 Broadway, 14th Floor – Committee Room
 10:00 a.m. Fire/Emergency Medical Service
 12:00 p.m. Department of Probation
 12:30 p.m. Department of Correction
 1:30 p.m. Criminal Justice Coordinator (Indigent Defense Services)
 2:15 p.m. Legal Aid
 3:00 p.m. Public

11:30 a.m. Health Committee – 250 Broadway, 16th Floor - Committee Room
 11:30 a.m. Medical Examiner
 12:30 p.m. Department of Health & Mental Hygiene
 2:30 p.m. Health & Hospitals Corporation
 4:00 p.m. Public

Friday, March 8, 2013

10:00 a.m. Sanitation & Solid Waste Management Committee – 250 Broadway, 16th Floor - Committee Room
 10:00 a.m. Department of Sanitation
 12:00 p.m. Public

10:00 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – 250 Broadway, 14th Floor - Committee Room
 10:00 a.m. Department of Cultural Affairs
 11:30 a.m. Libraries (joint with Select Committee on Libraries)
 1:00 p.m. Public

1:00 p.m. Oversight & Investigations Committee – 250 Broadway, 16th Floor - Committee Room
 1:00 p.m. Department of Investigation
 2:00 p.m. Public

Monday, March 11, 2013

Committee on **PUBLIC SAFETY**10:00 A.M.
Preconsidered Int. ___ - By Council Member Oddo and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency.
 Committee Room – 250 Broadway, 16th FloorPeter Vallone, Chairperson

Committee on **WATERFRONTS** jointly with
 Committee on **ECONOMIC DEVELOPMENT**10:00 A.M.
Oversight - New York City Cruise Terminals
 Committee Room – 250 Broadway, 14th Floor Peter Koo, Chairperson
 Karen Koslowitz, Chairperson

★ Addition

1:30 p.m. Environmental Protection Committee – 250 Broadway, 16th Floor - Committee Room
 1:30 p.m. Department of Environmental Protection (Capital)
 2:45 p.m. Department of Environmental Protection (Expense)
 4:00 p.m. Public

Tuesday, March 12, 2013

10:00 a.m. Public Safety Committee – 250 Broadway, 16th Floor - Committee Room
 10:00 a.m. Police Department
 12:00 p.m. District Attorneys/Special Narcotics Prosecutor
 1:30 p.m. Office of Emergency Management
 2:30 p.m. Civilian Complaint Review Board
 3:00 p.m. Public

10:00 a.m. Public Housing Committee – 250 Broadway, 14th Floor - Committee Room
 10:00 a.m. NYC Housing Authority
 12:00 p.m. Public

1:30 p.m. Aging Committee – 250 Broadway, 14th Floor - Committee Room
 1:30 p.m. Department for the Aging (joint with the Subcommittee on Senior Centers)
 3:00 p.m. Public

Wednesday, March 13, 2013

Committee on **FINANCE**.....10:00 A.M.
 Agenda to be announced
 Committee Room – City HallDomenic M. Recchia, Chairperson

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
*Agenda – 1:30 p.m.*
Location..... ~ *Council Chambers ~ City Hall*

★ Deferred

~~10:00 a.m. Education Committee – 250 Broadway, 16th Floor – Committee Room~~
~~10:00 a.m. Department of Education and School Construction Authority (Capital)~~

~~12:00 p.m. Public~~

★ Deferred

~~10:00 a.m. Parks & Recreation Committee – 250 Broadway, 14th Floor – Committee Room~~

~~10:00 a.m. Department of Parks & Recreation (Expense)~~

~~11:30 p.m. Department of Parks & Recreation (Capital)~~

~~12:00 p.m. Public~~

★ Deferred

~~1:30 p.m. Environmental Protection Committee – 250 Broadway, 16th Floor – Committee Room~~

~~1:30 p.m. Department of Environmental Protection (Capital)~~

~~2:45 p.m. Department of Environmental Protection (Expense)~~

~~4:00 p.m. Public~~

★ Deferred

~~1:30 p.m. Standards and Ethics Committee – 250 Broadway, 14th Floor – Committee Room~~

~~1:30 p.m. Conflicts of Interest Board~~

~~2:15 p.m. Public~~

THE NEXT

STATED MEETING WILL BE HELD ON WEDNESDAY, MARCH 13, 2013

New York City Council Fiscal Year 2014 Preliminary Budget,
Mayor's FY '13 Preliminary Management Report and
Agency Oversight Hearings

