

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
TUESDAY, APRIL 9, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Tuesday, April 9, 2013, 3:08 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	Michael C. Nelson
Charles Barron	Sara M. Gonzalez	James S. Oddo
Gale A. Brewer	David G. Greenfield	Annabel Palma
Fernando Cabrera	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Margaret S. Chin	Robert Jackson	Diana Reyna
Leroy G. Comrie, Jr.	Letitia James	Donovan Richards
Elizabeth S. Crowley	Andy King	Joel Rivera
Inez E. Dickens	Peter A. Koo	Ydanis A. Rodriguez
Erik Martin Dilan	G. Oliver Koppell	Deborah L. Rose
Daniel Dromm	Karen Koslowitz	Eric A. Ulrich
Mathieu Eugene	Bradford S. Lander	James Vacca
Julissa Ferreras	Jessica S. Lappin	Peter F. Vallone, Jr.
Lewis A. Fidler	Stephen T. Levin	Albert Vann
Helen D. Foster	Melissa Mark-Viverito	James G. Van Bramer
Daniel R. Garodnick	Darlene Mealy	Mark S. Weprin
James F. Gennaro	Rosie Mendez	Jumaane D. Williams
		Ruben Wills

Excused: Council Member Halloran.

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 were 50 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 Rev. Ann Kansfield, Greenpoint Reformed Church, 138 Milton St, Brooklyn, NY 11222.

How many of you can use a vacation?

This is your one-minute moment
of Sabbath, of vacation, of rest.

I invite you to pause for a moment and give thanks today

for someone who has shown you love.

For someone who has shown love to someone else,
or a city employee who you have seen showing love.

I want to pause and give thanks for the fire fighters
who raced into a burning building in Greenpoint this morning,
a three quarters house; a poorly maintained slum.

And they rescued a whole bunch of people,
people who needed a bit of love.

I give thanks today for the teacher
at the ACS funded daycare who so lovingly dried
the eyes of the new girl this morning

explaining to the other four year olds,
my son among them, that she didn't yet speak English.

And so they needed to be extra kind to her.

I give thanks today for the anonymous Council member
who I caught turning the compost

in the back of my soup kitchen this weekend

because no one wants to do that job.

Guide this Council in all that it does
to show such love, to do justice, to love mercy
and to walk humbly.

Amen.

Council Member Levin moved to spread the Invocation in full upon the Record.

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

Diane Manton, wife of the late U.S. Congress Member, Council Member, and Queens County Democratic Party leader Thomas Manton, passed away on March 18, 2013. Ms. Manton lived in Astoria, Queens and worked as a nurse in both Queens and Manhattan hospitals. She was known as a neighborhood leader who was involved in many community efforts in Woodside, Queens. She was a very active supporter of the Patricia Manning Memorial Fund for Childhood Cancer. Ms. Manton is survived by her four children and many grandchildren.

At this point, the Speaker (Council Member Quinn) yielded the floor to Assistant Majority Leader Council Member Dickens. Council Member Dickens thanked everyone for their support and care shown to her following the death of her husband, John.

ADOPTION OF MINUTES

Council Member Rose moved that the Minutes of the Stated Meeting of February 27 and March 13, 2013 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-1096

Communication from the Mayor – Mayor's veto and disapproval message of Introductory Number 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.

March 21, 2013

Michael McSweeney

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

Dear Mr. McSweeney:

Transmitted herewith is the bill disapproved by the Mayor. The bill is as follows:

Introductory Number 434-A

A local law to amend the administrative code of the city 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.

Sincerely,

Patrick A. Wehle

(The following is the text of the Mayor's Veto and Disapproval Message of Int No.434-A):

March 21, 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 434-A, which amends the Administrative Code of the City of New York to reduce the maximum penalty for most violations of vending regulations and to treat unrelated violations of vending regulations as separate offenses.

Street vendors have been operating in the City for hundreds of years and while they provide a valuable service, regulations are necessary to protect the health and safety of vendors and the public. While many vendors work hard and obey the law, the vending community's compliance with the law has been unsatisfactory. In fiscal year 2012 the City issued more than 19,000 violations to vendors and vendors defaulted, meaning that the vendors did not respond at all to the violation, on nearly half of those violations. Of the 19,000 violations issued to vendors, less than a third have been paid. During this same period, complaints against vendors have continued to increase.

Under existing law, after vendors receive three violations within a two year period, the maximum penalty increases to \$1,000 from \$500 for any subsequent violation falling within that two year period. The City has had the legal authority to impose penalties of up to \$1,000 for over three decades. To decrease this amount now sends the wrong message about the importance of complying with vending laws and regulations. I will not support a law that incentivizes noncompliance with the vending laws, breeds disrespect for City regulations generally and ultimately harms the public. This law will likely increase non-compliance and make the payment of penalties, to the extent they are paid at all, merely a cost of doing business illegally rather than a deterrent of unlawful conduct.

For the foregoing reasons, I hereby disapprove Introductory Number 434-A.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Consumer Affairs.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1097

Communication from the Borough President of Queens – Submitting proposed modifications to the Fiscal Year 2014 Preliminary Budget, Pursuant to Section 245 of the Charter.

March 19, 2013

Honorable Christine Quinn
Speaker, City Council
City Hall

New York, NY 10007

Honorable Christine Quinn:

The economic future of our city continues to pose a serious challenge to government and residents alike. Dealing with this challenge requires a careful strategy that ensures financial stability while addressing our most pressing needs. Hurricane Sandy and the devastation that it brought to our coastal communities have underscored the importance of building sustainable communities and expanding our economic base. Tourism continues to provide a growing economic sector, unemployment remains stable and city revenue has increased slightly.

The Fiscal Year 2014 Budget and Financial Plan is \$70.1 billion. Forecast revenue has increased between Fiscal Year 2013 and Fiscal Year 2014 by \$1.8 billion, tax revenue is projected to increase by \$1.4 billion, and controllable expenses decreased by \$254 million as a result of a reduction plan.

This year's financial plan is modest, and for the most part, remains level with last year's executive budget. It does not propose new taxes, or layoffs of police officers, firefighters or teachers. However, we must lead New York City upwards to promote a thriving economy. That is why the Fiscal Year 2014 Budget must incorporate baseline changes into the Financial Plan and change the "annual budget dance" into meaningful restorations.

Unfortunately, several of the proposed reductions included in the Preliminary Budget, combined with the slow return of our economy, will have serious implications for many of our community-based organizations and the vital services they provide to residents across the city. Many of these reductions would negatively affect the availability and delivery of services and resources to thousands of residents. It is important that agency reduction plans maintain core baselined services. In addition, initiatives included in the Fiscal Year 2013 Adopted Budget are not included in the Fiscal Year 2014 Preliminary Budget that we have come to depend on in these economically difficult times.

Once again, we request the method of distributing funds to the cultural programs and institutions be revised to ensure the equitable allocation of resources. The current allocation method does not afford Queens organizations the opportunity to receive a fair share of funds and favors not only Manhattan-based programs but other boroughs as well. This same inequity issue is apparent in libraries and in other areas. In addition, we request the Queens Libraries receive equity in funding. Using fair share criteria, the Queens Library system is shortchanged by \$2.2 million in the Mayor's Preliminary Budget. Another inequity issue facing Queens is the per capita amount received by the Office of the Queens Borough President as compared to the other Borough President Offices. Queens receives \$2.08 per capita while Staten Island receives \$8.48. Assuming the average per capita formula was applied to every office; Queens is shortchanged \$1.7 million. Queens must receive its fair share of resources before reductions are targeted or restorations made across the board. The Queens Borough Board joins me in urging you to address and rectify this issue in the Executive Budget and the Four Year Financial Plan.

The changes, set forth in this package, should be considered and funding allocated to preserve and support essential services and programs. Thus, in accordance with Section 245 of the New York City Charter, I submit the attached proposed reallocation package for the Fiscal Year 2013 Preliminary Budget. Also included are revenue options to support these changes.

My staff and I look forward to working with you during the Executive budget process to develop a fair and fiscally sound budget.

Sincerely,

Helen M. Marshall
President
Borough of Queens

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-1098

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application no. C 120201 ZSM shall be subject to Council review. This item is related to Non-Uniform Land Use Review Procedure Application no. N 120200 ZRM which is subject to Council review pursuant to Section 197-d of the New York City Charter

Coupled on Call – Up Vote

M-1099

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application nos. C 130007 MMM and C 130078 PPM shall be subject to Council review. These items are related to Uniform Land Use Review Procedure Application no. C 130076 ZMM and Application no. N 130077 ZRM which are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-1100

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 113 7th Avenue South, Community Board No. 2, Application no. 20135340 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1101

By Council Member Brewer:

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 173 West 78th Street, Community Board No. 7, Application no. 20135361 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1102

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 3708 Riverdale Avenue, Borough of Bronx, Community Board No. 8, Application no. 20135376 TCX shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1103

By Council Member Reyna:

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 499 Grand Street, Community Board No. 1, Application no. 20135272 TCK 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, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 49.

(Present but Not Voting – Mendez)

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 Environmental Protection

Report for Int. No. 694-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law in relation to studying the feasibility of developing geothermal energy.

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on October 17, 2011 (Minutes, page 4607), respectfully

REPORTS:

Introduction

On April 8, 2013, the Environmental Protection Committee will vote on Proposed Int. No. 694-A, a bill that would require the City to study the feasibility of developing geothermal energy to heat and cool buildings or heat water.

Background

As PlaNYC 2030, the City's sustainability blueprint, makes clear, the City needs to change the way we generate electricity, hot water, heating for our homes and cold air in order to rely less on fossil fuels, which produce pollutants such as particulate matter and greenhouse gases that are harmful to human health and the environment. Although hydrologic, solar, and wind power are the most commonly discussed renewable energy sources, geothermal energy, or energy derived from the earth's natural heat, could also contribute to significantly to renewable energy production.^{1,2}

Heat within the earth can be harvested in various ways to create usable, clean, renewable energy. The Earth's core retains heat from the time of Earth's formation. Additional heat is generated by heat radiated by the sun, and from other sources. This heat moves via convection and conduction outward from the core toward the Earth's surface. The result is a virtually unlimited amount of heat that keeps the ground below the surface at a steady, warm temperature.³

This heat can be captured and used in a number of ways. Since ancient times people have used naturally occurring hot water at or near the surface for baths and other purposes. A second use, known as ground source heating and cooling, uses technology to enhance the heating and cooling potential of underground heat. This use could be much more broadly adopted, as relatively shallow wells can reach depths with sufficient heat to meet these purposes, and there is no reliance on shallow, easily accessible hot water or steam. Last, geothermal resources can be used to generate electricity.⁴

Ground Source Heating and Cooling

The essence of ground source heating and cooling is that it uses geothermal heat pump technology to exchange heat between the even temperature of the ground below the surface and the inside of a building in order to heat the building in winter and cool the building in the summer. In the case of New York, the subsurface temperature stays at a steady temperature 57 degrees Fahrenheit. In a geothermal system, a fluid, such as water, is pumped between the building and the below-ground environment. In the winter, the heat picked up underground by the fluid is used to heat the building, and in the summer the fluid removes heat from the building and deposits it underground. The origin of the heat is often called the source, and where it is taken is called the heat sink.⁵

Heat exchange systems heat and cool buildings by circulating the warm water throughout the building and utilizing a heat pump, which is a device that transfers thermal energy, in each room or zone to be heated or cooled. These heat pumps work similarly to an air conditioner or refrigerator. The heat pump uses a refrigerant to create a hot and a cold zone, and then moves heat from one zone to the other, depending on weather it is heating or cooling the building. When heating, heat from the water is absorbed by the refrigerant, which then evaporates. This gas is compressed and pumped to the hot zone, where cool air is blown across the piping of the warm zone. The air is warmed to the desired temperature and moved a short distance via ducts to where it is needed. As the refrigerant cools, it returns to its liquid state and moves back to the cold zone. To cool the building, the hot and cold

for the Lower Ma_____

¹ PlaNYC 2030: A Greener, Greater New York, Mayor Michael Bloomberg. Updated April 2011.

² Basics: What is Geothermal Energy, Geothermal Energy Association, at <http://geo-energy.org/Basics.aspx>

³ "The Enigma 1,800 Miles Below Us," Natalie Angier, The New York Times, May 28, 2012. <http://www.nytimes.com/2012/05/29/science/earths-core-the-enigma-1800-miles-below-us.html?hpw>.

⁴ United States Environmental Protection Agency (EPA), Geothermal Energy, at http://www.epa.gov/region1/eco/energy/re_geothermal.html.

⁵ Understanding and Evaluating Heat Pump Systems, prepared for The New York State Energy Research and Development Authority (NYSERDA) by The Geothermal Heat Pump Consortium, revised July 2007. <http://www.nyserda.ny.gov/en/Pages/Sections/Renewables/~media/Files/EERP/Residential/Geothermal/geothermal-manual.ashx>

zones are switched, and heat is extracted from the building, transferred to the water, and taken underground.⁶

One common configuration is known as a closed-loop bore ground heat exchanger system. This system utilizes several pipes in vertical bores, which can then be covered by a parking lot or other use. The pipes descend 100-300 feet below ground and then make a u-turn to return to the top. Several bores are typically connected to make a circuit, and each circuit is isolated from the others. The overall size of the system is based on the heating and cooling needs of the building.⁷

A second approach, called a closed-loop horizontal ground heat exchange system, is better suited to smaller projects with smaller budgets. In this system, pipes are placed in six to eight foot horizontal trenches and then covered with backfill. Due to the lower temperature at this shallow depth, these systems require more piping and so take up more space.⁸

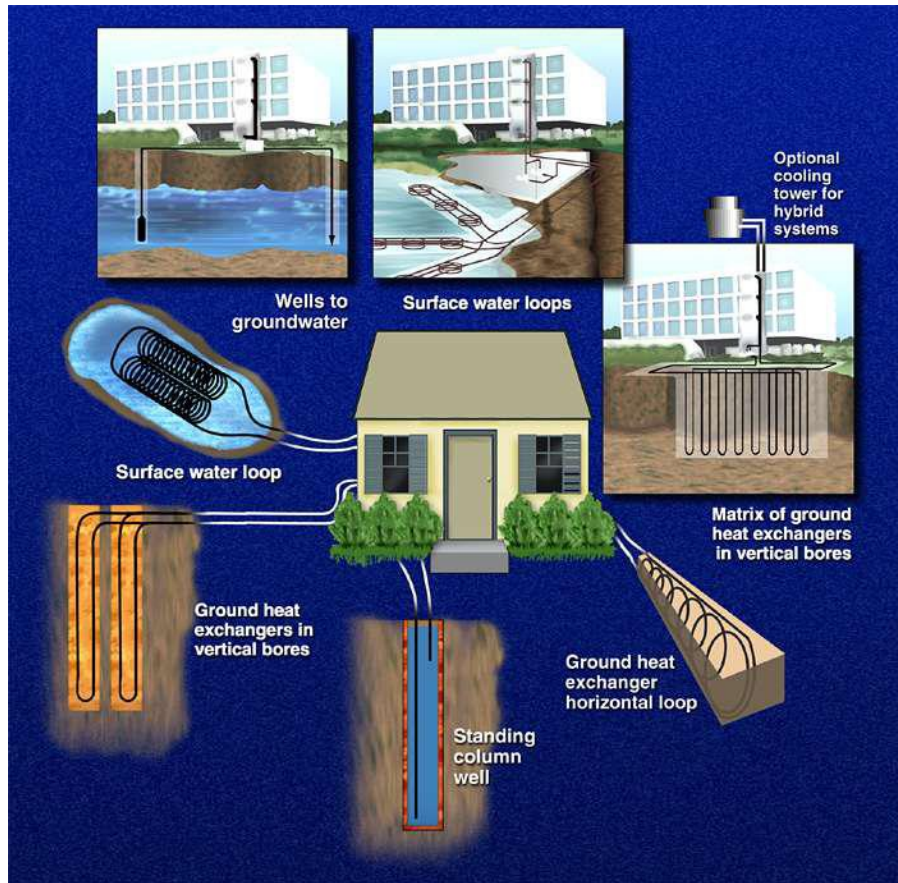
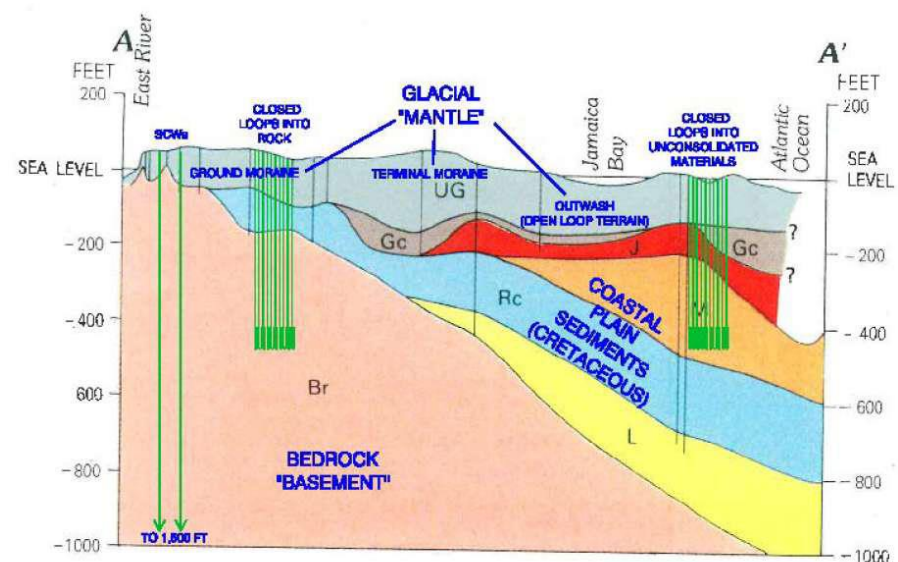


Figure 1: This figure depicts a range of different heat exchange systems.

Open-loop heat exchange systems typically use one or more supply and diffusion wells, where water is taken from the supply well and returned to the diffusion well. These systems are the cheapest and most efficient and are appropriate where aquifers are above bedrock, have good water flow, and are easily accessible. In New York City, this type system is most likely appropriate in much of Brooklyn and Queens and parts of Staten Island, as well as limited areas in Manhattan and in the Bronx. These systems often require test wells and monitoring wells.⁹ A variation on this approach discharges used water into a pond or river.¹⁰



for the Lower Ma_____

⁶ Ibid.
⁷ Understanding and Evaluating Heat Pump Systems, prepared for The New York State Energy Research and Development Authority (NYSERDA) by The Geothermal Heat Pump Consortium, revised July 2007.
⁸ Ibid.
⁹ Geothermal Heat Pump Manual, New York City Department of Design and Construction, P. Andrew Collins, P.E., Carl D. Orio, and Sergio Smiriglio, August 2002.
¹⁰ Understanding and Evaluating Heat Pump Systems, prepared for The New York State Energy Research and Development Authority (NYSERDA) by The Geothermal Heat Pump Consortium, revised July 2007. <http://www.nyserdera.ny.gov/en/Pages/Sections/Renewables/~media/Files/EERP/Residential/Geothermal/geothermal-manual.ashx>

Figure 2: Hydrogeology of Brooklyn and Queens with different heat exchange systems.

A second configuration, known as standing column wells, uses a number of deeper wells (approximately 1,500 ft.) drilled into bedrock, spaced at about 75 foot intervals, where water is removed from the bottom of the wells and returned to the top. These systems are most appropriate where space is limited and/or bedrock is close to the surface.¹¹ These wells do not rely on easily accessed ground water and so require less testing and monitoring. These systems are best suited for most of Manhattan, the Bronx, northern Queens, and western Staten Island.¹²

Geothermal heating and cooling systems can potentially provide a wide range of benefits. First, one system provides both heating and cooling, whereas a typical HVAC system requires equipment to produce and distribute both cold and hot air. Not only is there less equipment to heat and cool the building, there is significantly less ducting needed, which means there is more room for other things.

Second, these systems are relatively simple, and they are cheap to operate and produce energy cheaply and efficiently. For starters, the above-mentioned fact that there is one system for both heating and cooling helps make these systems simple and cheap to run. In addition, heat is dispersed back into water and then into the ground, so there is no need for loud and cumbersome exterior equipment such as cooling towers and condensing units. Next, energy is transferred around the building in water, and heating/cooling takes place in each room or zone via the heat pump. Traditional systems rely on heating or cooling air and then transporting it around the building, a much less efficient approach. In addition, where the hot and/or chilled water can be used instead of disposed of underground, further efficiencies can be achieved. Next, each heat pump works independently to heat or cool the zone or room it serves, making these systems both efficient and better at servicing buildings that have multiple zones. Last, ventilation can be achieved using additional heat pumps, so there is no need for heat recovery systems. All of these advantages help make these systems easy and cheap to maintain and contribute to their long life expectancy.^{13, 14}

One final and critical advantage is that these systems are better for the environment than other, similarly-purposed systems. All of the advantages above—including utilizing less equipment and efficient movement of energy—directly lead to a lower pollution footprint. In addition, the small amount of electricity needed to operate the system is located at a power plant, and not on site, where scrubber and other technology will help reduce pollution. All of these traits add up to make geothermal heating and cooling the best technology in terms of emission of greenhouse gas emissions.¹⁵

Even with all these advantages, heat pumps are still the least used component of available HVAC technologies, but their use is increasing by about 20% per year. A study put together for NYSERDA, updated in 2007, identified around 180 geothermal projects that were completed or under way in New York State, a number of which are in the City.¹⁶ The cost for purchasing and installing geothermal equipment is a major roadblock for the technology. These costs can vary widely due to site-specific circumstances, but in general geothermal costs several times more than conventional HVAC systems. But even at such high costs, energy savings and tax incentives¹⁷ can allow for a payback in the 5 to 10 year range, and cost savings will continue to accrue over the life of the equipment.¹⁸

Conclusion

Geothermal heating and cooling is a known and well-tested technology that has the potential to lower New York City’s pollution footprint from energy consumption and greatly reduce greenhouse gas emissions. Today we will vote on Proposed Int. No. 694-A, a bill that would help facilitate the use of this technology and potentially speed up its deployment. Such an effort would be in keeping with PlaNYC 2030, which states that “we will evaluate the prospects for tapping into “geothermal” resources, such as sewer systems and groundwater, to serve heating and cooling loads at nearby buildings.”

Discussion of Proposed Int. No. 694-A

Section 1 contains definitions for “energy,” “geothermal energy,” “geothermal ground coupling,” and “geothermal system.”

Section 2 requires a Geothermal energy study to be conducted by the Office of Long-Term Planning and Sustainability and submitted to the Mayor and the Speaker of the Council to explore the feasibility of developing geothermal energy resources in the city. The study must have a map that visually identifies or estimates areas of the

for the Lower Ma_____

¹¹ Ibid.
¹² Geothermal Heat Pump Manual, New York City Department of Design and Construction, P. Andrew Collins, P.E., Carl D. Orio, and Sergio Smiriglio, August 2002.
¹³ Geothermal Heat Pump Manual, New York City Department of Design and Construction, P. Andrew Collins, P.E., Carl D. Orio, and Sergio Smiriglio, August 2002.
¹⁴ Understanding and Evaluating Heat Pump Systems, prepared for The New York State Energy Research and Development Authority (NYSERDA) by The Geothermal Heat Pump Consortium, revised July 2007.
¹⁵ Geothermal Heat Pump Manual, New York City Department of Design and Construction, P. Andrew Collins, P.E., Carl D. Orio, and Sergio Smiriglio, August 2002.

¹⁶ Understanding and Evaluating Heat Pump Systems, prepared for The New York State Energy Research and Development Authority (NYSERDA) by The Geothermal Heat Pump Consortium, revised July 2007.
¹⁷ There is a federal tax credit for 30% of the cost of installing geothermal heat pump systems.
¹⁸ United States Department of Energy, Energy Efficiency and Renewable Energy, Geothermal Heat Pumps. http://www.energysavers.gov/your_home/space_heating_cooling/index.cfm/mytopic=12640.

city that may be appropriate for geothermal energy exchange with the Earth based on subsurface geologic conditions and the type or types of geothermal system that would be appropriate for each such area, and that can be used to determine whether a building may be within any such area. The study also must include a summary of building characteristics that would be suitable for a retrofit installation of a geothermal system; an analysis of the viability of developing large district or campus-scale geothermal ground couplings to serve clusters of buildings; a summary of the applicable federal, state, and city laws, rules, regulations, filing requirements, and fees for the installation and operation of geothermal systems; a summary of the specific practical and legal impediments, if any, to the installation and operation of geothermal systems; a summary of existing technical standards and/or guidelines for geothermal system installations in the city of New York; and recommendations to promote the installation and use of geothermal systems in new construction, alterations, and retrofits of building.

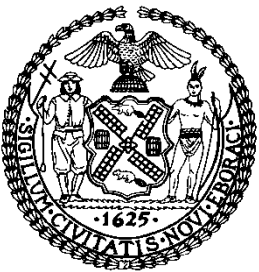
Section 3 requires the study to be submitted to the mayor and the speaker of the council on or before June 1, 2014. In addition, the statistical or factual information compiled by the city and utilized in such study shall be made available to the public on the city's open data web portal at the time the study is submitted.

Section 4 states that the local law shall take effect immediately.

Amendments to Proposed Int. No. 694-A

- The bill formerly amended section 1301 of the New York City Charter. It is now unconsolidated.
- The bill formerly directed the Department of Small Business Services to conduct the study. It now directs the Office of Long-Term Planning and Sustainability to conduct the study.
- The legislative findings have been removed.
- The definition for "geothermal energy" has been slightly amended for accuracy.
- The definitions for "geothermal heat pump" and "geothermal subzone" have been removed, and the definitions for "geothermal ground coupling" and "geothermal system" have been added.
- The bill now takes effect immediately instead of one hundred eighty days after its enactment.
- The requirement of the study to ascertain which subzones in the City were most suitable for geothermal energy has been changed to a requirement to map the areas of the City suitable for geothermal energy.
- The requirement of the study to identify and track of public and private geothermal projects has been removed.
- Requirements to examine the feasibility of campus-scale geothermal projects; to summarize applicable federal, state, and city laws, rules, regulations, filing requirements, and fees; and to summarize the existing technical standards and guidelines for geothermal system installations, have been added.
- Technical changes were made throughout the proposed bill for clarity and to organize the material by subject matter.

(The following is the text of the Fiscal Impact Statement for Int. No. 694-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: 694-A
COMMITTEE:
Environmental
Protection

TITLE: To amend the New York City Administrative Code in relation to studying the feasibility of developing geothermal energy.

SPONSOR(S): Council Members Gennaro, Garodnick, Brewer, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Palma, Williams, Halloran and Ulrich.

SUMMARY OF LEGISLATION: Proposed Int. No. 694-A amends the New York City Charter to require the Office of Long-Term Planning and Sustainability (OLTPS) to submit a study to the Mayor and the New York City Council Speaker that explores the feasibility of developing geothermal energy resources in the City.

The study would include a map that visually identifies or estimates areas of the City that may be appropriate for geothermal energy exchange based on subsurface geologic conditions, as well as what type or types of geothermal systems might be appropriate for those areas. This map would be used to determine if a building is located within an area appropriate for a geothermal system.

Additionally, the study would include a summary of building characteristics that would be suitable for a retrofit installation of a geothermal system; an analysis of the viability of developing large district or campus-scale geothermal ground couplings to serve a cluster of buildings; a summary of the applicable federal, state, and City laws, rules, regulations, filing requirements, and fees for the installation and operation of geothermal systems; a summary of the specific practical and legal impediments to the installation and operation of geothermal systems; a summary of existing technical standards and/or guidelines for geothermal system installations in New York City; and recommendations to promote the installation and use of geothermal systems in new construction, alterations, and retrofits of buildings. This list is not meant to be limiting.

The statistical or factual data compiled by the City and used in the study would be made available to the public on the City's open data web portal. The study shall be submitted to the Mayor and the New York City Council Speaker on or before June 1, 2014.

EFFECTIVE DATE: The local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$200,000	\$200,000
Net	\$0	\$200,000	\$200,000

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

IMPACT ON EXPENDITURES: According to OLTPS, \$200,000 in consulting costs will be incurred in Fiscal Year 2014 to develop the required mapping and conduct analysis for the report. The remainder of the work to implement this bill is expected to use existing resources within OLTPS and other agencies.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Office of Management and Budget

ESTIMATE PREPARED BY: Kate Seely-Kirk, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director; and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: On October 17, 2011, Intro. 694 was introduced by the Council and referred to the Committee on Environmental Protection. On June 11, 2012 the Committee held a hearing regarding this legislation, which was then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 694-A, on April 8, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 694-A on April 9, 2013.

DATE SUBMITTED TO COUNCIL: October 17, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 694-A:)

Int. No. 694-A

By Council Members Gennaro, Garodnick, Brewer, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Palma, Williams, Arroyo, Levin, Dromm, Van Bramer, Barron, Eugene, Greenfield, Jackson, Richards, Halloran and Ulrich.

A Local Law in relation to studying the feasibility of developing geothermal energy.

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms shall mean:

a. "Energy" shall mean work or heat that is, or may be, produced from any fuel or source, including, but not limited to, electrical, fossil, geothermal, wind, hydro, solid waste, tidal, solar and nuclear.

b. "Geothermal energy" shall mean the stored thermal energy of the Earth that is recovered to heat or cool buildings, or generate electricity.

c. "Geothermal ground coupling" shall mean the arrangement of piping and fluid handling equipment designed to exchange the stored thermal energy of the Earth with a building.

d. "Geothermal system" shall mean a type of heating, ventilating and air conditioning (HVAC) system used to exchange the stored thermal energy of the Earth with a building, to provide space heating and cooling, and hot water through the use of geothermal ground coupling and mechanical heat exchange devices such as heat pumps, modular reversible chillers, or other heat exchangers.

§ 2. Geothermal energy study and recommendations. As provided in section three of this local law, the office of long-term planning and sustainability shall submit a study to the mayor and the speaker of the council to explore the feasibility of developing geothermal energy resources in the city, which shall include, but need not be limited to:

a. a map that visually identifies or estimates areas of the city that may be appropriate for geothermal energy exchange with the Earth based on subsurface geologic conditions and the type or types of geothermal system that would be appropriate for each such area, and that can be used to determine whether a building may be within any such area;

b. a summary of building characteristics that would be suitable for a retrofit installation of a geothermal system;

c. an analysis of the viability of developing large district or campus-scale geothermal ground couplings to serve clusters of buildings;

d. a summary of the applicable federal, state, and city laws, rules, regulations, filing requirements, and fees for the installation and operation of geothermal systems;

e. a summary of the specific practical and legal impediments, if any, to the installation and operation of geothermal systems;

f. a summary of existing technical standards and/or guidelines for geothermal system installations in the city of New York; and

g. recommendations to promote the installation and use of geothermal systems in new construction, alterations, and retrofits of buildings.

§ 3. The study required by section two of this local law shall be submitted to the mayor and the speaker of the council on or before June 1, 2014. The statistical or factual information compiled by the city and utilized in such study shall be made available to the public on the city's open data web portal at the time the study is submitted.

§ 4. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; PETER F. VALLONE, Jr., ELIZABETH S. CROWLEY, STEPHEN T. LEVIN; Committee on Environmental Protection, April 8, 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 Int. No. 1032

Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand fourteen.

The Committee on Finance, to which the annexed proposed local law was referred on April 9, 2013, respectfully

REPORTS:

ANALYSIS:

Various provisions in the New York City Charter (the "Charter") prescribe the actions that need to be taken as part of the annual budget submission process during a fiscal year. Such provisions also prescribe dates on which these actions must be taken.

Today, the Finance Committee will vote on legislation that would extend the dates for various actions relating to the budget process for Fiscal 2014, including the date by which the Mayor must submit the proposed executive budget and budget message, the date by which the Council must conclude its hearings on the executive budget, the date by which the Mayor must submit its revenue estimate, the date for budget adoption, as well as other dates for related actions in the budget process.

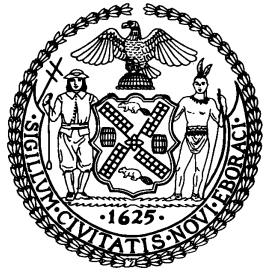
Pursuant to the proposed legislation, the dates for the Charter-prescribed actions relating to certain steps of the budget adoption process would be extended, 6 days on average, as follows:

	<u>Charter Date</u>	<u>Extended Date</u> <u>For FY 2014</u>
Mayor's submission of proposed executive budget and budget message	not later than April 26	not later than May 2
Mayor's issuance of ten-year capital strategy	not later than April 26	not later than May 2
Borough Presidents' recommendations in response to Mayor's executive budget	not later than May 6	not later than May 13
Report of the Independent Budget Office on the Mayor's executive budget	not later than May 15	not later than May 21
City Council's public hearings on the Mayor's executive budget	shall conclude by May 25	shall conclude by June 6
Date by which if new expense budget is not adopted, the current expense budget and tax rate is deemed extended until such adoption	by June 5	by June 12
Date by which if new capital budget and program are not adopted, unutilized portion of capital appropriations are deemed reappropriated	by June 5	by June 12
Mayor's submission of revenue estimate	not later than June 5	not later than June 12
Submission of alternative revenues	not later than May 15	no later than May 21
Date subsequent to which if Council has not fixed tax rates, DOF may complete rolls and collect property tax at estimated rates	June 5	June 12
Date subsequent to which if Council has not fixed tax rates, the Council shall fix the tax rates for ensuing fiscal year at percentages differing from the estimated rates, and property tax payments shall be paid at the estimated rates. In this	June 5	June 12
event DOF must revise the assessment roll before January 1 st and send out an amended bill to reflect the tax rates fixed by the Council.		

The legislation leaves intact the five days which the Mayor has to veto any increases or additions to the budget or any unit of appropriation or any change in any term and condition as adopted by the Council, as well as the ten day period which the Council has under law to override any such veto.

This legislation would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1032:)



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

INTRO. NO: Preconsidered Int No.
1032

COMMITTEE:
Finance

TITLE: A Local Law In relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor’s executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand fourteen.

SPONSOR(S): Recchia (by request of the Mayor)

SUMMARY OF LEGISLATION: Various provisions in the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process during a fiscal year. Such provisions also prescribe dates on which these actions must be taken.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions relating to certain steps of the budget adoption process would be extended, 6 days on average, as follows:

1. Mayor’s submission of the proposed executive budget and budget message no later than May 2, 2013.
2. Mayor’s issuance of 10 year capital strategy no later than May 2, 2013.
3. Borough presidents’ submission of recommendations in response to Mayor’s executive budget no later than May 13, 2013.
4. Director of Independent Budget Office’s submission of report analyzing the Mayor’s executive budget no later than May 21, 2013.
5. Completion of City Council’s executive budget hearings no later than June 6, 2013.

6. If an expense budget has not been adopted by June 12, 2013, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

7. If a capital budget and capital program have not been adopted by June 12, 2013, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

8. Mayor’s submission to Council of an estimate of probable amount of receipts no later than June 12, 2013.

9. Any person/organization’s submission of an official alternative estimate of revenues no later than May 21, 2013.

10. If the Council has not fixed the tax rates for the ensuing year on or before June 12, 2013, the Department of Finance is authorized to complete the rolls and collect property tax using estimated rates.

11. If the Council has not fixed the tax rates for ensuing fiscal year on or before June 12, 2013, the Council shall fix the tax rates for ensuing fiscal year at percentages differing from the estimated rates, and property tax payments shall be paid at the estimated rates. In this event DOF must revise the assessment roll before January 1st and send out an amended bill to reflect the tax rates fixed by the Council.

EFFECTIVE DATE: This local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL YEAR 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES AND EXPENDITURES: No impact on revenue and expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC COUNCIL FINANCE DIVISION

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel, Finance Division

ESTIMATED REVIEWED BY:

LEGISLATIVE HISTORY: This Preconsidered Int. will be considered by the Committee on Finance on April 9, 2013. Following a successful committee vote, the Preconsidered Int. will be submitted to the Full Council for introduction and vote at the April 9, 2013 Stated Meeting.

DATE SUBMITTED TO COUNCIL: APRIL 9, 2013

ATTACHMENT to Committee Report

MEMORANDUM IN SUPPORT

TITLE: A LOCAL LAW in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor’s executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget

and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand fourteen

SUMMARY OF PROVISIONS:

This bill would change the dates for various actions relating to the budget process for Fiscal Year 2014, including the date by which the Mayor must submit the proposed executive budget and budget message, the date by which the Council must conclude its hearings on the executive budget, and the date for budget adoption, and changes other dates for related actions accordingly.

REASONS FOR SUPPORT:

This legislation would provide for an extension of the date for the Mayor's submission of the executive budget and the other charter mandated actions required as part of the budget process. Specifically, this legislation extends the date for submission of the executive budget from not later than April 26th to not later than May 2nd and extends the date for completion of budget hearings from May 25th to June 6th. Furthermore, the date for adoption of the Fiscal Year 2014 budget is moved from June 5th to June 12th. Steps are currently being taken to complete the Mayor's 2014 Executive Budget; however, additional time may be necessary to refine the budget proposal prior to submission.

Accordingly, the Mayor urges the earliest possible favorable consideration of this legislation.

Respectfully submitted,

Patrick A. Wehle

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 9, 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. 789

Report of the Committee on Finance in favor of approving Linden Harman, Block 3278, Lot 36, Block 3322, Lot 28, Brooklyn, Community District No. 4, Council District Nos. 34 and 37

The Committee on Finance, to which the annexed resolution was referred on April 9, 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:)

April 9, 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 April 9, 2013 - Resolution approving tax exemptions for one preconsidered Land Use Items (Council District 34 and Council District 37)

Linden Harman (Block 3278, Lot 36; Block 3322, Lot 28) in Brooklyn consists of two buildings with 18 units of rental housing for low income families (not to exceed 80% AMI). The Ridgewood Bushwick Harman Street Housing Development Corporation ("HDFC") acquired Block 3278, Lot 36 of the Exemption Area in 1991. On June, 28, 2012, the HDFC acquired Block 3322, Lot 28 of the Exemption Area from Linden Bushwick Housing Development Fund Corporation, which had owned that portion of the Exemption Area since 1994. The rehabilitation of the Exemption Area will be funded with a loan from the City of New York Department of Housing Preservation and Development ("HPD") pursuant to Article 8-A of the Private Housing Finance Law ("PHFL"). As a condition for such loan, the HDFC and HPD entered into a regulatory agreement on June 28, 2012 establishing certain controls upon the operation of the Exemption Area. The Exemption Area currently receives a partial exemption from real property taxation that will expire in 2030. In order to facilitate the project, the current exemption must be terminated and replaced with a new exemption from real property taxation that will eliminate its accrued tax arrears and prospectively be associated with the PHFL Article 8-A financing. 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 Member Recchia offered the following resolution:

Res. No. 1724

Resolution approving an exemption from real property taxes for property located at (Block 3278, Lot 36), (Block 3322, Lot 28) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 789).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 3, 2012 that the Council take the following action regarding a housing project to be located at (Block 3278, Lot 36), (Block 3322, Lot 28) 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 (i) with respect to Block 3278, Lot 36 of the Exemption Area, January 1, 2002, and (ii) with respect to Block 3322, Lot 28 of the Exemption Area, January 1, 2006.

(b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3278, Lot 36 and Block 3322, Lot 28 on the Tax Map of the City of New York.

(c) "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 or an entity wholly controlled by a housing development fund company.

(d) "HDFC" shall mean Ridgewood Bushwick Harman Street Housing Development Fund Corporation.

(e) "HPD" shall mean the Department of Housing Preservation and

Development of the City of New York.

(f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

(g) "Prior Exemption" shall mean the exemptions from real property taxation for the Exemption Area approved by the City Council on June 20, 1991 (Cal. No. 1069) and June 22, 1993 (Cal. No. 1507).

(h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC dated June 28, 2012 establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. The Prior Exemption shall terminate upon the Effective Date.

3. 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.

4. Notwithstanding any provision hereof to the contrary:

a. The New 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 requirements of 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 (iv) 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked, as of the Effective Date.

5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 9, 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 Governmental Operations

Report for Int. No. 941-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to standardized customer service training for agency inspectors.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on October 11, 2012 (Minutes, page 4008), respectfully

REPORTS:

1. INTRODUCTION

Today, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will hold a vote on Proposed Int. No. 941-A and Int. No. 956. Proposed Int. No. 941-A requires the creation of a standardized customer service training regime for agency inspectors. Int. No. 956 requires the distribution of the business owner's bill of rights. These bills were previously heard as part of a joint hearing of the Committees on Governmental Operations and Small Business on February 28 of this year. The Committee on Small Business is voting today on amended versions of the other two bills heard during that hearing – Proposed Int. No. 942-A and Proposed Int. No. 949-A.

2. BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to the National Federation of Independent Businesses most recent survey, 21% of small businesses list "government requirements and red tape" as their single most important problem – a larger proportion than list any other difficulty, including sales.¹

The Council, along with the Bloomberg administration, has been working to address this problem. Local Law 45 of 2009 created the Regulatory Review Panel to review the City's regulatory environment for small businesses and to recommend improvements that would make it easier to open and run a business in New York City by minimizing costs and regulatory burdens. The Panel was tasked with making recommendations to improve the efficiency of the City's laws and procedures.

The Panel engaged in outreach in all five boroughs, and received input from dozens of regulated entities and other stakeholders. The Panel issued its report in December of 2009.² Since that time, many of its recommendations have been implemented successfully.³ Recommendations of the Panel that have not yet been implemented are the impetus behind the bills being voted on today.

The bills being voted on today share a common purpose with the Regulatory Review Panel: ensuring that the City is regulating in a smart, effective way that minimizes unnecessary burdens and maximizes constructive participation by regulated entities.

Proposed Int. No. 941-A has the goal of standardizing the training of inspectors as much as possible. This will help to "ensure consistent enforcement and interpretation of agency rules."⁴

Int. 956 is a minor change to a law passed in 2010 in response to the Regulatory Review Panel's report. Local Law 18 of 2010 required the publication of a Business Owner's Bill of Rights. Int. 956 explicitly requires that a physical copy be handed out at all non-undercover inspections, to ensure that small businesses are getting as much use out of the bill of rights as possible.

3. ANALYSIS OF LEGISLATION PROPOSED INT. NO. 941-A

Section 1

Section 1 of the bill amends Section 15 of the New York City charter to require the Mayor's Office of Operations to develop a standardized customer service training curriculum for training agency inspectors within the Departments of Buildings, Consumer Affairs, Health and Mental Hygiene, Environmental Protection, Sanitation, and the Bureau of Fire Prevention of the Fire Department. The training must include guidance on communicating effectively with non-English speakers. The Office of Operations is then required to review each agency's inspector training program to: (i) ensure that, to the extent practicable, it includes the standardized customer training; and (ii) certify each inspector training program that does.

Subdivision g further provides that no later than July 1, 2013, the office of operations is to submit to the Mayor and the Speaker of the Council a copy of the standardized customer service training curriculum, a report on the number of agency inspector training programs reviewed, and the number of such programs that were certified. Beginning January 1, 2014 and annually thereafter, the Office of Operations will submit to the Mayor and the Speaker any substantive changes made to the standardized customer service training curriculum, the number of training programs reviewed, and the number of training programs certified during the prior year.

Section 2

This bill will take effect thirty days following its enactment

INT. NO. 956

Section 1

The bill amends subdivision f of Section 15 of the New York City Charter, relating to the establishment and distribution of a business owner's bill of rights. Subdivision f currently does not specify the format in which the bill of rights is to be delivered to business owners, nor does it specify whether it should be delivered before, during, or after an inspection. The amendment would require the Office of Operations to develop and implement a plan in coordination with the relevant agencies to provide the business owner or manager with a physical copy of the bill of rights at the time of inspection or, if the inspection is an undercover inspection or if the business owner or manager is not present at the time of the inspection, as soon as practicable.

Section 2

This local law will take effect thirty days following its enactment.

4. AMENDMENTS TO PROPOSED INT. NO. 941-A

Since the bill was heard on February 28, Proposed Int. No. 941-A has been amended as follows: A requirement was added that the customer service training program created pursuant to the law include instruction on communicating effectively with non-English speakers during inspections. The date for the Mayor's Office of Operations to submit its training program to the Mayor and Council was changed from December 1, 2012 to July 1, 2013. Finally, the first date at which the Mayor's Office of Operations must submit any changes to the training, and at which it must submit such changes annually, was changed from December 1, 2013 to January 1, 2014.