Monday, March 4, 2013

10:00 a.m. Finance Committee – Council Chambers – City Hall

10:00 a.m. Office of Management and Budget

- ◆ Capital Budget
- ◆ Expense Budget
- ◆ Revenue Budget
- 12:45 p.m. ◆ Contract Budget (Joint with Committee on Contracts)
- 1:15 p.m. Department of Finance
- 2:45 p.m. Department of Design and Construction
- 3:15 p.m. Comptroller
- 3:45 p.m. Independent Budget Office
- 4:00 p.m. Public

Tuesday, March 5, 2013

10:00 a.m. Transportation Committee – 250 Broadway, 14th Floor - Committee Room

- 10:00 a.m. MTA/NYC Transit (Expense)
- 10:30 a.m. MTA/NYC Transit (Capital)
- 11:00 a.m. Taxi and Limousine Commission
- 11:45 a.m. Department of Transportation (Capital)
- 12:45 p.m. Department of Transportation (Expense)
- 1:15 p.m. Public

★ Deferred

~~11:00 a.m. Land Use Committee – 250 Broadway, 16th Floor – Committee Room~~

~~11:00 a.m. Landmarks Preservation Commission~~

~~12:00 p.m. Department of City Planning~~

~~1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)~~

~~2:00 p.m. Public~~

Wednesday, March 6, 2013

10:00 a.m. Higher Education Committee – 250 Broadway, 16th Floor - Committee Room

- 10:00 a.m. City University of New York
- 11:30 a.m. Public

10:00 a.m. Consumer Affairs Committee – 250 Broadway, 14th Floor - Committee Room

10:00 a.m. Department of Consumer Affairs

11:00 a.m. Business Integrity Commission

11:30 a.m. Public

1:00 p.m. Youth Services Committee – 250 Broadway, 14th Floor - Committee Room

1:00 p.m. Department of Youth and Community Development (Joint with Community Development Committee)

2:30 p.m. Public

1:30 p.m. Civil Rights Committee – 250 Broadway, 16th Floor - Committee Room

1:30 p.m. Equal Employment Practices Commission

2:00 p.m. Public

Thursday, March 7, 2013

10:00 a.m. Fire & Criminal Justice Services Committee – 250 Broadway, 14th Floor – Committee Room

10:00 a.m. Fire/Emergency Medical Service

12:00 p.m. Department of Probation

12:30 p.m. Department of Correction

1:30 p.m. Criminal Justice Coordinator (Indigent Defense Services)

2:15 p.m. Legal Aid

3:00 p.m. Public

11:30 a.m. Health Committee – 250 Broadway, 16th Floor - Committee Room

11:30 a.m. Medical Examiner

12:30 p.m. Department of Health & Mental Hygiene

2:30 p.m. Health & Hospitals Corporation

4:00 p.m. Public

Friday, March 8, 2013

10:00 a.m. Sanitation & Solid Waste Management Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Department of Sanitation

12:00 p.m. Public

10:00 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – 250 Broadway, 14th Floor - Committee Room

10:00 a.m. Department of Cultural Affairs

11:30 a.m. Libraries (joint with Select Committee on Libraries)

1:00 p.m. Public

1:00 p.m. Oversight & Investigations Committee – 250 Broadway, 16th Floor - Committee Room

1:00 p.m. Department of Investigation

2:00 p.m. Public

Monday, March 11, 2013

★ Addition

1:30 p.m. Environmental Protection Committee – 250 Broadway, 16th Floor - Committee Room

1:30 p.m. Department of Environmental Protection (Capital)

2:45 p.m. Department of Environmental Protection (Expense)

4:00 p.m. Public

Tuesday, March 12, 2013

10:00 a.m. Public Safety Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Police Department

12:00 p.m. District Attorneys/Special Narcotics Prosecutor

1:30 p.m. Office of Emergency Management

2:30 p.m. Civilian Complaint Review Board

3:00 p.m. Public

10:00 a.m. Public Housing Committee – 250 Broadway, 14th Floor - Committee Room

10:00 a.m. NYC Housing Authority

12:00 p.m. Public

1:30 p.m. Aging Committee – 250 Broadway, 14th Floor - Committee Room

1:30 p.m. Department for the Aging (joint with the Subcommittee on Senior Centers)
3:00 p.m. Public

Wednesday, March 13, 2013

★ *Deferred*

~~10:00 a.m. Education Committee – 250 Broadway, 16th Floor – Committee Room
10:00 a.m. Department of Education and School Construction Authority (Capital)
12:00 p.m. Public~~