No amendments were made to Int. No. 956 between its hearing on February 28 and this vote.

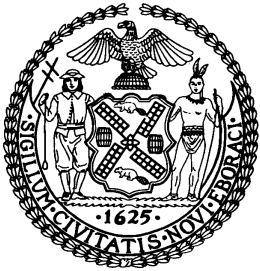
¹ National Federation of Independent Businesses, "NFIB Small Business Trends," February 2013, available at <http://www.nfib.com/Portals/0/PDF/sbet/sbet201302.pdf>.

² The report is available at http://www.nyc.gov/html/nycrules/downloads/pdf/regulatory_review_panel_report.pdf.

³ For example, Local Law 18 of 2010 required the creation of the Business Owner's Bill of Rights, Local Law 46 of 2010 required review of all rules by the Mayor's Office of Operations to ensure that the proposed rule is easy to understand and is drafted in a way that minimizes compliance costs, and the NYC Rules website was created by Executive Order 133 of 2010.

⁴ Final Report of the Regulatory Review Panel, page 25.

(For text of the Fiscal Impact Statement for Int No. 956 and the bill Int No. 956, please see the Report of the Committee on Governmental Operations for Int No. 956 printed in these Minutes; for text of the Fiscal Impact Statement for Int No. 941-A and the bill Int No. 941-A, please see immediately below:)



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

PROPOSED INTRO. NO: 941-A
COMMITTEE:
Governmental
Operations

TITLE: A Local Law to amend the New York city charter, in relation to standardized customer service training for agency inspectors.

SPONSOR(S): By Council Members Brewer, Jackson, Chin, Gentile, Gonzalez, James, Koo, Koppell, Mendez, Palma, Recchia, Rose, Williams, Lappin, Arroyo, Vallone, Reyna and Ulrich

SUMMARY OF LEGISLATION: This Legislation amends the New York City charter to require the Mayor's Office of Operations to develop a standardized customer service training curriculum for training agency inspectors within the Departments of Buildings, Consumer Affairs, Health and Mental Hygiene, Environmental Protection, Sanitation, and the Bureau of Fire Prevention of the Fire Department. The Office of Operations is then required to: 1) review each agency's inspector training program; 2) ensure that it includes the standardized customer training; and 3) certify each inspector training program that does.

The bill further provides that no later than July 1, 2013 the Office of Operations is to submit to the Mayor and the Speaker of the Council a copy of the standardized customer service training curriculum, a report on the number of agency inspector training programs reviewed, and the number of such programs that were certified. Beginning January 1, 2014 and annually thereafter, the Office of Operations will submit to the Mayor and the Speaker any substantive changes made to the standardized customer service training curriculum, the number of training programs reviewed, and the number of training programs certified during the prior year.

EFFECTIVE DATE: This local law will take effect thirty days following its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY 13	FY Succeeding Effective FY 14	Full Fiscal Impact FY 14
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: This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor's Office of Legislative Affairs, New York City Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 11, 2012 as Int. 941 and referred to the Committee on Governmental Operations. On February 28, 2013, the Committees on Governmental Operations and Small Business held a joint hearing on this legislation and the bill was laid over. An amended version of the legislation, Proposed Intro. 941-A, will be considered by the Committee on Governmental Operations on April 8th, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote.

Accordingly, this Committee recommends the adoption of Int No. 941-A and Int No. 956 (For Int. No. 956, please see the Report of the Committee on Governmental Operations for Int. No. 956 printed in these Minutes).

(The following is the text of Int. No. 941-A:)

Int. No. 941-A

By Council Members Brewer, Jackson, Chin, Gentile, Gonzalez, James, Koo, Koppell, Mendez, Palma, Recchia, Rose, Williams, Lappin, Arroyo, Vallone, Jr., Reyna, Levin, Dromm, Van Bramer, Barron, Eugene, Gennaro, Greenfield and Ulrich.

A Local Law to amend the New York city charter, in relation to standardized customer service training for agency inspectors.

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision g to read as follows:

g. 1. The office of operations shall develop a standardized customer service training curriculum to be used, to the extent practicable, by relevant agencies for training agency inspectors. Such training shall include instruction on communicating effectively with non-English speakers during inspections. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the bureau of fire prevention of the fire department.

2. The office of operations shall review each relevant agency's inspector training program to ensure that such program includes customer service training and, to the extent practicable, includes the standardized customer service training curriculum developed by the office of operations pursuant to paragraph one of this subdivision. After completing such review, the office of operations shall certify an agency's inspector training program if it includes, to the extent practicable, the standardized customer service training curriculum developed by the office of operations pursuant to paragraph one of this subdivision. Any such certification shall be provided to the speaker of the council upon request.

3. No later than July 1, 2013, the office of operations shall submit to the mayor and the speaker of the council a copy of the standardized customer service training curriculum developed pursuant to paragraph one of this subdivision and shall report the number of agency inspector training programs reviewed by the office of operations and the number of such programs that were certified. No later than January 1, 2014 and annually thereafter, the office of operations shall submit to the mayor and the speaker of the council any substantive changes to the standardized customer service training curriculum and shall report the number of agency inspector training programs that were reviewed and the number of such programs that were certified by the office of operations during the prior year.

§2. This local law shall take effect thirty days following enactment.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, April 8, 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. 956

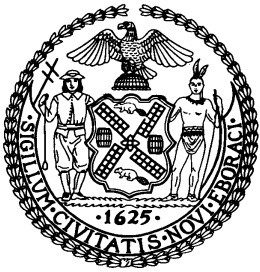
Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the New York city charter, in relation to distribution of the business owner’s bill of rights.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on November 13, 2012 (Minutes, page 4198), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 941-A printed above in these Minutes).

The following is the text of the Fiscal Impact Statement for Int. No. 956:



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

**PROPOSED INTRO. NO: 956
COMMITTEE:
Governmental
Operations**

TITLE: A Local Law to amend the New York city charter, in relation to distribution of the business owner’s bill of rights
SPONSOR(S): By Council Members Koslowitz, Barron, Chin, Fidler, Gentile, James, Gonzalez, Koo, Rose, Van Bramer, Williams, Wills, Rodriguez, Vallone, Reyna and Ulrich

SUMMARY OF LEGISLATION: This legislation amends the New York City Charter, relating to the distribution of a business owner’s bill of rights. The amendment would specify that the Mayor’s Office of Operations would facilitate the distribution of a physical copy of the bill of rights to business owners or managers at the time of an inspection, except when the inspection is an undercover inspection or if the business owner or manager is not present at the time of the inspection, then a copy of the bill of rights would be provided as soon as practicable.

EFFECTIVE DATE: This local law will take effect thirty days following its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY 13	FY Succeeding Effective FY 14	Full Fiscal Impact FY 14
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: This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor’s Office of Legislative Affairs, New York City Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 13, 2012 as Int. 941 and referred to the Committee on Governmental Operations. On February 28, 2013, the Committees on Governmental Operations and Small Business held a joint hearing on this legislation and the bill was laid over. An amended version of the legislation, Intro. 956, will be considered by the Committee on Governmental Operations on April 8th, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 956:)

Int. No. 956

By Council Members Koslowitz, Barron, Chin, Fidler, Gentile, James, Gonzalez, Koo, Rose, Van Bramer, Williams, Wills, Rodriguez, Vallone, Jr., Reyna, Arroyo, Dromm, Eugene, Gennaro, Greenfield, Jackson and Ulrich.

A Local Law to amend the New York city charter, in relation to distribution of the business owner’s bill of rights.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 15 of the New York city charter, as added by local law number 18 for the year 2010, is amended to read as follows:

f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes [and] an appropriate referral; and vi) an inspector with a sound knowledge of the applicable laws, rules and regulations.

2. To the extent practicable, the office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of a physical copy of the bill of rights to business owners or managers [prior to, during, or after]at the time of an inspection, except that if the inspection is an undercover inspection or if the business owner or manager is not present at the time of the inspection, then a copy of the bill of rights shall be provided as soon as practicable.

3. The bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§2. This local law shall take effect thirty days following enactment.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, April 8, 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 Land Use

Report for L.U. No. 741

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20135198 HAM submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law, for the designation of a Urban Development Action Area Project and Area and related tax exemption for the property located at 2110 Amsterdam Avenue and 2185 Amsterdam Avenue, Borough of Manhattan, Community Board 12, Council District 10.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4382), respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
2110 Amsterdam Avenue	2121/37	20135198 HAM	741	Multifamily Preservation Loan
2185 Amsterdam Avenue	2112/14			
Manhattan				

On April 3, 2013, HPD appeared before the Subcommittee and withdrew its application.

SUBCOMMITTEE RECOMMENDATION

Date: April 3, 2013

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the New York City Department of Housing Preservation and Development.

In Favor: Levin, Barron, Gonzalez, Dickens, and Koo

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, and Wills.

Against: None

Abstain: None

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

Res. No. 1725

Resolution approving a motion to file pursuant to withdrawal of an application for an Urban Development Action Area Project located at 2110 Amsterdam Avenue (Block 2121/Lot 37) and 2185 Amsterdam Avenue (Block 2112/Lot 14), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting a real estate tax exemption pursuant to Article 16 of New York General Municipal Law (L.U. No. 741; 20135198 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 15, 2012 its request dated October 22, 2012 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 2110 Amsterdam Avenue (Block 2121/Lot 37) and 2185 Amsterdam Avenue (Block 2112/Lot 14), Borough of Manhattan (the "Disposition Area"):

- Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, on April 3, 2013, the New York City Department of Housing Preservation and Development appeared before the Subcommittee on Planning, Dispositions and Concessions and withdrew its application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 2013.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 783

Report of the Committee on Land Use in favor of approving Application no. C 130100 ZMM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 8b, changing an M2-3 District to an M1-5 district, for proposed redevelopment of Pier 57, generally located in Hudson River between West 15th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 20, 2013 (Minutes, page 1034), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 4

C 130100 ZMM

City Planning Commission decision approving an application submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to an M1-5 District property bounded by:

- a line perpendicular to the U.S. Bulkhead Line and passing through a point along such line at a distance of 80 feet southerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the southerly street line of West 16th Street and the U.S. Bulkhead Line;
- a line midway between 11th Avenue and the U.S. Bulkhead Line;
- a line 375 feet southerly of Course No. 1; and
- the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated November 5, 2012.

INTENT

This zoning map amendment, along with its related actions, would facilitate redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place) in Community District 4.

PUBLIC HEARING

DATE: April 3, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 3, 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, and Wills

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, and Wills

Against: None

Abstain: None

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

Res. No. 1726

Resolution approving the decision of the City Planning Commission on ULURP No. C 130100 ZMM, a Zoning Map amendment (L.U. No. 783).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2013 its decision dated March 6, 2013 (the "Decision"), on the application submitted by Hudson River Park Trust and Hudson Eagle LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, which in conjunction with its related actions would facilitate the redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place), Community District 4 (ULURP No. C 130100 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130101 ZSM (L.U. No. 784), a special permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors); C 130102 ZSM (L.U. No. 785), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area; and C 130103 ZSM (L.U. No. 786), a special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces;

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 April 3, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 22, 2013 (CEQR No. 11HRP001M);

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130100 ZMM, 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. 8b, from an M2-3 District to an M1-5 District property bounded by:

- 1. a line perpendicular to the U.S. Bulkhead Line and passing through a point along such line at a distance of 80 feet southerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the southerly street line of West 16th Street and the U.S. Bulkhead Line;
- 2. a line midway between 11th Avenue and the U.S. Bulkhead Line;
- 3. a line 375 feet southerly of Course No. 1; and
- 4. the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated November 5, 2012, Community District 4, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 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. 784

Report of the Committee on Land Use in favor of approving Application no. C 130101 ZSM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit to modify use regulations (ZR Section 62-241), waterfront yard regulations (ZR Section 62-332), height and setback regulations (ZR Section 62-342), waterfront public access requirements (ZR Section 62-57) and visual corridor requirements (ZR Section 62-513), for proposed commercial development of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 20, 2013 (Minutes, page 1034), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 130101 ZSM

City Planning Commission decision approving an application submitted by Hudson River Park Trust and Hudson Eagle LLC 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), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors), in connection with a proposed commercial development on property

located at Pier 57, on the westerly side of 11th Avenue side between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District.

INTENT

This action, along with its related actions, would facilitate redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place) in Community District 4.

PUBLIC HEARING

DATE: April 3, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 3, 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, and Wills

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams and Wills

Against: None

Abstain: None

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

Res. No. 1727

Resolution approving the decision of the City Planning Commission on ULURP No. C 130101 ZSM (L.U. No. 784), 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), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors), in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue side between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2013 its decision dated March 6, 2013 (the "Decision"), on the application submitted by Hudson River Park Trust and Hudson Eagle LLC, 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), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors), in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue side between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal

Street, Wharf or Place), in an M1-5 District, (ULURP No. C 130101 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130100 ZMM (L.U. No. 783), an amendment of the Zoning Map changing from an M2-3 District to an M1-5 District; C 130102 ZSM (L.U. No. 785), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area; and C 130103 ZSM (L.U. No. 786), a special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-834(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 3, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 22, 2013 (CEQR No. 11HRP001M);

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130101 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130101 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Handel Architects LLP, filed with this application and incorporated in this resolution:

(3) Drawing Nos.	Title	Last Date	Revised
Z-004	Site Plan	10/22/2012	
Z-005	Zoning Chart – Bulk Regulations	10/22/2012	
Z-007	Bulk Requirement Plan	10/22/2012	
Z-007A	Bulk Requirement Section - 1	10/22/2012	
Z-007B	Bulk Requirement Section - 2	10/22/2012	
Z-008	Zoning Chart – Public Access Regulations	10/22/2012	
Z-009	Waterfront Public Access Analysis	10/22/2012	

Drawing Nos.	Title	Last Date	Revised
Z-010	Plan – Promenade	10/24/2012	
Z-010A	Plan Detail Promenade at Headhouse	02/17/2012	
Z-010B	Plan Detail Promenade at Pier Building	02/17/2012	
Z-010C	Plan Detail South Bulkhead Extension	02/17/2012	
Z-010D	Plan Detail North Bulkhead Extension	02/17/2012	
Z-010G	Plan Details - Promenade Walkway & ‘Wave’ Decks	02/17/2012	
Z-011	Sections Promenade Walkway	02/17/2012	
Z-011A	Details HRPT Existing Railing	02/17/2012	
Z-011B	Details Lighting, Site Furniture, Signage	02/17/2012	
Z-011D	Details Guard Railing Types	02/17/2012	
Z-011E	Details Promenade Benches	02/17/2012	

- Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
- Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
- Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 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. 785

Report of the Committee on Land Use in favor of approving Application no. C 130102 ZSM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (UG 6 and 10A) with no limit as to floor area, for proposed redevelopment of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 20, 2013 (Minutes, page 1034), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 130102 ZSM

City Planning Commission decision approving an application submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District

INTENT

This action, along with its related actions, would facilitate redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place) in Community District 4.

PUBLIC HEARING

DATE: April 3, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 3, 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, and Wills

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, and Wills

Against: None

Abstain: None

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

Res. No. 1728

Resolution approving the decision of the City Planning Commission on ULURP No. C 130102 ZSM (L.U. No. 785), for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2013 its decision dated March 6, 2013 (the "Decision"), on the application submitted by Hudson River Park Trust and Hudson Eagle LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to

Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, (ULURP No. C 130102 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130100 ZMM (L.U. No. 783), an amendment of the Zoning Map changing from an M2-3 District to an M1-5 District; C 130101 ZSM (L.U. No. 784), a special permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors); and C 130103 ZSM (L.U. No. 786), a special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 3, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 22, 2013 (CEQR No. 11HRP001M);

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130102 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

- (4) 1. The property that is the subject of this application (C 130102 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Handel Architects LLP, filed with this application and incorporated in this resolution:

<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Date</u>	<u>Revised</u>
Z-004	Site Plan	10/22/2012	
Z-005	Zoning Chart – Bulk Regulations	10/22/2012	
Z-007	Bulk Requirement Plan	10/22/2012	
Z-007A	Bulk Requirement Section - 1	10/22/2012	

Z-007B Bulk Requirement Section - 2 10/22/2012

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 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. 786

Report of the Committee on Land Use in favor of approving Application no. C 130103 ZSM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit pursuant to Section 13-561 of the Zoning Resolution to permit an enclosed attended accessory parking garage of approximately 74 spaces on ground floor and caisson level of proposed commercial development of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3. 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 Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 20, 2013 (Minutes, page 1035), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 130103 ZSM

City Planning Commission decision approving an application submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces on portions of the ground floor and caisson level of a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District.

INTENT

This action, along with its related actions, would facilitate redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place) in Community District 4.

PUBLIC HEARING

DATE: April 3, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 3, 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, and Wills.

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, and Wills
Dickens

Against: None

Abstain: None

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

Res. No. 1729

Resolution approving the decision of the City Planning Commission on ULURP No. C 130103 ZSM (L.U. No. 786), for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution of the City of New York to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces on portions of the ground floor and caisson level of a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2013 its decision dated March 6, 2013 (the "Decision"), on the application submitted by Hudson River Park Trust and Hudson Eagle LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces on portions of the ground floor and caisson level of a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, (ULURP No. C 130103 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130100 ZMM (L.U. No. 783), an amendment of the Zoning Map changing from an M2-3 District to an M1-5 District; C 130101 ZSM (L.U. No. 784), a special permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors); and C 130102 ZSM (L.U. No. 785), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 13-561 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 3, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 22, 2013 (CEQR No. 11HRP001M);

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130103 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130103 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Handel Architects LLP, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Revised Date
1 of 1	Parking Plan	10/23/2012

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 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. 787

Report of the Committee on Land Use in favor of approving Application no. N 130096 ZRQ submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District, Borough of Queens, Community Board 12, Council Districts 24, 27, 28.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 20, 2013 (Minutes, page 1035), respectfully

REPORTS:

SUBJECT

QUEENS CB - 12

N 130096 ZRQ

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District.

INTENT

The amendments would change rules relating to street wall location, street wall height, mandatory sidewalk widenings, and restrictions on curb cuts and ground floor uses in certain areas near the AirTrain JFK's Jamaica terminal at Sutphin Boulevard and 94th Avenue in Queens Community District 12.

PUBLIC HEARING

DATE: April 3, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 3, 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, and Wills

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, and Wills

Against: None

Abstain: None

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

Res. No. 1730

Resolution approving the decision of the City Planning Commission on Application No. N 130096 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District, Borough of Queens (L.U. No. 787).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2013 its decision dated March 6, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District relating to street wall location, street wall height, mandatory sidewalk widenings, and restrictions on curb cuts and ground floor uses in certain areas near the AirTrain JFK's Jamaica Terminal at Sutphin Boulevard and 94th Avenue (Application No. N 130096 ZRQ), Community District 12, Borough of Queens (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 April 3, 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, the negative declaration (CEQR No. 13DCP038Q) issued on November 26, 2012 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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, N 130096 ZRQ, 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 as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

Article XI – Special Purpose Districts

* * *

Chapter 5

Special Downtown Jamaica District

* * *

115-30

Mandatory Improvements

115-31

Sidewalk Widenings

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 6 (Sidewalk Widenings) in Appendix A of this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of two feet or five feet ~~or 10 feet~~, as set forth on Map 6. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and directly accessible to the public at all times. No #enlargement# shall be permitted to

decrease the depth of such sidewalk to less than such minimum required total sidewalk depth.

All mandatory sidewalk widenings must provide lighting in accordance with the requirements of Section 37-743, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

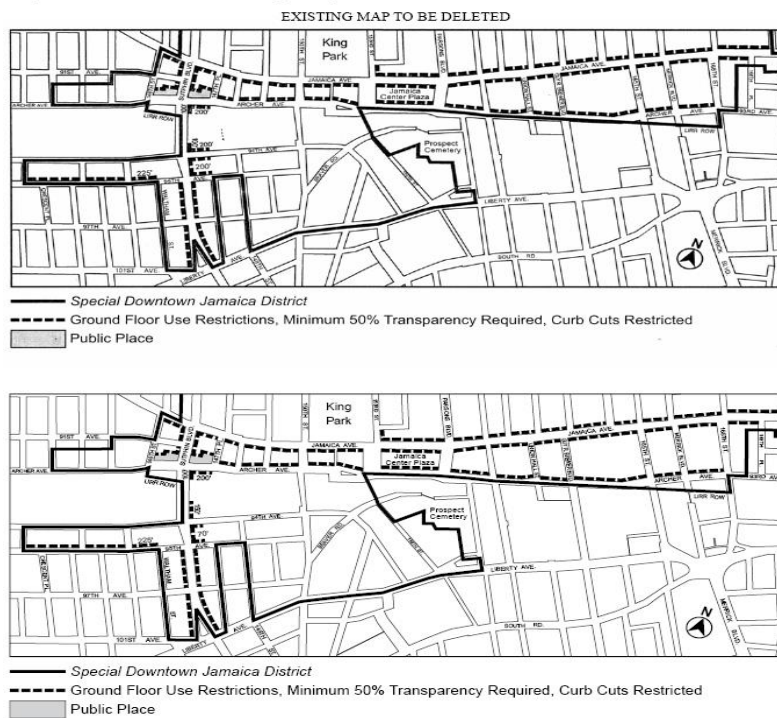
Sidewalk widening of 10 feet or more must provide one linear foot of seating for every 150 square feet of mandatory sidewalk widening. In additions, the provisions of paragraphs (a) through (d) of Section 62-652 (Seating) shall apply.