★ *Deferred*

~~10:00 a.m. Parks & Recreation Committee – 250 Broadway, 14th Floor – Committee Room
10:00 a.m. Department of Parks & Recreation (Expense)
11:30 p.m. Department of Parks & Recreation (Capital)
12:00 p.m. Public~~

★ *Deferred*

~~1:30 p.m. Environmental Protection Committee – 250 Broadway, 16th Floor – Committee Room
1:30 p.m. Department of Environmental Protection (Capital)
2:45 p.m. Department of Environmental Protection (Expense)
4:00 p.m. Public~~

★ *Deferred*

~~1:30 p.m. Standards and Ethics Committee – 250 Broadway, 14th Floor – Committee Room
1:30 p.m. Conflicts of Interest Board
2:15 p.m. Public~~

Thursday, March 14, 2013

10:00 a.m. Governmental Operations Committee – Committee Room – 250 Broadway, 14th Floor

10:00 a.m. Financial Information Services Agency
10:30 a.m. Office of Payroll Administration
11:15 a.m. Board of Elections
12:15 p.m. Law Department
1:00 p.m. Department of Citywide Administrative Services
2:00 p.m. Community Boards
2:30 p.m. Public

Friday, March 15, 2013

★ *Deferred*

~~10:00 a.m. Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse & Disability Services Committee – 250 Broadway, 14th Floor – Committee Room
10:00 a.m. Department of Health & Mental Hygiene (joint with Subcommittee on Drug Abuse)
11:30 a.m. Public~~

★ *Addition*

10:00 a.m. Parks & Recreation Committee – 250 Broadway, 16th Floor - Committee Room
10:00 a.m. Department of Parks & Recreation (Expense)
11:30 p.m. Department of Parks & Recreation (Capital)
12:00 p.m. Public

Monday, March 18, 2013

10:00 a.m. General Welfare Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Department of Homeless Services
12:00 p.m. Human Resources Administration / Department of Social Services
1:30 p.m. Administration for Children's Services joint with Women's Issues and Juvenile Justice Committees
4:00 p.m. Public

★ *Addition*

11:00 a.m. Land Use Committee – 250 Broadway, 14th Floor - Committee Room
11:00 a.m. Landmarks Preservation Commission
12:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)

1:00 p.m. Public

Tuesday, March 19, 2013

★ *Addition*

10:00 a.m. Education Committee – 250 Broadway, 14th Floor - Committee Room
10:00 a.m. Department of Education and School Construction Authority (Capital)
12:00 p.m. Public

10:30 a.m. Housing and Buildings Committee – 250 Broadway, 16th Floor - Committee Room

10:30 a.m. Department of Housing Preservation and Development (Expense)
11:00 a.m. Department of Housing Preservation and Development (Capital)
12:30 p.m. Department of Buildings
1:15 p.m. Public

Thursday, March 21, 2013

10:00 a.m. Economic Development Committee – 250 Broadway, 14th Floor - Committee Room

10:00 a.m. Economic Development Corporation (Capital)
11:30 a.m. Department of Small Business Services (joint with Small Business Committee)
12:30 p.m. Public

10:00 a.m. Education Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Department of Education (Expense)
1:00 p.m. Public

★ *Addition*

2:00 p.m. Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse & Disability Services Committee – 250 Broadway, 14th Floor - Committee Room
2:00 p.m. Department of Health & Mental Hygiene (joint with Subcommittee on Drug Abuse)
3:30 p.m. Public

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 13, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int No. 992, adopted at the January 9, 2013 Charter Meeting, was returned unsigned by the Mayor on February 8, 2013. Pursuant to the City Charter, this bill later became law on February 9, 2013 due to Mayoral inaction within the Charter-prescribed thirty day time period. Int No. 992 was assigned subsequently as Local Law 8 of 2013.

Int No. 702-A, adopted at the January 23, 2013 Stated Meeting, was returned unsigned by the Mayor on February 22, 2013. Pursuant to the City Charter, this bill later became law on February 23, 2013 due to Mayoral inaction within the Charter-prescribed thirty day time period. Int No. 702-A was assigned subsequently as Local Law 9 of 2013.

Int Nos. 75-A, 399-A, 837-A, and 985-A, all adopted by the Council at the February 6, 2013 Stated Meeting, were signed into law by the Mayor on February 25, 2013 as, respectively, Local Laws Nos. 10, 11, 12, and 13 of 2013.