* * *

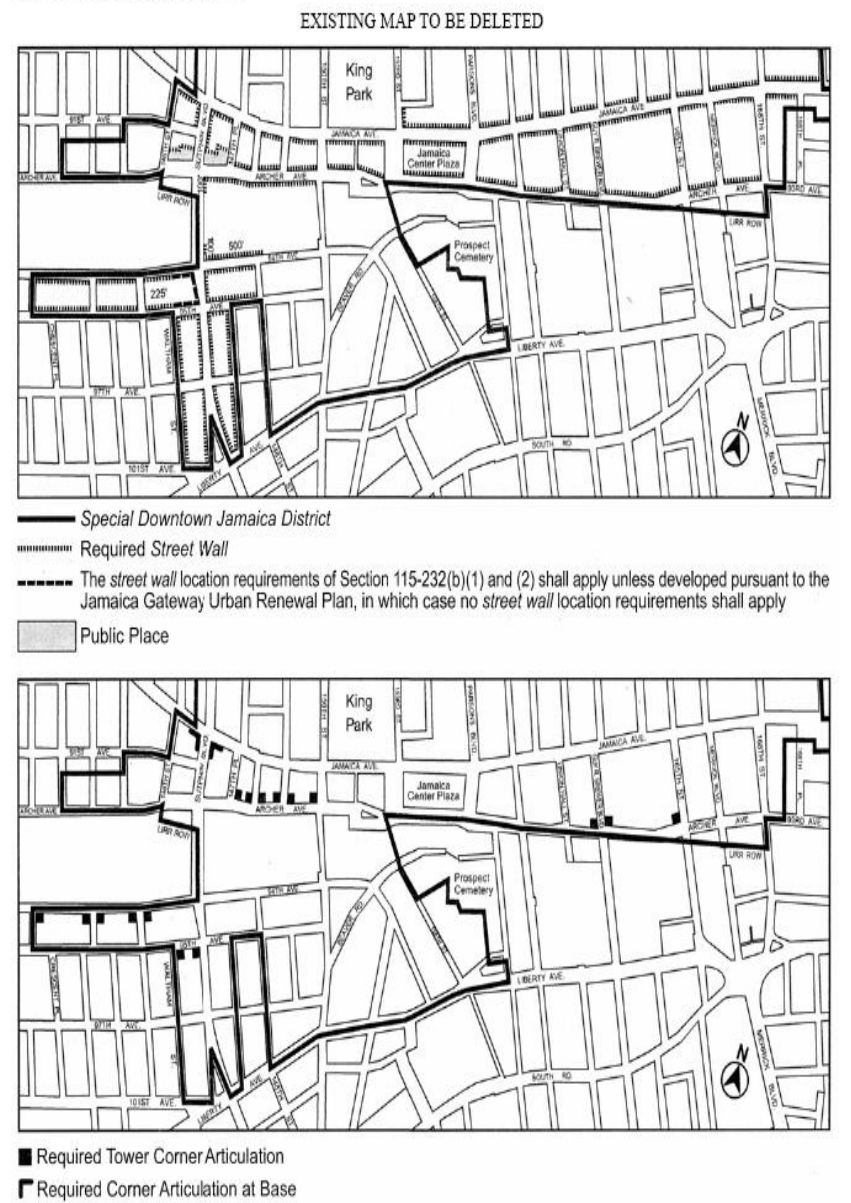
**APPENDIX A
Special Downtown Jamaica District Maps**

* * *

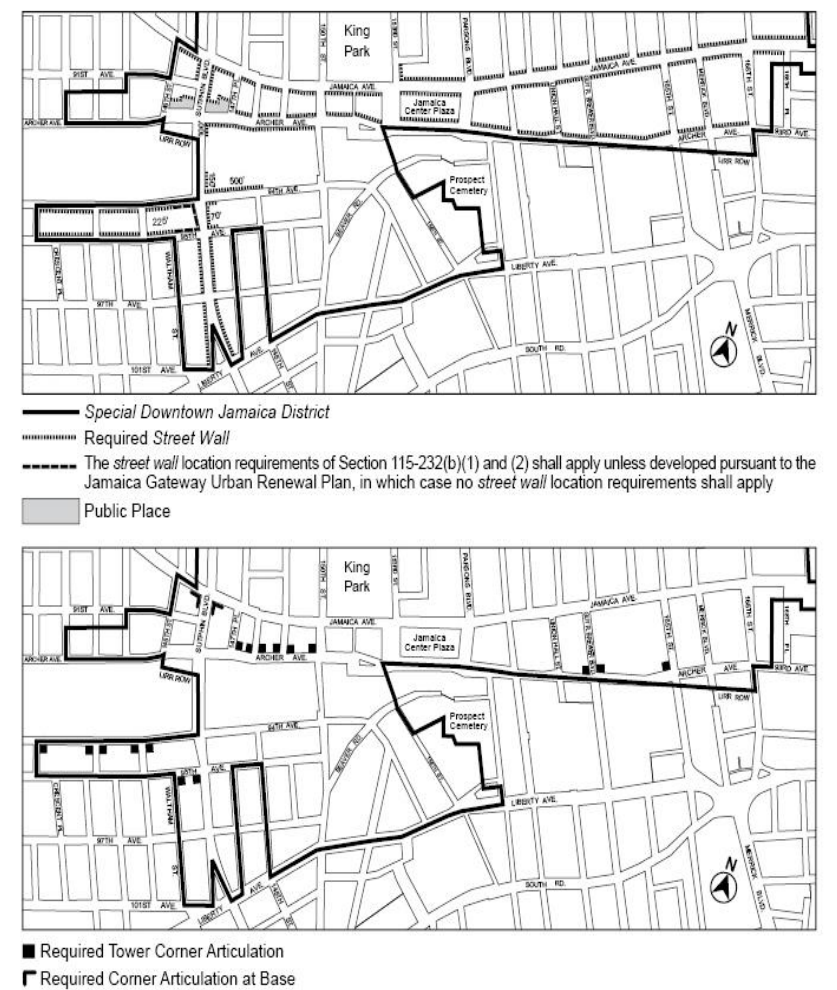
Map 2. Ground Floor Use and Transparency and Curb Cut Restrictions



Map 3. Street Wall Location

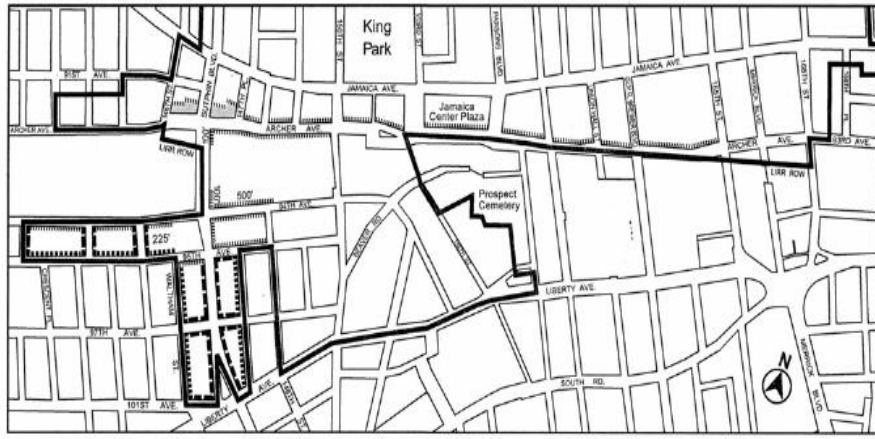


Map 3. Street Wall Location (continued)

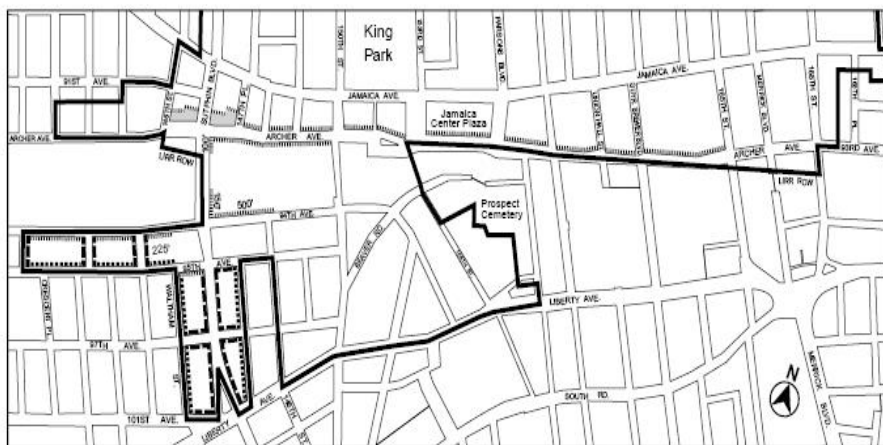


Map 4. Street Wall Height

EXISTING MAP TO BE DELETED



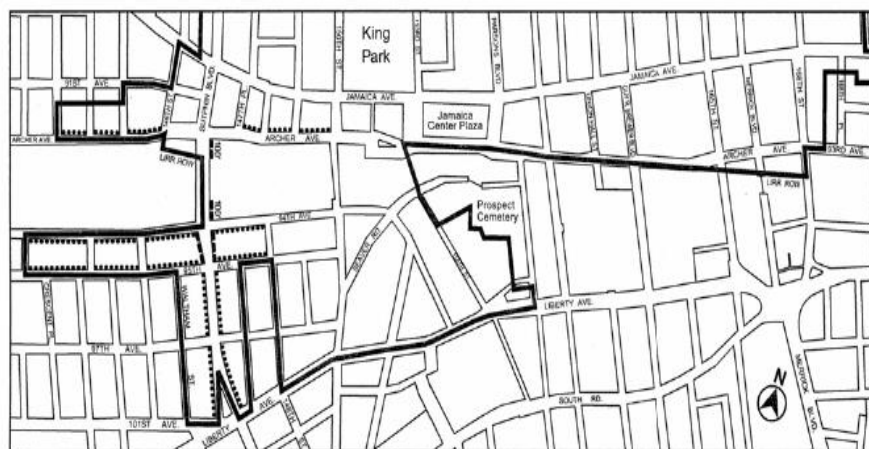
— Special Downtown Jamaica District
 30' Minimum - 40' Maximum
 - - - - 40' Minimum - 60' Maximum
 No Maximum Street Wall Height or Setback Required
 [Grey Box] Public Place



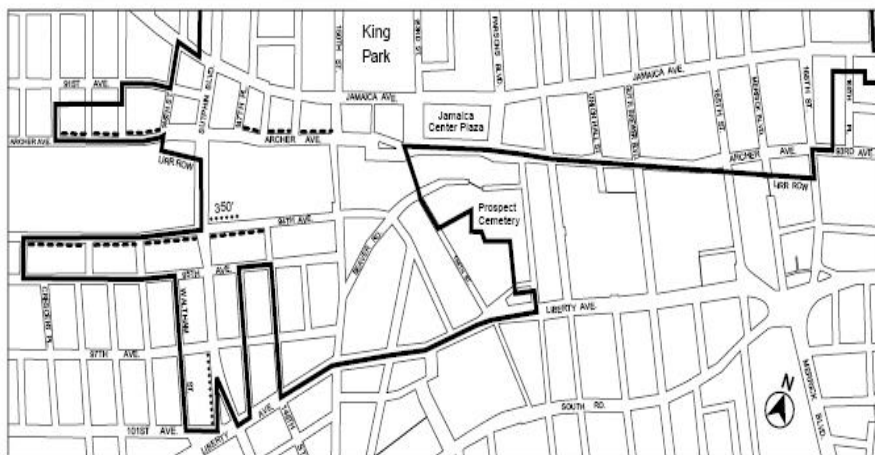
— Special Downtown Jamaica District
 30' Minimum - 40' Maximum
 - - - - 40' Minimum - 60' Maximum
 No Maximum Street Wall Height or Setback Required
 [Grey Box] Public Place

Map 6. Sidewalk Widening

EXISTING MAP TO BE DELETED



— Special Downtown Jamaica District
 5' Sidewalk Widening
 - - - - 10' Sidewalk Widening



— Special Downtown Jamaica District
 2' Sidewalk Widening
 - - - - 5' Sidewalk Widening

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 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. 788

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20135273 TCX, pursuant to §20-26 of the Administrative Code of the City of New York, concerning the petition of 609 Edibles Inc, d/b/a Tinos Delicatessen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 2410 Arthur Avenue, Borough of Bronx, Community Board 6, Council District 15. 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 §20-266(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 20, 2013 (Minutes, page 1035), respectfully

REPORTS:

SUBJECT

BRONX CB - 6

20135273 TCX

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 609 Edibles, Inc., d/b/a Tinos Delicatessen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 2410 Arthur Avenue.

By letter dated March 18, 2013, and submitted to the City Council on March 18, 2013, the Department of Consumer Affairs withdrew its recommendation for approval.

SUBCOMMITTEE RECOMMENDATION

DATE: April 3, 2013

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the Department of Consumer Affairs.

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

Against: None

Abstain: None

COMMITTEE ACTION

Date: April 4, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, and Wills

Against: None

Abstain: None

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

Res. No. 1731

Resolution approving a motion to file pursuant to withdrawal of the application for a revocable consent for an unenclosed sidewalk café located at 2410 Arthur Avenue, Borough of the Bronx (20135273 TCX; L.U. No. 788).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 15, 2013 its approval dated March 15, 2013 of the petition of 609 Edibles, Inc. d/b/a/ Tinos Delicatessen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 2410 Arthur Avenue, Community

District 6, Borough of the Bronx (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(e) of the Administrative Code;

WHEREAS, by letter dated March 18, 2013, and submitted to the City Council on March 18, 2013, the Department of Consumer Affairs withdrew its recommendation for approval for the revocable consent.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee on Land Use, April 4, 2013.

Coupled to be Filed Pursuant to Letter of Withdrawal.

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 Res. No. 1732

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution Approving Membership Changes to Certain Standing Committees and a Subcommittee.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on April 9, 2013, respectfully

REPORTS:

PRECONSIDERED RESOLUTION NO. 1732

SUBJECT: Resolution Approving Membership Changes to Certain Standing Committees and a Subcommittee.

ANALYSIS: Before the Committee for its consideration are proposed changes to the membership of various committees of the Council. See the Resolution for each of the specific changes.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1732

By Council Member Rivera:

RESOLVED, that pursuant to Rule 7.00 of the Council, the Council does hereby consent to the following Membership changes to Certain Standing Committees and a Subcommittee:

STANDING COMMITTEES

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

[Halloran]

COMMITTEE ON LAND USE

[Halloran]

COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES

[Halloran]

COMMITTEE ON PUBLIC HOUSING

[Halloran]

COMMITTEE ON PUBLIC SAFETY

[Halloran]

SUBCOMMITTEE

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

[Halloran]

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, April 9, 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 Small Business

Report for Int. No. 942-A

Report of the Committee on Small Business 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 agency liaisons.

The Committee on Small Business, to which the annexed amended proposed local law was referred on October 11, 2012 (Minutes, page 4009), respectfully

REPORTS:

1. INTRODUCTION

Today, the Committee on Small Business, chaired by Council Member Diana Reyna, will hold a hearing on Proposed Int. No. 942-A, first considered on February 28, 2013, during a joint hearing with the Committee on Governmental Operations. Proposed Int. No. 942-A would require the appointment of agency liaisons for many agencies responsible for regulating small businesses.

2. BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to the National Federation of Independent Businesses' most recent survey, 21% of small businesses list "government requirements and red tape" as their single most important problem – which is indicated more often than any other cause, including sales.¹

The Council, along with the Bloomberg Administration, has been working to address this problem. Local Law 45 of 2009 created the Regulatory Review Panel (the Panel) to review the City's regulatory environment for small businesses and to recommend improvements that would make it easier to open and run a business in New York City by minimizing costs and regulatory burdens. The Panel was tasked with making recommendations to improve the efficiency of the City's laws and procedures.

The Panel engaged in outreach in all five boroughs, and received input from dozens of regulated entities and other stakeholders. The Panel issued its report in December of 2009.² Since that time, many of its recommendations have been implemented successfully.³ However, some of the recommendations of the Panel have not yet been implemented, which is the reason this bill is being considered today. Proposed Int. 942-A's purpose, shared by the Panel, is to ensure that the City is regulating in a smart, effective way that minimizes unnecessary burdens and maximizes constructive participation by regulated entities.

Proposed Int. No. 942 would provide for agency liaisons to the community so that regulating agencies will maintain clear and open lines of communications with chambers of commerce and other stakeholders. The Panel found that "[V]arious chambers of commerce offer valuable perspectives on local businesses and can play a significant role in representing their members' interest before the City."⁴ These liaisons will serve "as mechanisms for small businesses to present their regulatory issues and concerns to agencies."⁵

3. ANALYSIS OF LEGISLATION

PROPOSED INT. NO. 942-A

Section 1 of the bill would amend the Administrative Code of the City of New York (the Code) to require the Chief Business Operations Officer, or other representative of the Office of the Mayor, to ensure that the Departments of Buildings, Consumer Affairs, Health and Mental Hygiene, Environmental Protection, Sanitation, and Fire each designate an employee to serve as a liaison to the agency's regulated community and that each liaison meet regularly with members of that

community. The agency liaisons would report to the Chief Business Operations Officer or other designated representative of the Mayor. No later than July 1st of each year, starting in 2013, the mayor’s representative shall provide a listing of these agency liaisons and their respective contact information to the Mayor and the Speaker of the Council.

Section 2 of the bill provides that the legislation take effect thirty days following enactment.

3. SUMMARY OF CHANGES

This bill was first considered at a joint hearing of the Committees on Small Business and Government Operations on February 28, 2013. The following changes have been incorporated since that hearing.

Subdivision a new section 3-114 of the Code has been amended to require each agency’s liaison to report to the City’s Chief Business Operations Officer or other representative of the Office of the Mayor designated by the Mayor.

Subdivision b of such section has been amended to change the date each year by which the Mayor’s representative must provide the Mayor and the Speaker of the Council with the contact information of the agency liaisons. The due date was changed from January 1 to July 1, beginning in 2013.

¹ National Federation of Independent Businesses, “NFIB Small Business Trends,” February 2013, available at <http://www.nfib.com/Portals/0/PDF/sbet/sbet201302.pdf>,

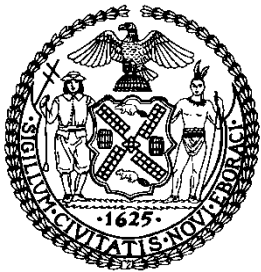
² The report is available at http://www.nyc.gov/html/nycrules/downloads/pdf/regulatory_review_panel_report.pdf.

³ For example, Local Law 18 of 2010 required the creation of the Business Owner’s Bill of Rights, Local Law 46 of 2010 required review of all rules by the Mayor’s Office of Operations to ensure that the proposed rule is easy to understand and is drafted in a way that minimizes compliance costs, and the NYC Rules website was created by Executive Order 133 of 2010.

⁴ Final Report of the Regulatory Review Panel, page 25.

⁵ *Id.* at 28.

(The following is the text of the Fiscal Impact Statement for Int. No. 942-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: 942-A
COMMITTEE:
Small Business

TITLE: To amend the administrative code of the city of New York, in relation to agency liaisons

SPONSOR(S): Council Members Comrie, Arroyo, Gentile, James, Koo, Palma, Rose, Williams, Vallone, Reyna, Eugene and King

SUMMARY OF LEGISLATION: Proposed Int. 942-A requires the Chief Business Operations Officer in the Office of the Mayor to ensure that the Departments of Buildings, Consumer Affairs, Health and Mental Hygiene, Environmental Protection, Sanitation, and the Fire Department each designate an employee or employees to serve as liaison(s) to the agency’s regulated community or communities, including but not limited to relevant chamber of commerce and industry groups. Each liaison will meet regularly with the members of that community. The liaisons will be independent of the agencies, reporting directly to the Office of the Mayor.

EFFECTIVE DATE: This law would take effect 30 days following enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 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 will be no revenues generated by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no expenditures generated by the enactment of this legislation. The agencies would use existing staff to serve as agency liaisons.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: Mayor’s Office of City Legislative Affairs

ESTIMATE PREPARED BY: Ralph P. Hernandez, Principal Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Int. 942 was introduced by Council and referred to the Committee on Small Business on October 11, 2012. The Committees on Small Business and Governmental Operations held a joint hearing on this legislation and laid the bill over on February 28, 2013. An amendment was made to the legislation, and the amended version, Proposed Int. 942-A, will be voted by the Committee on Small Business on April 8, 2013. The Full Council will vote on Proposed Int. 942-A on April 9, 2013.

DATE SUBMITTED TO COUNCIL: October 11, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 942-A:)

Int. No. 942-A

By Council Members Comrie, Arroyo, Gentile, James, Koo, Palma, Rose, Williams, Vallone, Jr., Reyna, Levin, Dromm, Eugene, King, Rodriguez, Barron, Gennaro and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to agency liaisons.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-114 to read as follows:

§ 3-114 *Agency liaisons.* a. The chief business operations officer, or other representative of the office of the mayor designated by the mayor, shall ensure that each relevant agency designates an employee or employees to serve as agency liaison(s) to such agency’s regulated community or communities, including but not limited to relevant chambers of commerce and industry groups. Each liaison shall report to the chief business operations officer, or other representative of the office of the mayor designated by the mayor. Each liaison shall, to the extent practicable, meet regularly with such liaison’s agency’s regulated community or communities. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the fire department.

b. No later than July 1, 2013, and no later than every July 1 thereafter, the chief business operations officer, or other representative of the office of the mayor designated by the mayor, shall provide to the mayor and the speaker of the council a listing of the name and contact information of designated agency liaisons.

§ 2. This local law shall take effect thirty days following enactment.

DIANA REYNA, Chairperson; LETITIA JAMES, MATHIEU EUGENE, MARGARET S. CHIN, PETER A. KOO. RUBEN WILLS, ANDY KING; Committee on Small Business, April 8, 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. 949-A

Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to provide for retrospective review by the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the department of transportation, and the fire department of those agencies’ existing violations.

The Committee on Small Business, to which the annexed amended proposed local law was referred on October 11, 2012 (Minutes, page 4025), respectfully

REPORTS:

1. INTRODUCTION

Today, the Committee on Small Business, chaired by Council Member Diana Reyna, will hold a hearing on Proposed Int. No. 949-A, first considered on February 28, 2013, during a joint hearing with the Committee on Governmental Operations. Proposed Int. No. 949-A would require many agencies responsible for regulating small business to perform a retrospective review of existing violations.

2. BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to the National Federation of Independent Businesses' most recent survey, 21% of small businesses list "government requirements and red tape" as their single most important problem – which is indicated more often than any other cause, including sales.¹

The Council, along with the Bloomberg Administration, has been working to address this problem. Local Law 45 of 2009 created the Regulatory Review Panel (the Panel) to review the City's regulatory environment for small businesses and to recommend improvements that would make it easier to open and run a business in New York City by minimizing costs and regulatory burdens. The Panel was tasked with making recommendations to improve the efficiency of the City's laws and procedures.

The Panel engaged in outreach in all five boroughs, and received input from dozens of regulated entities and other stakeholders. The Panel issued its report in December of 2009.² Since that time, many of its recommendations have been implemented successfully.³ Some of the recommendations of the Panel have not yet been implemented, however, which is the reason this bill is being considered today. Proposed Int. No. 949-A's purpose, shared by the Panel, is to ensure that the City is regulating in a smart, effective way that minimizes unnecessary burdens and maximizes constructive participation by regulated entities.

Proposed Int. No. 949-A would require specific agencies that regulate small business to report which of their violations offer no cure period or other opportunity for ameliorative action, and to recommend to the Council and the Mayor whether such an opportunity should be added to any such violations. The Panel found that adopting this strategy "saves businesses time and money, allowing them to focus on business rather than deal with government. It also fosters a productive relationship between small business owners and City agencies..."⁴

3. ANALYSIS OF LEGISLATION

PROPOSED INT. NO. 949-A

Section 1 of this bill would require the Departments of Buildings, Consumer Affairs, Health and Mental Hygiene, Environmental Protection, Sanitation, Fire, and Transportation to conduct a retrospective review of those provisions of the New York City Administrative Code, the Rules of the City of New York, and the New York City Health Code that establish violations enforced by the respective agency. Under the bill's provisions, each such agency shall submit to the Mayor and the Speaker of the Council, a report regarding existing violations for which the agency may assess a penalty or fine and for which there is no cure period or other opportunity for the parties subject to enforcement to take ameliorative action prior to the imposition of a penalty or fine.

The report shall include a description of each violation for which the agency recommends there be a cure period or other opportunity for ameliorative action prior to the imposition of a penalty or fine. The agency shall provide the basis for such a conclusion.

The report shall also include a list of all other existing violations for which there is no cure period or opportunity for ameliorative action prior to the imposition of a penalty or fine and shall identify either individually or on an aggregate basis the reason for the absence of a cure or other opportunity for ameliorative action.

The report shall be due 120 days after enactment of the bill.

Bill section 2 provides that the legislation take effect immediately.

3. SUMMARY OF CHANGES

This bill was first considered at a joint hearing of the Committees on Small Business and Government Operations on February 28, 2013. The following changes have been incorporated.

Bill section one was amended to decrease the amount of time agencies have to issue their regulatory review findings and recommendations. The reporting time been reduced from 180 days to 120 days from the bill's effective date. Bill section one was also amended to include the Department of Transportation among the agencies that must conduct a regulatory review. The bill was further amended to require agencies to also review the Administrative Code of the City of New York and the New York City Health Code in addition to the Rules of the City of New York.

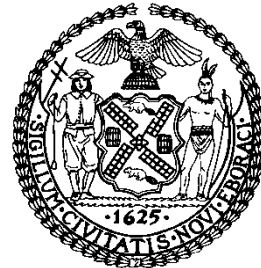
¹ National Federation of Independent Businesses, "NFIB Small Business Trends," February 2013, available at <http://www.nfib.com/Portals/0/PDF/sbet/sbet201302.pdf>,

² The report is available at http://www.nyc.gov/html/nyrules/downloads/pdf/regulatory_review_panel_report.pdf.

³ For example, Local Law 18 of 2010 required the creation of the Business Owner's Bill of Rights, Local Law 46 of 2010 required review of all rules by the Mayor's Office of Operations to ensure that the proposed rule is easy to understand and is drafted in a way that minimizes compliance costs, and the NYC Rules website was created by Executive Order 133 of 2010.

⁴ Final Report of the Regulatory Review Panel, page 24.

(The following is the text of the Fiscal Impact Statement for Int. No. 949-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: 949-A
COMMITTEE:
Small Business

TITLE: To provide for retrospective review by the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the department of transportation, and the fire department of those agencies' existing violations.

SPONSOR(S): Council Members Reyna, Comrie, Koo, Mendez, Rose, Wills, Vallone, Gentile, Arroyo, Halloran, Eugene and King

SUMMARY OF LEGISLATION: Proposed Int. 949-A requires the Departments of Buildings, Consumer Affairs, Health and Mental Hygiene, Environmental Protection, Sanitation, Transportation, and the Fire Department to review the rules and laws they enforce for which a fine is assessed and for which there is no cure period, warning, or other opportunity for the party subject to the fine to take ameliorative action prior to the imposition of the fine.

After this review, the agencies must recommend which rules and laws should be changed to include a cure period, warning, or other opportunity for ameliorative action prior to the imposition of a fine. The agencies must provide reasoning for each conclusion. The recommendations must also contain a list of all other existing violations that have no cure period or other opportunity for ameliorative action prior to the imposition of a penalty or fine. The list must provide a rationale for the absence of a cure period or other opportunity for ameliorative action. These recommendations will come in a report to the Mayor and Council Speaker 120 days after the bill's enactment.

EFFECTIVE DATE: This legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2013

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There will be no revenues generated or lost by the enactment of this legislation. Any potential elimination in fines for any existing violations for which a cure period is established will not have an impact on revenues. Fines are meant to ensure compliance with the duly enacted laws and not to generate revenues.

IMPACT ON EXPENDITURES: There will be no expenditures generated by the enactment of this legislation. The agencies would use existing staff to review existing violation laws.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Ralph P. Hernandez, Principal Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Int. 949 was introduced by Council and referred to the Committee on Small Business on October 11, 2012. The Committees on Small Business and Governmental Operations held a joint hearing on this legislation and laid the bill over on February 28, 2013. An amendment was made to the legislation, and the amended version, Proposed Int. 949-A, will be voted by the Committee on Small Business on April 8, 2013. The Full Council will vote on Proposed Int. 949-A on April 9, 2013.

DATE SUBMITTED TO COUNCIL: October 11, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 949-A:)

Int. No. 949-A

By Council Members Reyna, Comrie, Koo, Mendez, Rose, Wills, Vallone, Jr., Gentile, Arroyo, Levin, Dromm, Eugene, King, Rodriguez, Barron, Gennaro, Greenfield, Jackson, Lander, Williams and Halloran.

A Local Law to provide for retrospective review by the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the department of transportation, and the fire department of those agencies' existing violations.

Be it enacted by the Council as follows:

Section 1. *Retrospective review of existing violations. Within 120 days of the enactment of this section, the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the department of transportation, and the fire department shall conduct a retrospective review of those provisions of the administrative code, the rules of the city of New York, and the New York city health code which establish violations and which are enforced by such agency, and shall submit a report to the mayor and the speaker regarding those existing violations for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a penalty or fine. This report shall include:*

(1) a description of each violation for which the agency recommends that a cure period or other opportunity for ameliorative action be provided prior to the imposition of a penalty or fine, and the basis for such conclusion; and

(2) a list of all other existing violations established by the agency's rules for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a penalty or fine. This list shall identify, either on individual item or aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.

§2. This local law shall take effect immediately.

DIANA REYNA, Chairperson; LETITIA JAMES, MATHIEU EUGENE, MARGARET S. CHIN, PETER A. KOO, RUBEN WILLS, ANDY KING; Committee on Small Business, April 8, 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>
Cesar Trinidad	626 Water Street #3A	2

Ivy Soto	New York, N.Y. 10002 325 Pleasant Avenue #3A	8
Aida Luz Colon	New York, N.Y. 10035 2745 Reservoir Avenue #6C	14
Eneida Otero	Bronx, N.Y. 10468 1145 University Avenue #5G	17
Eneida Braka	Bronx, N.Y. 10452 26-18 18 th Street	22
Thomas Montanez	Astoria, N.Y. 11102 89-13 204 th Street	23
Madelyn Ortiz	Queens, N.Y. 11423 58-25 78 th Avenue	30
Vincent F. Guzzi	Queens, N.Y. 11385 423 57 th Street #2C	38
Tessa C. Richardson-Jones	Brooklyn, N.Y. 11220 1289 St. Marks Avenue #1	41
John Youssef	Brooklyn, N.Y. 11213 114 Avenue F	44
Shaene Chin	Brooklyn, N.Y. 11218 1058 East 81 st Street	46
Alla Gurevich	Brooklyn, N.Y. 11236 2560 Batchelder Street #2K	48
Joseph Benvenuto	Brooklyn, N.Y. 11235 516 Lincoln Avenue	50
Eugene Kazakevich	Staten Island, N.Y. 10306 578 Dongan Hills Avenue	50
	Staten Island, N.Y. 103085	

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Rose Valentin	46 Madison Street #9G New York, N.Y. 10038	1
Adrian Olivera	331 East 29 th Street New York, N.Y. 10016	2
Lorraine Catalano	30 Cornelia Street #19 New York, N.Y. 10014	3
Julie Leung	65 West 90 th Street New York, N.Y. 10024	6
Manuel Villafane	225 East 106 th Street #14B New York, N.Y. 10029	8
Margaret L. Jackson	273 West 131 st Street #6B New York, N.Y. 10027	9
Margaret B. Jackson	273 West 131 st Street #6B New York, N.Y. 10027	9
Judith Arlene Schultz	3400A Paul Avenue #13G Bronx, N.Y. 10468	11
Ruth Brantley	140 Erdman Place #14D Bronx, N.Y. 10475	12
Mostaque Ahmed Chowdhury	2566 Woodhull Avenue Bronx, N.Y. 10469	13
Nubia Imani-Beazer	7 Fordham Hill Oval #5C Bronx, N.Y. 10468	14
Yolanda L. Taylor	1315 Prospect Avenue #4C Bronx, N.Y. 10459	16
Gamaliel M. Silva	420 East 146 th Street #308 Bronx, N.Y. 10455	17
Frances Caudrado	1232 Olmstead Avenue Bronx, N.Y. 10462	18
Nancy Prensa	2525 Westchester Avenue #2 Bronx, N.Y. 10461	18
Eleni Patras	154-01 9 th Avenue #1L Queens, N.Y. 11357	19
Dionicia Suero	31-31 84 th Street East Elmhurst, N.Y. 11370	25
Emil Cohill	50-23 59 th Place Woodside, N.Y. 11377	26
Carl Harrison	172-22 133 rd Avenue Jamaica, N.Y. 11434	28

Renee R. Wilson	102-28 127 th Street Queens, N.Y. 11419	28
Melyssa Miele	158-47 95 th Street Queens, N.Y. 11414	32
Hector J. Gonzalez	1065 Seneca Avenue Ridgewood, N.Y. 11385	34
Roxanna Mora	120 Menehan Street #6C Brooklyn, N.Y. 11221	34
Gertrude Dipmore	1030 Carroll Street #3C Brooklyn, N.Y. 11225	35
W. Valentine Douglas	625 Grand Avenue Brooklyn, N.Y. 11238	35
Brazeyl Readon	33 Saratoga Avenue #4A Brooklyn, N.Y. 11233	41
Yuliya Blokhina	159 Corbin Place Brooklyn, N.Y. 11235	48
Dawn D. Daniels	75 North Burgher Avenue Staten Island, N.Y. 10310	49
Monique A. Debs-Fonte	55 Franklin Avenue Staten Island, N.Y. 10301	49
Anthony D'Acunto	52 Amsterdam Place Staten Island, N.Y. 10314	50
Ruben Figueroa	923 Patterson Avenue Staten Island, N.Y. 10306	50
Debra Thives	15 Wildwood Lane Staten Island, N.Y. 10307	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) **Int 694-A --** In relation to studying the feasibility of developing geothermal energy.
- (2) **Int 941-A --** In relation to standardized customer service training for agency inspectors.
- (3) **Int 942-A --** In relation to agency liaisons.
- (4) **Int 949-A --** Retrospective of agencies' existing violations.
- (5) **Int 956 --** In relation to distribution of the business owner's bill of rights.
- (6) **Int 1032 --** Dates for Executive Budget Process
- (7) **Res 1732 --** Resolution Approving Membership Changes to Certain Standing Committees and a Subcommittee.
- (8) **L.U. 741 & Res 1725 --** App. **20135198 HAM**, 2110 Amsterdam Avenue and 2185 Amsterdam Avenue, Borough of Manhattan, Community Board 12, Council District 10 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).
- (9) **L.U. 783 & Res 1726 --** App. **C 130100 ZMM**, amendment to the Zoning Map, Section No. 8b, changing an M2-3 District to an M1-5 district, for proposed redevelopment of Pier 57, generally located in Hudson River between West 15th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3.
- (10) **L.U. 784 & Res 1727 --** App. **C 130101 ZSM**, commercial development of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3.
- (11) **L.U. 785 & Res 1728 --** App. **C 130102 ZSM**, redevelopment of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3.
- (12) **L.U. 786 & Res 1729 --** App. **C 130103 ZSM**, commercial development of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 3.
- (13) **L.U. 787 & Res 1730 --** App. **N 130096 ZRQ**, amendment to the

- Zoning Resolution, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District, Borough of Queens, Community Board 12, Council Districts 24, 27, 28.
- (14) **L.U. 788 & Res 1731 --** App. **20135273 TCX**, 2410 Arthur Avenue, Borough of Bronx, Community Board 6, Council District 15 (**Coupled to be Filed Pursuant to a Letter of Withdrawal**).
- (15) **L.U. 789 & Res 1724 --** Linden Harman, Block 3278, Lot 36, Block 3322, Lot 28, Brooklyn, Community District No. 4, Council District Nos. 34 and 37
- (16) **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, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

(Present but Not Voting – Mendez*)

* Council Mendez was marked Present but Not Voting for all items Coupled on this Meeting's General Order Calendar.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded to file **LU No. 741 & Res No. 1725**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **48**.

Abstention – Fidler – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 694-A, 941-A, 942-A, 949-A, 956, and 1032.

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:

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

Report for voice-vote Res. No. 1711

Report of the Committee on Immigration in favor of approving a Resolution calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013.

The Committee on Immigration, to which the annexed resolution was referred on April 9, 2013, respectfully

REPORTS:

I. INTRODUCTION

On Monday, April 8, 2013 the Committee on Immigration, chaired by Council Member Daniel Dromm, will vote on Preconsidered Resolution Number 1711 a Resolution calling upon the United States Congress to pass and President Obama to sign a comprehensive immigration reform bill in 2013. The Committee previously held a hearing on Preconsidered Resolution Number 1711 on April 4, 2013.

II. BACKGROUND

The Immigration and Nationality Act (“INA”), codified in 1952, established requirements for admission to the United States and naturalization for immigrants.¹ Legislative reforms to the INA began in 1965² with some of the most significant reforms taking place in 1986 and 1996. Passed by Congress in 1986 to control and deter illegal immigration, the Immigration Reform and Control Act (“IRCA”) addressed citizenship for undocumented immigrants, legalized certain agricultural workers, and sanctioned employers for knowingly hiring undocumented workers.³ The enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) in 1996 increased immigration enforcement and expanded the categories of immigrants subject to deportation by restricting their ability to appeal deportation determinations and expanding the list of offenses for which they could be deported.⁴ In order to expand pathways to citizenship, including those established by IRCA, and to limit the aggressive immigration enforcement rules set forth in IIRIRA, several pieces of legislation have been considered since 2007.⁵ None, however, has been enacted into law.

Serious consideration of several “immigration reform” bills took place during the 109th, 110th, and 111th Congressional Sessions,⁶ but stakeholders could not reach consensus. Some of those who study immigration policy believe that the fiscal and political climate of the early 2000s led to varying views of immigrants in the workforce and the growing number of undocumented immigrants in the country, which resulted in the introduction and consideration of bills that were inconsistent in their treatment of undocumented immigrants and the allocation of family and work visas.⁷ In light of today’s improved economy, the decrease in illegal immigration, and the desire to use immigration to boost the nation’s entrepreneurial and technological efforts, some believe that this Congress will come to an agreement on a comprehensive immigration reform bill.⁸

III. CURRENT COMPREHENSIVE IMMIGRATION REFORM PROPOSALS

In January 2013, a group of U.S. Senators and President Barack Obama each proposed a comprehensive immigration reform framework.⁹ The proposals are similar in that they both seek to provide a pathway to citizenship, create greater access to higher education, and establish a better workforce environment. The legislative proposal introduced by the group of Senators would:

- create a path to citizenship for undocumented immigrants that is contingent upon securing borders and tracking whether legal immigrants have left the country when required;
- reform the legal immigration system while recognizing the importance of characteristics that will help build the economy and strengthen families;
- create an effective employment verification system; and
- establish an improved process for admitting future workers.¹⁰

President Obama expressed his commitment to signing a comprehensive immigration reform bill during his second term as President. Under the President’s proposal, comprehensive immigration reform would build on existing efforts to strengthen border security; streamline legal immigration; provide a pathway to citizenship for undocumented immigrants; and stop businesses from hiring and exploiting undocumented immigrant workers.¹¹ The President’s proposal also outlines plans to improve immigration courts, provide new resources to combat fraud, keep families together, and grant equal treatment to same-sex families.¹²

IV. DESCRIPTION OF RESOLUTION

Preconsidered Res. No. 1711 calls upon the United States Congress to pass and President Obama to sign a comprehensive immigration reform bill in 2013. This resolution highlights several issues faced by immigrants living in the United States, such as being victimized by unscrupulous employers or fraudulent immigration service providers. Other issues discussed include the problems that undocumented immigrant students face when trying to access higher education; the inability of immigration judges to exercise discretion during deportation proceedings; and the inability of individuals in same-sex relationships to sponsor their significant others. The various legislative efforts that have been made to address the needs of immigrants are described in this resolution. Lastly, this resolution outlines components of an effective comprehensive immigration reform bill that would benefit immigrant New Yorkers.

V. CONCLUSION

With 4.3 million immigrant residents, New York State is home to the second largest immigrant population in the nation.¹³ Although the contributions of immigrants are well documented, current immigration laws make it extremely difficult for them to survive and thrive in the United States, particularly those without

lawful immigration status. For example, current immigration law makes it difficult for immigrants to obtain funding for higher education, to be sponsored by one’s significant other if a person is in a same-sex relationship, and to receive adequate protections in the work place. A comprehensive immigration reform bill that would address these problems and others resulting from the enactment of IRCA and IIRIRA would benefit the nation as a whole.

¹ Ruth Ellen Wasem, Specialist in Immigration Policy, *Brief History of Comprehensive Immigration Reform Efforts in the 109th and 110th Congresses to Inform Policy Discussions in the 113th Congress*, Congressional Research Service, Feb. 27, 2013, 2, <http://www.fas.org/sgp/crs/homesecc/R42980.pdf> (last visited Apr. 1, 2013).

² These legislative reforms include the Immigration Amendments of 1965, the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. *Id.*

³ U.S. Citizenship and Immigration Services, *Immigration Reform and Control Act of 1986 (IRCA)*, <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextcha=nnel=b328194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnextoid=04a295c4f635f010VgnVCM1000000ecd190aRCRD> (last visited Apr. 2, 2013).

⁴ National Immigration Forum, *Background: Immigration Law Enforcement by State and Local Police*, 3, at <http://www.immigrationforum.org/images/uploads/Background-StateLocalEnforcement.pdf> (last visited Apr. 3, 2013); Jacqueline Hagan, Brianna Castro & Nestor Rodriguez, *The Effects of U.S. Deportation Policies on Immigrant Families and Communities: Cross-Border Perspectives*, 88 N.C.L. Rev. 1799, 1804 (2010), at <http://www.nclawreview.org/documents/88/5/hagan.pdf> (last visited Apr. 3, 2013).

⁵ See Wasem, *supra* note 1.

⁶ Although bills were passed by the House and the Senate, they never passed the same legislation. The House was first to pass the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) in 2005. The Senate later passed the Comprehensive Immigration Reform Act of 2006 (S. 2611). Although bills were seriously considered after the 109th Congress, nothing was ever passed.

⁷ See Wasem, *supra* note 1, at 13.

⁸ Demetrio G. Papademetriou, *The Fundamentals of Immigration Reform*, *The American Prospect*, Mar. 12, 2013, <http://prospect.org/article/fundamentals-immigration-reform> (last visited Apr. 2, 2013).

⁹ Memorandum from Senators Schumer, McCain, Durbin, Graham, Menendez, Rubio, and Flake, Bipartisan Framework for Comprehensive Immigration Reform, 1 (Jan. 28, 2013), <http://www.usatoday.com/story/news/politics/2013/01/28/immigration-proposal-senate/1870227/> (site last visited Apr. 3, 2013) [hereinafter *Bipartisan Framework*]; Press Release, The White House, FACT SHEET: Fixing our Broken Immigration System so Everyone Plays by the Rules, 1 (Jan. 29, 2013), <http://online.wsj.com/public/resources/documents/ObamaImmigration01292013.pdf> (last visited on Mar. 27, 2013) [hereinafter *White House Fact Sheet*].

¹⁰ *Bipartisan Framework*, *supra* note 9.

¹¹ The White House, *Immigration: Creating an Immigration System for the 21st Century, At a Glance*, <http://www.whitehouse.gov/issues/immigration> (last visited Apr. 2, 2013).

¹² *White House Fact Sheet*, *supra* note 9.

¹³ Jeanne Batalova and Alicia Lee, *Frequently Requested Statistics on Immigrations and immigration in the United States*, Migration Policy Institute (Mar. 2012), <http://www.migrationinformation.org/usfocus/display.cfm?ID=886> (last visited Apr. 3, 2013).

Accordingly, this Committee recommends its adoption.

(For text of Res No. 1711, please see the Introduction and Reading of Bills section printed in these Minutes)

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS A. RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, April 8, 2012.

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 2 following Council Members formally voted against this item: Council Members Ignizio and Oddo.

Adopted by the Council by voice-vote.

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

Report for voice-vote Res. No. 1719

Report of the Committee on Public Housing in favor of approving a Resolution calling upon the New York City Housing Authority to meaningfully engage residents on proposed lease plans, to provide predominantly and permanently affordable units and to include certain requirements in any ground leases for NYCHA land.

The Committee on Public Housing, to which the annexed resolution was referred on April 9, 2013, respectfully

REPORTS:

Introduction

On April 9, 2013, the Committee on Public Housing (the “Committee”), chaired by Council Member Rosie Mendez, conducted a hearing on a Preconsidered Resolution calling upon the New York City Housing Authority to meaningfully engage residents on proposed lease plans, to provide predominantly and permanently affordable units and to include certain requirements in any ground leases for NYCHA land.

On April 5, 2013, the Committee held a hearing on this Preconsidered Resolution as well as an oversight hearing on the New York City Housing Authority’s (“NYCHA”) plans to lease land for development. The Committee received testimony from NYCHA representatives, NYCHA residents, and interested members of the public. For background information on both NYCHA and its plans to lease developments to private developers, please refer to the Committee’s April 5th Briefing Paper available online at legistar.council.nyc.gov. The Preconsidered Resolution, including its title, has been updated following the April 5, 2013 hearing to recognize that housing created on public housing property should be predominantly and permanently affordable and that NYCHA should factor stakeholder feedback into its proposed lease plans prior to the release of any request for proposals for ground leases for NYCHA land.

Preconsidered Resolution No. 1719

The Preconsidered Resolution calls on NYCHA to:

- Enter into meaningful consultation with residents and other stakeholders, which would include several rounds of public meetings on NYCHA’s land-lease plans;
- Ensure that all affected Resident Associations and residents have adequate time to review the proposed lease plan and secure independent legal and technical assistance to formulate informed opinions on the land-lease plans;
- Respond to resident and other stakeholder comments concerning land-lease plans, and post those comments and responses thereto online;
- Provide a method for residents and other stakeholders without internet access to submit comments concerning land-lease plans;
- Give residents the opportunity to develop, review, and comment on draft RFPs prior to release and to participate in the selection of developers post-release;
- Require that money generated from land-lease plans be dedicated to making repairs and capital upgrades to existing public housing developments;
- Recognizing the need for affordable housing in the city and in the communities where NYCHA is currently considering leasing, require that any new residential development created on NYCHA-owned land be comprised predominantly of permanently affordable units; and
- Require that any long-term ground leases (1) include employment and job training opportunities for residents both during construction and for permanent jobs thereafter; (2) specify the number of apartment units created by the developer that will be made permanently affordable and prioritize residents at affected developments for those apartments; (3) require the developer to commit to open space, local investment, security, and other community benefits; and (4) ensure that all parking spaces, yards, playgrounds, community centers, and any other facilities or spaces that would be leased are replaced in a manner that allows residents to receive uninterrupted services.

UPDATE

On Tuesday, April 9, 2013, the Committee adopted this resolution. Accordingly, the Committee recommends its adoption

Accordingly, this Committee recommends its adoption.

(For text of Res No. 1719, please see the Introduction and Reading of Bills section printed in these Minutes)

ROSIE MENDEZ, Chairperson; ERIK MARTIN-DILAN, MARIA del CARMEN ARROYO, MELISSA MARK-VIVERITO, MARGARET S. CHIN, JAMES G. VAN BRAMER; Committee on Public Housing, April 9, 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 2 Council Members formally voted against this item: Council Members Ignizio and Oddo.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1708

Resolution calling upon the United States Congress to enact and the President to sign the Flood Victim Premium Relief Act of 2013.

By The Speaker (Council Member Quinn) and Council Members Recchia, Jr., Foster, Chin, Fidler, Garodnick, Gonzalez, Ignizio, Levin, Mendez, Nelson, Ulrich, Van Bramer, Oddo, Brewer, Cabrera, Comrie, Dromm, Eugene, Ferreras, Gennaro, Gentile, James, Koo, Koslowitz, Lander, Palma, Richards, Rose, Vann, Williams and Lappin.

Whereas, In 1968 Congress passed, and has subsequently amended, the National Flood Insurance Act, which created a National Flood Insurance Program (NFIP) that provides flood insurance to homeowners, renters, and businesses in communities that participate in the NFIP by agreeing to adopt and enforce certain federally mandated requirements; and

Whereas, The NFIP was most recently extended and amended by the Biggert-Waters Flood Insurance Reform Act, which was signed into law by President Obama on July 6, 2012; and

Whereas, Under the NFIP, FEMA maps high-risk flood zones, labeling them as “A” if they face a 1% annual flood risk (i.e., are in the 100 year flood plain), “V” if they could be subjected to waves over three feet during such floods, and, on upcoming map revisions, as “Coastal A” for areas that would be subjected to waves of one-and-a-half to three feet; and

Whereas, Under many circumstances, such as when a building is backed by a federally regulated or insured loan, homeowners, renters, and businesses in the these flood zones are required to purchase flood insurance, the cost of which reflects the risk to their property based on the zone in which they are mapped, the elevation of the building relative to base flood elevation, and any flood mitigation property owners have undertaken; and

Whereas, On October 29 and 30 of 2012, Superstorm Sandy struck the East Coast of the United States, with its center passing over New Jersey around 8pm on the 29th; and

Whereas, Sandy’s devastation to the City of New York from high winds and a record tidal surge was catastrophic, causing 43 deaths in the City, destroying or extensively damaging thousands of homes and businesses, flooding tunnels and knocking out electricity and infrastructure, knocking down over 8,000 trees and over 1,200 branches, some of which also caused damage to property; and

Whereas, Through various programs, FEMA, other federal agencies, the city and state, and the private sector have responded with a massive cleanup effort, cleaning out flooded homes, relocating displaced persons into temporary housing, covering other storm-related personal costs, and cleaning and rebuilding infrastructure; and

Whereas, Well before Sandy, FEMA was working with the city to update the city’s Flood Insurance Rate Maps (FIRM), which were last updated in 1983 and were based on data that is now out of date; and

Whereas, After Sandy, FEMA released Advisory Base Flood Elevation maps (ABFE) based on the analysis that they had conducted to date for their efforts to generate new FIRMs for the City of New York; and

Whereas, Such ABFEs will likely be substantially similar to the updated FIRMs expected to be released in the next two years, and they indicate that the number of structures that will be in the high-risk flood zones could more than double when the updated FIRMs are released; and

Whereas, To the degree that the FIRMs reflect the ABFE maps, many more homeowners and business owners will be required to purchase flood insurance, and many others will require a greater amount of insurance than before if they are now in a V instead of an A zone or if their base flood elevation changes; and

Whereas, In the past, insurance premiums for many policy holders were lower than the amount that would be required based solely on their building’s flood risk because, under many circumstances, FEMA granted premium reductions; and

Whereas, Some structures benefitted from “grandfathered” rates if they were built prior to 1975, were built before their community received a FIRM, or were built to meet an existing FIRM but would no longer be compliant because a new FIRM was issued that changed their flood zone; and

Whereas, The Biggert-Waters Flood Insurance Reform Act of 2012 phases out these premium reductions and ends grandfathered rates for most residents that live in flood zones, including persons that receive federal money to rebuild after a disaster, substantially improve their property, purchase properties after July 6, 2012, have a change in risk to a property such as from a change in flood zone category due to a new or revised FIRM, or that have allowed their insurance policy to lapse and need to repurchase insurance; and

Whereas, When triggered, the premiums for property owners who held flood insurance and benefitted from a premium reduction or a grandfathered rate will rise by 20% per year for five years until they meet their risk-based premium; and

Whereas, Properties that are at or below base flood elevation for the zone they are in could face substantially higher insurance premiums due to these changes in the law; and

Whereas, The Flood Victim Premium Relief Act of 2013 (the Act) would extend the phase-in of the new insurance premiums that would go into effect after

July 6, 2012, for “covered properties” from five to eight years, with the rate increasing by 5% for the first four years and 20% for the next four years; and

Whereas, The Act defines “covered properties” as residential properties in areas where a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Act, and where updated flood insurance maps take effect in the two years following such a declaration, or, at the time of enactment of the Act, the property is eligible for preferred risk rate method premiums, or had been eligible for such premiums at any time in the previous 12 months before an event occurred for which an emergency declaration is declared; is owned by the same person as when the disaster event occurred; and is and has been the owner’s primary residence; and

Whereas, When FEMA releases updated FIRMs for the City of New York in about two years, a substantial number of homeowners will face sometimes significantly higher insurance premiums due to being in a higher-risk zone or to being placed in a high-risk zone for the first time; and

Whereas, The Act would thereby give homeowners more time to seek funding for and to take actions that would mitigate against future floods, thereby increasing the safety of their homes while lowering their new, unadjusted, risk-based premiums; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to enact and the President to sign the Flood Victim Premium Relief Act of 2013.

Referred to the Committee on State and Federal Legislation.

Res. No. 1709

Resolution calling on the State of New York to make active the Amistad Commission and promote a curriculum, such as the Underground Railroad curriculum, that teaches African-American history in New York public schools.

By Council Members Barron, Jackson, Williams, Cabrera, Chin, Comrie, Dickens, Dromm, Eugene, Ferreras, Gennaro, James, King, Koppell, Mark-Viverito, Mendez, Palma, Richards, Rose, Van Bramer and Vann.

Whereas, It is the duty of the Department of Education (DOE) to educate and inspire students of all ancestries; and

Whereas, According to the New York City DOE, African American students constitute about one-third of the students in the New York City public school system; and

Whereas, In 2005, the New York State Legislature created the Amistad Commission to promote the teaching of black history in public schools; and

Whereas, According to the Commission’s website, New York State’s Amistad Commission is charged with researching and surveying the extent to which the African slave trade and slavery in America is included in the curricula of New York state schools, and making recommendations to the Governor and Legislature regarding the implementation of education and awareness programs in New York concerned with the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans in building our country; and

Whereas, This Commission has arguably not fulfilled its mandate; and

Whereas, According to media reports, nearly four years after its creation, the Commission had not yet met, and as of 2011, had not yet appointed all of its members; to date, the Commission has only met a few times; and

Whereas, According to Black New Yorkers for Educational Excellence, there is no curriculum in place in New York City schools that teaches black history in a systematic manner; and

Whereas, The lack of adequate incorporation of black history in the school curriculum overlooks a crucial aspect of the history of the United States and minimizes the accomplishments, contributions and struggles of African-Americans; and

Whereas, Neglecting black history in our schools is a disservice to all New York City students, but above all, is damaging to the well-being of African-American students and their communal and individual self-awareness; and

Whereas, There is a need for New York City schools to emphasize the significance of black history; and

Whereas, Inclusion of the Underground Railroad curriculum, a name used to describe a curriculum which teaches students of all ages about enslaved Africans throughout American history, would foster and promote a more culturally sensitive learning environment for students, and bestow upon the African-American community a much needed recognition of the importance of black history by New York City’s educational institutions; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State of New York to make active the Amistad Commission and promote a curriculum, such as the Underground Railroad curriculum, that teaches African-American history in New York public schools.

Referred to the Committee on Education.

Res. No. 1710

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation requiring intercity buses to visibly identify the

destination, operator, and operator’s contact information on the exterior and in one window of each bus.

By Council Members Chin, Gonzalez, Brewer, Dickens, Dromm, Eugene, Fidler, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Richards, Rose, Vann and Williams.

Whereas, The intercity bus industry in New York City has greatly expanded in recent years, providing often low-cost bus service between Manhattan and cities throughout the Northeast; and

Whereas, This industry has often prompted complaints from Manhattan’s Chinatown community, from where many intercity buses operate, and elsewhere related to idling, congestion, pollution, and interference with pedestrians and businesses; and

Whereas, Until recently, the intercity bus industry operated with relatively little regulation; and

Whereas, In an attempt to improve oversight, while allowing the industry to continue to meet the growing demand of passengers, the New York State Legislature passed, and the Governor signed, legislation in August 2012 authorizing the City to create the first-ever permit system for intercity buses and to designate bus stops in consultation with local communities; and

Whereas, Many intercity buses operate without obvious markings identifying either their operator or their destination; and

Whereas, The lack of these markings makes it potentially very easy for bus operators that have been shut down due to various safety or other violations to continue operating under a new name, and to use the very same buses in their attempt to circumvent authorities; and

Whereas, For example, in 2011, the owner of World Wide Travel, the operator of a bus that had crashed on I-95 in the Bronx killing 15 people in March of that year, continued to operate bus service through other companies using World Wide Travel buses, despite the fact that federal regulators had shut down World Wide Travel due to serious safety violations; and

Whereas, Every rider deserves clear access to information concerning a bus’s operator and destination, and all community members should be able to readily identify the vehicles using the streets in their communities; and

Whereas, Displaying this basic information is a matter of consumer protection, passenger safety, and transparency; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation requiring intercity buses to visibly identify the destination, operator, and operator’s contact information on the exterior and in one window of each bus.

Referred to the Committee on Transportation.

Int. No. 1023

By Council Members Chin, Brewer, Dromm, Eugene, Gentile, Gonzalez, James, Koo, Koppell, Koslowitz, Mark-Viverito, Mendez and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the display of commuter van information.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-504.3 of the administrative code of the city of New York is amended by adding a new paragraph 9 to read as follows:

(9) *A commuter van service shall display the destination, company, and contact information of such company on the exterior of the van and in at least one window. Such information shall be in English and any other language that the commission, by rule, determines to be necessary and appropriate, including, but not limited to, each of the top two limited-English proficiency languages spoken by the population of New York City, as those languages are determined by the department of city planning based on United States census data.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Preconsidered Res. No. 1711

Resolution calling upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013.

By Council Member Dromm, The Speaker (Council Member Quinn), Council Members Chin, Eugene, Mark-Viverito, Gonzalez, Brewer, Mendez, Garodnick, Cabrera, Ferreras, Williams, Rodriguez, King, Comrie, Foster, Lappin, Weprin, Arroyo, Reyna, Levin, Barron, Dickens, Gennaro, Jackson, James, Koo, Koppell, Koslowitz, Lander, Palma, Richards, Rose and Van Bramer.

Whereas, The United States prides itself on being a land of opportunity; and

Whereas, However, immigrants struggle to thrive in this country and face significant hurdles when pursuing U.S. citizenship or other forms of immigration relief; and

Whereas, For example, undocumented immigrants are unable to work legally and therefore easily fall prey to unscrupulous employers who violate federal and state labor laws, which leads to unpaid or subminimum wages, lack of overtime pay, and poor or unsafe working conditions for many; and

Whereas, Many undocumented immigrants also fall victim to manipulation and fraud by scam artists who purport to offer immigration services but instead take advantage of individuals' lack of status and a lack of a strong command of the English language; and

Whereas, College is often impossible for undocumented immigrant youth to afford because, under current law, their undocumented status makes them ineligible for many forms of financial aid; and

Whereas, The narrow definition of "marriage" and "spouse" under current law prohibits the recognition of same-sex couples and therefore prevents U.S. citizens from sponsoring their immigrant partners for legal immigration status, leading to the needless disruption of families and the agonizing choice for many U.S. citizens to leave either their partner or their country; and

Whereas, Further, immigration judges have limited discretion and are precluded from considering family unification in deportation proceedings; and

Whereas, As a result, the 4.5 million U.S. citizen children with at least one undocumented parent are at risk of being separated from that parent; and

Whereas, Since 2001 several pieces of legislation have been considered in Congress to address the needs of immigrant families; and

Whereas, For example, the Development, Relief, and Education for Alien Minors ("DREAM") Act, introduced for the first time in 2001 and considered in 2006 and 2010 in Congress, would allow states to provide higher education benefits and provide a pathway to citizenship for eligible undocumented immigrant youth; and

Whereas, In order to address the needs of binational same-sex couples, the Uniting American Families Act ("UAFAs") was first introduced in 2005 and would include the definition of "permanent partner" in the Immigration and Nationality Act to include same-sex couples in order to grant them the same protections under the Immigration and Nationality Act as provided to married opposite sex couples; and

Whereas, Additionally, the Attracting the Best and Brightest Act was introduced in 2012 to create visas for immigrants who receive advanced degrees in the science, technology, engineering or mathematics fields; and

Whereas, The POWER Act, introduced in 2011, sought to expand the U-visa to give immigrant victims of labor law violations the opportunity to apply for legal status if they participated in the investigation of their employer; and

Whereas, None of these measures have been enacted into law; and

Whereas, Most recently, in January 2013, a group of U.S. Senators and President Barack Obama each proposed a comprehensive immigration reform framework; although they differ in significant ways, each seeks to address the needs of immigrants living in the United States; and

Whereas, Among other things, these frameworks seek to establish a pathway to citizenship for undocumented immigrants; end the unlawful hiring of undocumented workers; provide visas for immigrants who receive advanced degrees in the science, technology, engineering or mathematics fields; provide incentives to undocumented youth who want to pursue higher education; and promote family unification; and

Whereas, Many immigrant advocates, such as the American Immigration Lawyers Association and Make the Road New York believe that an effective comprehensive immigration reform bill would have to go further than the proposals set forth in January 2013 by also modifying immigration court proceedings so that judges have increased discretion and defendants have a right to counsel; recognizing immigration fraud as a qualifying crime for immigration relief; by including lesbian, gay, bisexual and transgender individuals when considering family sponsorship by permitting such individuals to sponsor a same-sex partner for legal immigration; and by preserving family unity by eliminating family numerical visa categories; and

Whereas, Passage of a comprehensive immigration reform bill could benefit the 475,000 undocumented immigrants in the New York State's labor force, the 400,000 undocumented youth in New York State's public schools, the estimated 3,700 immigrant New Yorkers in same-sex binational relationships, and thousands of U.S. citizen children who have at least one parent who is an undocumented immigrant; and

Whereas, In January 2013, President Barack Obama delivered a speech stating "we need Congress to act on a comprehensive approach that finally deals with the 11 million undocumented immigrants"; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign a comprehensive immigration reform bill in 2013.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Immigration).

Int. No. 1024

By Council Members Dromm, Barron, Brewer, Chin, Comrie, Fidler, Gonzalez, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Palma, Richards, Rose and Williams.

A Local Law to amend the administrative code of the city of New York in relation to requiring the commissioner of the department of correction to

post a monthly report on its website regarding punitive segregation, including solitary confinement, statistics for city jails.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-132 to read as follows:

§ 9-132. *Jail punitive segregation statistics. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

1. "Department" shall mean the New York city department of correction.

2. "Mental health assessment unit for incarcerated inmates" or "MHAUII" shall mean any separate housing area staffed by mental health clinicians where inmates with mental illness serve punitive segregation time.

3. "Punitive segregation" shall mean city jail housing units where inmates who have been found guilty of violating department of correction rules may be temporarily housed as a sanction for their offense(s) and restricted to their cells more than 15 hours per day.

4. "Serious injury" shall mean a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional injury as defined by the department.

5. "Staff" shall mean anyone, other than an inmate, working at a facility operated by the department.

6. "Use of force" shall mean the use of chemical agents or physical contact between a uniformed member of service and an inmate, but shall not include physical contact used in a non-confrontational manner to apply mechanical restraints or to guide an inmate.

7. "Use of force A" shall mean a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

8. "Use of force B" shall mean a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

b. Commencing on June 17, 2013, and on the fifteenth day of each month thereafter, the commissioner of correction shall post a report on the department website containing information relating to the use of punitive segregation in city jails during the prior month. Such monthly report shall include separate indicators, disaggregated by facility, for the total number of inmates housed in punitive segregation. In addition to the total number of inmates housed in punitive segregation, disaggregated by facility, such monthly report shall include the following information regarding the punitive segregation population, also disaggregated by facility: (i) the number of inmates in each security risk group as defined by the department's classification system directive, (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of inmates sent to punitive segregation during the period, (iv) the number inmates sent to punitive segregation from mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (Grade 1, 2, 3), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than 10 days, 10 - 30 days, 31 - 90 days, 91 - 180 days, 181 - 365 days, more than 365 days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates under 21 years of age, (ix) the number of inmates who received infractions while in punitive segregation, (x) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time, (xi) the number of inmates that committed suicide, (xii) the number of inmates that attempted suicide, (xiii) the number of inmates on suicide watch, (xiv) the number of inmates that caused injury to themselves (excluding suicide attempt), (xv) the number of inmates seriously injured while in segregation, (xvi) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xvii) the number of inmates who died (non-suicide), (xviii) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHAUII), (xix) the number of inmates transferred to a psychiatric hospital from MHAUII, (xx) the number of inmates moved from general punitive segregation to MHAUII, (xxi) the number of inmates placed into MHAUII following a disciplinary hearing, (xxii) the number of inmates moved from MHAUII to punitive segregation (not MHAUII), (xxiii) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxiv) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxv) the number of requests made by inmates to attend congregational religious services and the number granted, (xxvi) the number of requests made by inmates for assistance from the law library and the number granted, (xxvii) the number of requests made by inmates to make telephone calls and the number granted, (xxviii) the number of requests made by inmates who asked to attend recreation and the number granted, (xxix) the number of requests made by inmates to shower and the number granted, (xxx) the number of inmates who received visits, (xxxi) the number of instances of allegations of use of force, (xxxii) the number of instances of use of force A, (xxxiii) the number of instances of use of force B, (xxxiv) the number of instances in which contraband was found, (xxxv) the number of instances of allegations of staff on inmate sexual assault, (xxxvi) the number of instances of substantiated staff on inmate sexual assault,

(xxxvii) the number of instances of allegations of inmate on staff sexual assault,
(xxxix) the number of instances of substantiated inmate on staff sexual assault.

§2. This local law shall take effect 30 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1712

Resolution calling on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

By Council Members Dromm, Barron, Brewer, Chin, Comrie, James, Lander, Mark-Viverito, Mendez, Palma, Rose and Williams.

Whereas, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration; and

Whereas, Punitive segregation consists of single-cell housing units where inmates who have been found guilty of violating DOC rules may be temporarily housed as a sanction for their offense; and

Whereas, DOC informs incarcerated individuals of department rules by publishing an inmate handbook that identifies prohibited conduct and a rulebook that lists the sanctions that may be imposed by a guilty finding; and

Whereas, Individuals assigned to punitive segregation are often deprived of human contact and other sensory and intellectual stimulation, and such segregation can be deleterious to physical and mental health; and

Whereas, A growing body of academic research has found that solitary confinement can cause severe psychological damage and may in fact increase both violent behavior and suicide among incarcerated individuals; and

Whereas, According to inmate advocates, often times inmates with drug or mental health issues are placed back into punitive segregation without adequate treatment, which exacerbates their conditions; and

Whereas, According to a September 2012 DOC report, since January 2010, DOC has added 283 punitive segregation beds, increasing the capacity of its punitive segregation housing areas from 752 to 1,035 beds; and

Whereas, For many years DOC's policy dictated that when an inmate assigned to punitive segregation is released from DOC before completing his or her punitive segregation time, he or she is required to serve the remaining days in punitive segregation if he or she returns to DOC facilities; and

Whereas, In January of 2012, DOC modified its policy and began expunging time owed for certain infractions from prior incarcerations; and

Whereas, Currently, minor infractions older than a year and any serious infraction such as the use of a weapon, arson, or assault on staff which is older than two years are expunged for individuals returning to jail; and

Whereas, Imposition of time owed is without regard to the person's conduct and experience in the intervening period; and

Whereas, An inmate released and then returned to DOC custody should be placed in punitive segregation only upon the commission of new acts of misconduct which warrant such severe punishment; and

Whereas, Notwithstanding the recent changes to DOC's policy, DOC should end its current punitive segregation policy of time owed and terminate all required time owed when an individual leaves DOC custody; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1713

Resolution calling upon the New York State Assembly and New York State Senate to pass and the Governor to sign A.3339, which would amend the New York State Penal Law to redefine rape as criminal sexual conduct.

By Council Members Ferreras, Vallone, Jr., Nelson, Barron, Chin, Comrie, Dickens, James, King, Koo, Koppell, Koslowitz, Mark-Viverito, Palma, Recchia, Rose, Van Bramer and Williams.

Whereas, In March, 2012 former New York City police officer Michael Pena was convicted of 3 counts of predatory sexual assault and 3 counts of related charges for his August, 2011 sexual attack against a Bronx schoolteacher, at gunpoint; and

Whereas, In May, 2012 Pena was sentenced to 75 years in prison for his heinous sexual attack; and

Whereas, Although Pena was convicted on predatory sexual assault and related charges, a mistrial was declared on the charge of rape, despite the fact that the victim reportedly testified that Pena raped her at gunpoint and threatened to shoot her in the

face if she opened her eyes or made any noise, and an eyewitness reportedly testified that he saw Pena appearing to engage in sexual intercourse with the victim; and

Whereas, In June, 2012 Pena reportedly pled guilty to two counts of rape and two additional counts of predatory sexual assault and was sentenced to 10 years to life in prison; and

Whereas, If Pena hadn't pled guilty, it would have been difficult to convict Pena of rape; and

Whereas, Currently under New York State law, garnering a conviction on a rape charge requires proving sexual intercourse, which is an inherently difficult thing to prove; and

Whereas, Many New Yorkers, including the victims of sexual attacks, believe that failure to prove sexual intercourse beyond a reasonable doubt does not lessen the heinous nature of the sexual attack, such as existed in this case, nor should the prosecution be required to prove sexual intercourse in a case like this; and

Whereas, A.3339 expands the definition of rape by redefining rape to include oral sexual conduct, anal sexual conduct, or aggravated sexual contact, in addition to sexual intercourse; and

Whereas, A.3339 would provide greater protection to the public and punish those who perpetrate these crimes; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly and New York State Senate to pass and the Governor to sign A.3339, which would amend the New York State Penal Law to redefine rape as criminal sexual conduct.

Referred to the Committee on Public Safety.

Res. No. 1714

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A5470, which would amend the Vehicle and Traffic Law in relation to extending the period for the repair of defective equipment on the basis of religious observance.

By Council Members Fidler, Dromm, Gennaro, James, Koo, Mendez, Williams and Ulrich.

Whereas, New York State Vehicle and Traffic Law requires the dismissal of a summons for defective automobile equipment, such as a broken brake light, provided that the individual who receives the summons corrects the problem within a permitted timeframe of one half hour after sunset on the first full "business day" after the issuance of the summons; and

Whereas, The definition of "business day" in the law excludes only various federal holidays and Sundays; and

Whereas, An individual who receives a summons for defective equipment might be unable, because of the individual's religious observance, to correct the problem within the permitted timeframe; and

Whereas, For example, a person receiving a summons late on Friday afternoon may not be able to make repairs until Sunday because of the person's religious observance; and

Whereas, A5470 would remedy this situation by excluding from consideration as a "business day" a day on which the defendant, because of sincerely held religious beliefs, is unable to correct the violation for which the summons was issued; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A5470, which would amend the Vehicle and Traffic Law in relation to extending the period for the repair of defective equipment on the basis of religious observance.

Referred to the Committee on Transportation.

Int. No. 1025

By Council Members Garodnick, Brewer, Chin, Gennaro, Gentile, James, Koo, Mendez, Palma, Recchia and Lappin.

A Local Law to amend the administrative code of the city of New York, in relation to creating designated mobile food truck locations.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. The Council hereby finds that food truck vendors have become a growing presence on the streets of New York City and play an increasingly important role in the economic, cultural, and social life of New York City. Food trucks not only provide jobs and relatively inexpensive and varied food to many New Yorkers, but also generate revenue for the City through income and business taxes paid by vendors and other related businesses, such as their suppliers. The Council recognizes that the number of food truck vendors parking on the streets of the City of New York has increased in recent years, especially in commercial districts and in locations with significant pedestrian traffic. Many of these food truck vendors park in violation of one or more traffic rules. The Council recognizes the

need to protect the City's interest in maintaining an orderly flow of pedestrian and vehicular traffic while supporting food trucks and expanding the benefits they confer on the City. Accordingly, the Council finds that it is necessary to create vending zones within which food truck vendors would be authorized to park and sell food on City streets.

§2. Section 17-306 of the administrative code of the city of New York is amended to add new subdivisions t and u to read as follows:

t. "Designated mobile food truck location." A parking space from which a mobile food truck may vend, as determined by the department of transportation in consultation with the department, pursuant to section 19-162.3 of this code.

u. "Mobile food truck." A food vendor who vends from a vehicle.

§3. Section 17-307 of the administrative code of the city of New York is amended to add a new subdivision h to read as follows:

h. The commissioner shall clearly identify on a map all designated mobile food truck locations and shall maintain and regularly update such map on the department's website. The commissioner shall distribute updated maps identifying designated mobile food truck locations to all mobile food trucks upon the initial issuance of a mobile food vending permit and at each renewal of such permit.

§4. Section 17-315 of the administrative code of the city of New York is amended to add a new subsection m to read as follows:

m. A mobile food truck shall only park and vend from a designated mobile food truck location. The commissioner shall establish by rule and maintain an impartial system by which mobile food trucks register in advance to park and vend from designated mobile food truck locations. At the time of registration, mobile food trucks shall pay a fee, to be determined by the commissioner, for the department's administrative expenses associated with maintaining the designated mobile food truck location system.

§5. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.3 to read as follows:

19-162.3 Permissible parking for mobile food trucks. a. For the purposes of this section the following terms shall have the following meanings:

1. "Affected council member(s) and community board(s)" shall mean the council member(s) and community board(s) in whose districts a proposed designated mobile food truck location is to be located in whole or in part.

2. "Designated mobile food truck location" shall mean a parking space from which a mobile food truck may vend, as determined by the department in consultation with the department of health and mental hygiene.

3. "Mobile food truck" shall have the same meaning as it does in subdivision u of section 17-306 of this code.

b. The department, in consultation with the department of health and mental hygiene, shall create designated mobile food truck locations as follows:

1. In determining the location of designated mobile food truck locations, the department shall consider such factors as pedestrian and vehicular traffic patterns, safety, and the existence of obstructions in the public space, including but not limited to, the presence of street furniture, at or near such location.

2. At least ninety days before the creation of a new designated mobile food truck location, the department shall notify each affected council member and community board via electronic mail of the proposed location for the designated mobile food truck location within the affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

3. If the affected community board accepts the offer made pursuant to paragraph two of this subdivision and holds such hearing within forty-five days of the department sending the notice required under paragraph two of this subdivision, the department shall make a presentation of the proposed plans at such public hearing to receive input on such plans and shall not create the designated mobile food truck location until forty-five days after such public hearing. Such presentation shall include information regarding the impact the proposed designated mobile food truck location will have on street parking, vehicular traffic and pedestrian traffic.

4. The department shall consider comments from such public hearings and may incorporate changes, where appropriate, into the proposed designated mobile food truck location or cancel plans for the creation of such designated mobile food truck location where it determines such designated mobile food truck location would be inappropriate.

5. The minimum number of designated mobile food truck locations shall be at least 5 percent greater than the number of currently permitted mobile food trucks. The maximum number of designated mobile food truck locations shall be 450.

6. No more than 50 percent of designated mobile food truck locations shall be located in the borough of Manhattan.

7. At least seventy-five percent of designated mobile food truck locations shall be available for use by mobile food trucks on Monday through Friday, for at least 8 hours per day, between the hours of 9:00 am and 12:00 am.

8. At least half of designated mobile food truck locations shall be available for use by mobile food trucks on Saturday, Sunday and holidays, for at least 8 hours per day, between the hours of 9:00 am and 12:00 am.

9. In no instances shall there be more than one designated mobile food truck location per block face.

§6. This local law shall take effect 120 days after enactment, except that the commissioners of the department of transportation and the department of health and mental hygiene shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 1026

By Council Members Garodnick, Chin, Comrie, Gennaro, Gentile, Gonzalez, James, Koo, Mark-Viverito and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of motor scooter provisions.

Be it enacted by the Council as follows:

Section 1. Subdivisions a, c and d of section 19-176.2 of the administrative code of the city of New York are amended to read as follows:

a. For purposes of this section, the term "motorized scooter" shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this section, the term motorized scooter shall not include wheelchairs or other mobility aids designed for use by disabled persons[, electric powered devices not capable of exceeding fifteen miles per hour or "electric personal assistivemobility devices" defined as self-balancing, two non-tandem wheeled devices designed to transport one person by means of an electric propulsion system].

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of five hundred dollars. Authorized employees of the police department [and], the department of parks and recreation and the department shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

d. Any motorized scooter that has been used or is being used in violation of the provisions of this section may be impounded by the department or the police department and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the [police] commissioner of the agency that impounded such vehicle.

§ 2. This local law shall take effect one hundred eighty days after it shall have become law, except that the commissioners of the department of transportation and the police department shall take all actions necessary, including the promulgation of rules, if necessary, to implement this local law on or before the date upon which it shall take effect.

Referred to the Committee on Transportation.

Int. No. 1027

By Council Members Greenfield, Comrie, Dickens, Eugene, Fidler, Gennaro, Gentile, Gonzalez, Jackson, James, Koo, Richards, Rose, Williams and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to transfer of muni-meter time.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 19-167.2 of the administrative code of the city of New York is amended to read as follows:

b. Parking time that is purchased at a muni-meter shall be valid for use during such time at any parking space where parking meter rules are in effect, provided that:

2. the vehicle is not parked at such parking space in excess of the maximum amount of time parking is authorized at such parking space as indicated on posted signs. For purposes of this paragraph, the length of time a vehicle is parked at a parking space shall be calculated from the time such parking time was purchased, or such time as designated by the purchaser up to thirty minutes in advance, as indicated on the muni-meter receipt; and

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

Referred to the Committee on Transportation.

Int. No. 1028

By Council Members James, Barron, Chin, Comrie, Dickens, Ferreras, Gonzalez, Koo, Koppell, Mark-Viverito, Mendez, Palma, Richards, Rose, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an M/WBE advisory board.

Be it enacted by the Council as follows:

Section 1. Section 129 of title 6 of the administrative code of the city of New York, as amended by local law 1 of 2013, is amended by adding a new subdivision s to read as follows:

s. Advisory Board.

(1) *There shall be an advisory board that shall assess and make specific recommendations to the mayor and council to improve the program to enhance participation by minority-owned and women-owned business enterprises in city procurement.*

(2) *Such advisory board shall consist of twelve members as follows:*

(a) *Nine members shall be MBEs or WBEs or shall have experience advocating on behalf of MBEs or WBEs. Five such members shall be appointed by the mayor; four such members shall be appointed by the speaker of the council.*

(b) *The director, the city chief procurement officer, and the commissioner, or their respective designees, shall serve ex officio.*

(c) *At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.*

(3) *Each member, other than members serving in an ex officio capacity, shall serve for a term of 2 years to begin upon the appointment of the final member of the advisory board. Appointments for subsequent terms shall be made in the manner set forth in subparagraph (a) of this paragraph. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

(4) *No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

(5) *Members of the advisory board shall serve without compensation and shall meet as necessary.*

(6) *The board shall meet no less often than every three months, unless the board determines otherwise, but in no event shall the board meet less often than every six months.*

(7) *At the conclusion of each term, the advisory board shall issue a report to the mayor and council evaluating the program to enhance participation by minority-owned and women-owned business enterprises in city procurement and, as applicable, making specific recommendations to improve such program.*

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

Referred to the Committee on Contracts.

Res. No. 1715

Resolution calling on the New York State Legislature to pass and the Governor to sign legislation that would require local legislative approval prior to the siting of commercial casinos.

By Council Members James, Barron, Cabrera, Chin, Ferreras, Koo, Koppell, Mark-Viverito, Rose and Ulrich.

Whereas, The New York State Legislature is considering an amendment to the New York State Constitution that would authorize up to seven commercial casinos to be built across New York State, and

Whereas, Casinos can spur economic development and increase tax revenues by increasing employment, tourism and spending; and

Whereas, However, casinos can also lower living standards for the poor and reduce the quality of life in surrounding neighborhoods by negatively impacting existing businesses, reducing public safety, increasing traffic, and increasing the incidence of gambling and other addictions; and

Whereas, Local legislative bodies are imbued with the power to approve zoning changes, even when such changes are relatively modest, in recognition of the fact that land-use decisions can alter the fabric of communities; and

Whereas, Siting a casino in a particular community will have a very significant impact on that community as well as surrounding communities, and it is therefore incumbent on the New York State Legislature to provide a mechanism for local communities to weigh in on siting proposals before they are finalized; and

Whereas, The best way to achieve community input would be to require that prior to finalization, local legislative bodies approve or deny casino siting proposals that fall within their jurisdictions; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would require local legislative approval prior to the siting of commercial casinos.

Referred to the Committee on Governmental Operations.

Res. No. 1716

Resolution calling upon the United States Department of Agriculture to make undocumented immigrants eligible for the Supplemental Nutrition Assistance Program.

By Council Members James, Barron, Dromm, Eugene, Gonzalez, Koppell, Mark-Viverito, Mendez, Palma, Rose, Vann and Williams.

Whereas, The United States Department of Agriculture (“USDA”) administers the Supplemental Nutrition Assistance Program (“SNAP”), formerly known as the food stamps program; and

Whereas, SNAP offers food assistance to eligible low-income individuals and families by issuing monthly electronic benefits that can be used like cash at authorized retailers to purchase food; and

Whereas, Eligibility for SNAP is based on several factors, including but not limited to, household size, income and immigration status; and

Whereas, In order to qualify for SNAP, a household or individual must have or apply for a Social Security number and be a U.S. citizen, U.S. national or have status as a qualified alien; and

Whereas, Undocumented immigrants are ineligible for SNAP; and

Whereas, According to a 2004 Urban Institute Report titled “The Health and Well-Being of Young Children of Immigrants” (“the Report”), children of immigrants are substantially more likely to be poor and to experience food hardship; and

Whereas, In fact, according to the Report, 56 percent of young children of immigrants are low-income compared to 40 percent of young children of citizens; and

Whereas, The United States Department of Agriculture defines food insecurity as, “the limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire food in socially acceptable ways”; and

Whereas, According to a 2009 Child Trends Research Brief (“the Brief”), children with noncitizen parents are twice as likely to experience food insecurity than those with naturalized citizen parents; and

Whereas, In fact, according to the Brief, “lack of parental citizenship is a risk factor for food insecurity in infants in immigrant households”; and

Whereas, According to the Brief, food security is important for positive child development and it is therefore critical to ensure that all families with children have access to food; and

Whereas, If New York State allowed illegal immigrants to be eligible for SNAP the State could provide immigrant families with food security; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Agriculture to make undocumented immigrants eligible for the Supplemental Nutrition Assistance Program.

Referred to the Committee on General Welfare.

Int. No. 1029

By Council Members Lander, James, Koo, Mark-Viverito, Mendez and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax.

Be it enacted by the Council as follows:

Section 1. Paragraph four of subdivision b of section 17-309 of subchapter two of chapter three of title 17 of the administrative code of the city of New York is amended to read as follows:

4. Proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to section eleven hundred thirty-four of the tax law and has a tax clearance certificate from the state tax commission of the state of New York[.], *except that only applicants applying for a permit shall be required to present such proof.*

§ 2. This local law shall take effect ninety days after its enactment, provided, however the Commissioner may promulgate rules to effectuate this section prior to such effective date.

Referred to the Committee on Health.

Res. No. 1717

Resolution calling on the federal government to simplify tax filing for same-sex married couples.

By Council Members Lander, Mendez, Van Bramer, Dromm, Brewer, Chin, Ferreras, Fidler, Gennaro, James, Koppell, Mark-Viverito, Palma and Rose.

Whereas, According to the 2010 census, there are over 131,000 households with same-sex married couples in the United States; and

Whereas, Same-sex married couples in New York State must file their state tax returns using a married filing status even though their marriage is not legally recognized by the federal government; and

Whereas, In order to complete their state tax returns, same-sex married couples are advised by the New York State Department of Taxation and Finance to “compute their federal income tax... as if they were married for federal purposes”; and

Whereas, Because the Defense of Marriage Act (“DOMA”) precludes the federal government from recognizing legally married same-sex couples, each partner must file his or her federal return as a single person; and

Whereas, Since state tax returns require information from federal tax filings, same-sex married couples in New York State who wish to file jointly must complete four different sets of tax returns every year, including: one federal tax return for each spouse, one dummy joint federal tax return, and one joint state tax return; and

Whereas, In addition to inconvenience and loss of time, preparing multiple returns becomes a costly process for couples who seek professional assistance with their taxes; and

Whereas, President Barack Obama has repeatedly expressed his support for overturning the DOMA, and in 2011 announced that the Department of Justice would no longer be defending the law; and

Whereas, In February 2013, the Obama Administration filed a brief in the matter of *United States v. Windsor*, in which it argued that Section 3 of DOMA, which allows state and federal governments to deny benefits to legally married same-sex couples normally afforded to opposite-sex married couples, is unconstitutional; and

Whereas, In March 2013, United States Solicitor General Donald Verrilli represented the Obama Administration before the Supreme Court in *United States v. Windsor*, where it argued that DOMA denies equal protection to legally married same-sex couples; and

Whereas, Twelve states and the District of Columbia, which recognize same-sex marriages, civil unions or some version of domestic partnerships, permit same-sex couples to file their income tax returns jointly; and

Whereas, According to the Human Rights Campaign, filing separate federal tax returns denies same-sex married couples certain benefits, including a lower combined tax obligation, tax-exempt employer spousal benefits, and exemptions for gift and estate taxes; and

Whereas, According to various reports, lack of federal recognition also requires married same-sex couples to answer a series of complicated questions such as identifying who should file as the head of the household, who should get the child tax credit, and to whom deductions for dependents, mortgage insurance, and charitable contributions should be assigned; and

Whereas, Perhaps one of the grossest injustices created by same-sex marriage’s lack of federal recognition is that it forces couples to misrepresent the true nature of their relationship on government documents; and

Whereas, Until the federal government is prepared to recognize all legally valid unions, it is imperative that federal policy be modified to eliminate any disparate impact on married same-sex couples in the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls on the federal government to simplify tax filing for same-sex married couples.

Referred to the Committee on Civil Rights.

Int. No. 1030

By Council Members Lappin and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of motor scooter use by businesses.

Be it enacted by the Council as follows:

Section 1. Section 10-157 of the administrative code of the city of New York is amended to add a new subdivision k to read as follows:

k. A business using a bicycle for commercial purposes shall not have on the property or grounds in control of such business any motorized scooter and shall not permit any employee of such business to operate such a motorized scooter on behalf of such business. In addition to any penalties otherwise provided for in this section, any motorized scooter that is on the property or grounds in control of such business or being used in violation of this subdivision may be impounded as provided by subdivision d of section 19-176.2 of this code. In addition, any such business using a bicycle for commercial purposes shall be liable for any penalties incurred by any employee of such business while riding a motorized scooter on behalf of such business. For purposes of this section, “motorized scooter” shall be as defined in section 19-176.2 of this code.

§ 2. This local law shall take effect one hundred eighty days after it shall have become law, except that the commissioners of the department of transportation and the police department shall take all actions necessary, including the promulgation of rules, if necessary, to implement this local law on or before the date upon which it shall take effect.

Referred to the Committee on Transportation

Res. No. 1718

Resolution calling upon the Congress of the United States to pass, the President of the United States to sign, and a three-fourths majority of the States to ratify the Equal Rights Amendment.

By Council Members Lappin, Brewer, Chin, Dickens, Dromm, Ferreras, James, Koo, Koppell, Lander, Mendez, Rose and Van Bramer.

Whereas, The Equal Rights Amendment is an un-ratified amendment to the U.S. Constitution that addresses the equality of the rights of women under the law; and

Whereas, The Amendment would correct a profound imbalance that leaves women open to unequal treatment under the laws of the United States; and

Whereas, The Amendment would help rectify issues of discrimination and equal access and pay for women; and

Whereas, These issues continue to affect the professional and personal lives of women throughout New York City and the United States in the 21st Century; and

Whereas, The Amendment would clarify the legal status of sex discrimination for the courts, by making sex a suspect category subject to strict judicial scrutiny; and

Whereas, The Amendment would guarantee equal footing for women in the legal systems of all 50 states; and

Whereas, The Amendment would ensure that government programs and federal resources benefit men and women equally; and

Whereas, One hundred years ago, Alice Paul helped organized the Women’s Suffrage Parade, marking a turning point in the struggle for the women’s right to vote; and

Whereas, The Equal Rights Amendment, as drafted by Ms. Paul, was first introduced to Congress in 1923, and subsequently reintroduced in every Congress until its passage in 1972; and

Whereas, After passage in 1972, only thirty-five states, including New York State, of the thirty-eight states required to amend the U.S. Constitution ratified the Amendment by its ratification deadline in 1982; and

Whereas, The Equal Rights Amendment has, since 1982, been reintroduced in each session of Congress, most recently by U.S. Senator Robert Menendez of New Jersey on March 5, 2013, as S.J. Res. 10; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Congress of the United States to pass, the President of the United States to sign, and a three-fourths majority of the States to ratify the Equal Rights Amendment.

Referred to the Committee on Women’s Issues.

Int. No. 1031

By Council Members Mark-Viverito, Barron, Brewer, Dickens, Dromm, Eugene, James, Koo, Koppell, Mendez, Rose, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a registry of transportation providers for adult day care programs.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding section 17-198 to read as follows:

§ 17-198 *Creation of transportation provider registry for adult day care programs. a. Definitions. 1. “Adult day care program” shall mean a structured, comprehensive program which provides functionally impaired individuals with socialization, supervision, monitoring, personal care, and nutrition in a protective setting during any part of the day, but for less than a 24-hour period.*

2. “Emergency contact” shall mean a 24-hour service that is available, including telephone or texting capabilities, to respond to an emergency.

b. The department shall compile the names and emergency contact information of all transportation providers that service adult day care programs. The department may utilize any method of compilation deemed appropriate by the commissioner.

c. The department shall create and maintain a registry of information set forth in subdivision b of this section to be readily available for access by the appropriate department personnel. The department shall post on its website a list of the registrants and update such list as necessary every six months.

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

Referred to the Committee on Health.

Preconsidered Res. No. 1719

Resolution calling upon the New York City Housing Authority to meaningfully engage residents on proposed lease plans, to provide predominantly and permanently affordable units and to include certain requirements in any ground leases for NYCHA land.

By Council Members Mendez, Chin, Mark-Viverito, Brewer, Dromm, Arroyo, Levin, Barron, Comrie, Dickens, Eugene, Gennaro, James, Koppell, Richards, Rose, Van Bramer and Williams.

Whereas, The New York City Housing Authority (NYCHA) is the largest provider of public housing in the nation; and

Whereas, There are 334 NYCHA developments consisting of 2,597 NYCHA buildings with 178,895 public housing units; and

Whereas, Most of NYCHA's buildings were built in the 1940s or 1960s; and

Whereas, Sixty-six percent of NYCHA's current revenue comes from federal funding, thirty percent comes from rent, and four percent comes from grants and local government funding; and

Whereas, NYCHA's federal capital grants, which comprise the bulk of its capital funding, have declined substantially since 2001, falling from \$420 million annually to \$270 million annually; and

Whereas, As a result of the loss of governmental funding, NYCHA has encountered difficulty maintaining its infrastructure, resulting in unmet or delayed repairs and upgrades to brickwork, roofs, elevators, building systems and apartment interiors; and

Whereas, In 2006, NYCHA conducted a physical needs assessment where it identified that \$25 billion will be necessary over the next 15 years to keep NYCHA's housing stock in a good state of repair; and

Whereas, In order to generate revenue and address the funding gap, NYCHA intends to lease land on the grounds of its housing developments to developers who will be allowed to build residential towers; and

Whereas, Through these ground leases, thousands of new apartments will be built at selected sites, and of those apartments, 20 percent will have rents set at 60 percent of the area median income or below and the remaining units will have rents set at market rates; and

Whereas, NYCHA is considering such deals at all of its developments but has presently identified eight housing developments in Manhattan at which land including parks, playgrounds, parking lots and a community center will be leased for primarily residential development; and

Whereas, NYCHA will be issuing Requests for Proposals (RFPs) to solicit companies to lease and develop these selected sites; and

Whereas, Disposition of public housing property including the sale or lease of such property requires review and approval by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 18 of the Housing Act of 1937 (Section 18); and

Whereas, The Section 18 disposition process requires that public housing authorities consult with residents prior to the submission of a disposition application; and

Whereas, Federal law also requires public housing authorities to publish an Annual Plan, allow for a minimum 45-day public review period, and hold a public hearing in relation to the plan; and

Whereas, Although any Section 18 disposition proposal must be included in a public housing authority's Annual Plan, the complex issue of land dispositions is generally not adequately addressed in Annual Plan public hearings; and

Whereas, While NYCHA's land lease plan would not be subject to the city's Uniform Land Use Review Procedure (ULURP), NYCHA should voluntarily opt-in to the ULURP process in order to ensure significant consultation with affected stakeholders; and

Whereas, Recognizing that leasing parts of NYCHA land to private entities will eliminate the opportunity for NYCHA residents to utilize these sites, some of which have served recreational or other benefits for tenants, and that there may be no other similar publicly available spaces in a surrounding community, NYCHA should meaningfully consult with residents on what is proposed for each site that may be leased; and

Whereas, Meaningful consultation with residents includes public meetings with affected communities prior to and after the release of RFPs related to private development in each community, and furthermore, NYCHA should consult and collaborate with all affected Community Boards; and

Whereas, In addition, assistance from a non-profit organization with a dedicated staff of legal, architectural, engineering, environmental, land-use and community organizing professionals should be provided to help tenants evaluate complex land-use, zoning and legal issues related to the disposition of NYCHA land; and

Whereas, Affected Resident Associations and residents should have adequate time to secure legal and technical assistance along with sufficient time between public meetings to consult with technical advisory staff; and

Whereas, An advisory committee consisting of residents should also be established at each affected development to propose the parameters of the RFPs for each site and ultimately participate in the selection of developers for such site; and

Whereas, Before any RFP is released, an additional public meeting should occur at each affected development where residents and technical advisory staff are able to review a draft RFP and comment on it before its release; and

Whereas, NYCHA should ensure that all comments on the land lease plan, collected at meetings or through their online portal, are addressed and responded to; and

Whereas, In addition, NYCHA should provide a method to allow those who do not have internet access to provide written comments on the land lease plan; and

Whereas, All comments and suggestions on any proposed land lease plan should be posted and made available online for all residents and the public to review; and

Whereas, There is currently a severe shortage of affordable housing in the City of New York; and

Whereas, According to the 2011 New York City Housing and Vacancy Survey (HVS), the vacancy rate for rental apartments was only 3.12 percent, this low vacancy rate is an indication of the city's affordable housing crisis; and

Whereas, According to a recent report, 49 percent of New Yorkers spend more than 30 percent of their income on rent, 30 percent of New Yorkers spend more than 50 percent of their income on rent and 25 percent of New Yorkers spend more than 75 percent of their income on rent; and

Whereas, Affordable housing keeps neighborhoods economically as well as culturally diverse and vibrant by allowing low to middle-income New Yorkers to remain lifelong residents of the city; and

Whereas, If the disposition of NYCHA land is necessary, NYCHA-owned land should be ground leased and never sold outright; and

Whereas, Any long-term ground leases of NYCHA land should explicitly include robust employment and job training opportunities for NYCHA residents during the construction phase and for permanent jobs thereafter; and

Whereas, If any new residential development will be created on NYCHA owned land, those developments should be comprised of predominantly affordable units rather than the 20 percent affordable units currently being proposed; and

Whereas, Any long-term ground leases of NYCHA land should specify the number of apartment units created by the developer that will be made permanently affordable and the income levels for those units should be commensurate with the income levels that demonstrate eligibility for traditional public housing; and

Whereas, Any long-term ground leases of NYCHA land should include provisions prioritizing residents in the affected developments for first preference to move into the new affordable units; and

Whereas, Any long-term ground leases of NYCHA land should include the developer's commitments to open space, local investment, security considerations and other relevant benefits to the community; and

Whereas, NYCHA should ensure that all parking spaces, yards, playgrounds, community centers and any other buildings or spaces that would be leased for private development are replaced in a manner that would allow residents to receive uninterrupted services; and

Whereas, All of the money generated from long-term ground leases of NYCHA land must be dedicated to making repairs and capital upgrades to existing public housing developments; and

Whereas, A significant portion of the money generated from the ground leases should be dedicated to the capital needs of the affected developments who will suffer from the adverse impacts of ongoing construction; and

Whereas, NYCHA should allow its residents to determine any capital needs at their developments which will be addressed using the money generated from the land lease plan related to such development; and

Whereas, NYCHA should not release any RFPs until it has ensured that stakeholders, especially affected residents, are given the opportunity to participate and to provide recommendations on its lease plans, incorporated those recommendations into any plans to lease public housing land and committed to including certain stipulations including predominate and permanent affordability in any ground leases of NYCHA land; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to meaningfully engage residents on proposed lease plans, to provide predominantly and permanently affordable units and to include certain requirements in any ground leases for NYCHA land.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Public Housing).

Preconsidered Int. No. 1032

By Council Members Recchia, Comrie and Koo (by request of the Mayor).

A Local Law in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand fourteen.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2013 and in relation to the 2014 fiscal year:

1. Notwithstanding any inconsistent provisions of section 248 of the New York city charter, as added by vote of the electors on November 7, 1989, the Mayor shall pursuant to such section issue and publish a ten-year capital strategy as therein described not later than May 2, 2013.

2. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 2, 2013.

3. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 13, 2013.

4. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 21, 2013.

5. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described, which shall conclude by June 6, 2013.

6. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 12, 2013 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

7. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 12, 2013 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

8. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 12, 2013.

9. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989, any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 21, 2013.

10. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 12, 2013, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

11. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 12, 2013, the Council shall, pursuant to section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 1720

Resolution in support of the CAMPUS Safety Act of 2013 (H.R.359/S.433), which would establish and operate a National Center for Campus Public Safety.

By Council Members Rose, Barron, Eugene, Ferreras, James, Koo, Mark-Viverito, Mendez, Palma, Van Bramer, Vann, Williams, Recchia and King.

Whereas, Violent acts on college campuses across the country have increased in recent years, raising more concern about student safety; and

Whereas, There is a growing number of reported high profile cases that include shootings and sexual assaults on college campuses, as well as hazing incidents that have resulted in serious injury or death; and

Whereas, According to a 2007 report by the Federal Bureau of Investigation (FBI), crime in schools and colleges is one of the most troublesome social problems in the nation today; and

Whereas, According to a 2003 report by the Bureau of Justice Statistics, an average of 526,000 U.S. college students aged 18-24, experienced violent crimes such as rape, robbery, aggravated assault, and simple assault each year; and

Whereas, Students who have been victimized may experience psychological effects that prevent them from performing at the same academic levels prior to an incident, which may also result in dropping out of school; and

Whereas, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") is a federal mandate requiring all institutions of higher education that participate in the federal student financial aid program to disclose information regarding crime on their campuses and surrounding communities; and

Whereas, However, each college has its own set of guidelines and student advocacy organizations are concerned that such guidelines may not be adequately enforced and, further, may not meet federal standards; and

Whereas, To strengthen safety and security measures at postsecondary institutions, H.R.359/S.433, also known as the Center to Advance, Monitor, and Preserve University Security Safety Act ("CAMPUS Safety Act") of 2013 would establish a National Center for Campus Public Safety (the "Center") to train public safety personnel at institutions of higher learning, foster research to improve campus safety and security, disseminate information, and identify best practices, including behavioral threat assessments, emergency responses and evacuation procedures; and

Whereas, The Center would be authorized to issue grants to institutions of higher education and nonprofit organizations to strengthen training and research initiatives; and

Whereas, Furthermore, the bill would help to strengthen collaboration between institutions of higher learning, law enforcement, mental health service providers and government agencies; and

Whereas, In addition to the campus safety provisions, the bill would also reauthorize the Secure Our Schools grant program to help provide for security-related capital improvements at K-12 schools, such as classroom locks, lighting, fencing, reinforced doors and other deterrent measures; and

Whereas, On March 14, 2013, the U.S. Senate Judiciary Committee passed this legislation, however no action has been taken by the U.S. House Judiciary Committee; and

Whereas, Students should be able to pursue a college education without the fear of being subjected to an unsafe learning environment; and

Whereas, Passage of the CAMPUS Safety Act of 2013 would help to better address various situations on campuses that threaten student safety by identifying effective practices, streamlining information and implementing appropriate training; now, therefore, be it

Resolved, That the Council of the City of New York supports the CAMPUS Safety Act of 2013 (H.R.359/S.433), which would establish and operate a National Center for Campus Public Safety.

Referred to the Committee on Higher Education.

Res. No. 1721

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would allow a tax credit to property owners who install surveillance cameras on their property.

By Council Members Rose, Barron, Comrie, Dickens, Ferreras, Gentile, Gonzalez, James, Koo, Mark-Viverito, Mendez, Palma, Van Bramer, Vann, Williams, Rivera, King, Nelson, Vallone, Jr. and Ulrich.

Whereas, It has long been concluded that closed circuit television, or surveillance cameras, are a useful tool in crime management, and arguably crime prevention; and

Whereas, In 2011, the Urban Institute published a study, *Evaluating the Use of Public Surveillance Cameras for Crime Control and Prevention*, which examined the effectiveness of surveillance systems in Baltimore, Chicago, and Washington D.C., to deter potential criminal activity, alert police to dangerous situations, generate evidence to help identify suspects and witnesses, and foster the perception of safety; and

Whereas, When the City of Chicago installed 10,000 police-monitored surveillance cameras with flashing blue lights in apartment complexes in its high crime areas in 2003, the study found a decline of nearly 20% in overall crime one month following the installation of the cameras, and in the following year; and

Whereas, When the City of Baltimore installed 500 police-monitored surveillance cameras in its crime-laden downtown area in conspicuous locations, the City saw a 50% reduction in crime from the same time in the year before, and such

declines continued until 2008, when the crime rate steadied at 30 crimes per year in that area; and

Whereas, Although Washington D.C. did not see a decline in their crime rates when they installed surveillance cameras in 2006 following 14 killings in the first few days of July, the cameras did prove helpful in investigating and prosecuting the offenses that occurred; and

Whereas, Closer to home, in New York City, for almost a decade, state and local legislators have provided over \$200 million to the New York City Housing Authority and the Metropolitan Transit Authority for the installation of over 3,700 surveillance cameras to deter crime, aid in the investigation and prosecution of criminal activity, foster the perception of safety, and encourage people to use public spaces; and

Whereas, Further, in Boro Park, Brooklyn on July 12, 2011, one day after 8-year old Leiby Kletzky was reported missing, the suspect, who later admitted to abducting and killing Kletsy, was arrested after the New York City Police Department (“NYPD”) examined videos from surveillance cameras along Kletzky’s school route home, which showed Kletzky getting into the suspect’s car; and

Whereas, Surveillance cameras allowed the NYPD to identify the suspect, and determine Kletzky’s location in the hours that led to his death; and

Whereas, While cities and city agencies are able to fund the installation of surveillance cameras through grants and budget appropriations, many property owners are unable to install and maintain a surveillance system due to their high cost, which in many cases, can exceed \$1,000; and

Whereas, Surveillance cameras come in many different styles and host many different options, which all affect the cost of installing and maintaining the surveillance system; and

Whereas, Options that can affect the cost include the system’s ability to pan, tilt, zoom, run microphone and audio out jacks, and resist tampering; and

Whereas, Costs also vary depending on whether the surveillance systems will have Wi-Fi functionality to enable monitoring on a personal computer, whether the system will be used inside, outside or both, and whether the system will be used during the day, nighttime, or both; and

Whereas, In light of the high cost of the camera installation, in the wake of the Kletzky murder, New York State legislators discussed plans to introduce a bill called “Leiby’s Initiative”, which would grant a \$500 property tax credit to New York City property owners who install and maintain surveillance cameras on their property; and

Whereas, In 2012, rather than a tax credit, New York State Assemblyman Dov Hikind created the Leiby Kletzky Security Initiative, a \$1 million grant funded by New York State Senate Majority Leader Dean Skelos for the installation of 150 security cameras throughout the Midwood and Boro Park neighborhoods in Brooklyn; and

Whereas, All property owners throughout the City should benefit from the security and advantages that surveillance cameras provide; and

Whereas, Offering a property tax credit to assist property owners across the City in installing and maintaining surveillance systems will allow property owners to be proactive in protecting their property, as well as assist the NYPD in the resolution of crimes that occur on the owners’ property; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would allow a tax credit to property owners who install surveillance cameras on their property.

Referred to the Committee on Finance.

Int. No. 1033

By Council Members Vallone, Jr., Fidler, Gentile, Koo, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the corporation counsel to submit quarterly reports to the city council.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 7-111 to read as follows:

§ 7-111. *Corporation counsel; reports of the corporation counsel to the city council.*

a. The corporation counsel shall submit a quarterly report to the city council of all payments agreed to by the office of the corporation counsel on behalf of the city of New York in settlement of any civil action in which such office represents a defendant. Such report shall specify the number of settlement agreements executed during the previous quarter and the dollar amount of each such settlement, and any settlements executed at any other time after enactment of this law that were not previously included in such a report. Such report shall also sort such settlement data by the defendant in the settled action, which shall mean, if the defendant is an individual, such individual’s agency employer.

b. The first report required by subdivision a of this section shall be submitted to the city council on January thirty-first in the year following the enactment of this law. Each subsequent report shall be submitted by April 30, July 31, and October 31 of that year, and shall be submitted to the council on these four dates each year.

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1034

By Council Members Vallone, Jr., Comrie, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to door to door commercial solicitations.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 20 of the administrative code is amended by adding new a subchapter 19 to read as follows:

SUBCHAPTER 19

DOOR TO DOOR COMMERCIAL SOLICITATIONS

§ 20-824. Definitions.

§ 20-825. Prohibited activity.

§ 20-826. Penalties.

§ 20-824. Definitions. For the purposes of this subchapter the following definitions shall apply:

a. “Door to door commercial solicitation” shall mean to go upon, ring the doorbell affixed to, knock on the door of or attempt to gain admission to any private or multiple dwelling for the purpose of advertising a business or soliciting business.

b. “Multiple dwelling” shall have the same meaning as defined in paragraph seven of section four of article one of the state multiple dwelling law.

c. “Person” shall mean any natural person, firm, partnership, joint venture, corporation or association.

c. “Private dwelling” shall have the same meaning as defined in paragraph six of section four of article one of the state multiple dwelling law.

§ 20-825. Prohibited activity. a. No person shall engage in door to door commercial solicitation at any private or multiple dwelling where, in a conspicuous location at the entrance to such private or multiple dwelling, a sign is posted stating that door to door commercial solicitation is prohibited.

b. 1. In a private dwelling that is entirely owner-occupied and is designed for and occupied exclusively by no more than two families, any owner of such property shall have the authority to post such sign.

2. In all other private and multiple dwellings, the property owner shall only post such sign if the owner or lessee of each separate dwelling unit on such property or within such building indicates a desire to prohibit door to door commercial solicitations. Where one or more of such owners or lessees do not consent to the prohibition of door to door commercial solicitations, the property owner may post a sign prohibiting door to door commercial solicitation as long as the sign indicates those units where door to door commercial solicitation is permitted.

3. The signs permitted by this section shall be in a size and style to be determined by the commissioner.

§ 20-826. Penalties. A civil penalty of not less than two hundred and fifty dollars nor more than one thousand dollars shall be imposed for each violation of the provisions of this subchapter.

§ 2. This local law shall take effect one hundred twenty days after its enactment 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.

Referred to the Committee on Consumer Affairs.

Res. No. 1722

Resolution calling upon the New York State Legislature to require police departments to provide certain security measures for nonpublic schools.

By Council Members Vallone, Jr., Cabrera, Comrie, Ferreras, Gennaro, James, Koo, Koppell, Recchia and Ulrich.

Whereas, Tragically, on Friday, December 14, 2012, a gunman took the lives of twenty elementary school children and six adults at Sandy Hook Elementary School in Newtown, Connecticut; and

Whereas, This horrific event served as an unfortunate reminder that more must be done to protect the lives of school children and school staff; and

Whereas, The New York City Police Department works diligently to protect the lives of public school children and school staff in the City of New York; and

Whereas, The New York City Police Department is currently required, upon request of the authorities of a New York City public school, to provide children who attend such a school and staff who work at such a school with security measures; and

Whereas, Security measures provided to New York City public school students and staff include, but are not limited to, an assessment of the school’s security needs, the placement of school safety officers, and the use of video cameras or metal detectors; and

Whereas, The New York City Police Department's School Safety Division has over 5,000 school safety agents and more than 200 uniformed police officers for over 1.1 million students in the New York City public school system; and

Whereas, Yet the New York State Legislature currently does not require police departments to provide security measures for school children and school staff in nonpublic schools; and

Whereas, Students in nonpublic schools deserve the same security measures provided to school children and school staff of New York City public schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to require police departments to provide certain security measures for nonpublic schools.

Referred to the Committee on Public Safety

Res. No. 1723

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that amends the Padavan law to provide meaningful guidance on what would be considered such a concentration of community residential facilities that the nature and character of an area would be substantially altered.

By Council Members Vallone, Jr., Comrie, Fidler, Gennaro, Gentile, Koo, Nelson, Rose and Ulrich.

Whereas, In the 1970s various mental health experts began to blame the deplorable conditions at New York State institutions for the mentally disabled on the large size of such institutions and to recommend that residents of such institutions be moved to community-based residential facilities; and

Whereas, The effort to move residents of State institutions to community residences was hobbled by opposition from municipalities that had concerns about the effect the new community residences would have on localities; and

Whereas, To address this issue, New York State passed the Padavan law, which set mandatory procedures for the establishment of community residences for the mentally disabled; and

Whereas, Under the Padavan law, when a sponsoring agency wishes to establish a community residence it must send a written notification to the chief executive officer of the targeted municipality, including the proposed location of the community residence and a listing of all community residences and institutions located in the surrounding area; and

Whereas, Within forty days of receipt of the notification, the municipality must either approve the site recommended by the sponsoring agency, suggest a more suitable site within its jurisdiction, or object to the establishment of the facility because it would result in such a concentration of community residential facilities that the nature and character of the area would be substantially altered; and

Whereas, The Padavan law does not specify what would be considered an over-concentration of community residences that would qualify as substantially altering the "nature and character" of an area; and

Whereas, Since the Padavan law was enacted, no community has ever succeeded on a challenge to the proposed siting of a community residential facility; and

Whereas, When interpreting the Padavan law, courts have ruled that over-concentration is not enough, and that the dispositive inquiry is how the nature and character of an area would be changed by the establishment of the proposed facility; and

Whereas, Case law suggests that lowered home values and the loss of real property tax revenues do not amount to a substantial alteration of the nature and character of an area, but provides no guidance on what would be considered a substantial alteration; and

Whereas, The Padavan law has led to some communities having a high concentration of community residential facilities and some having none at all; and

Whereas, To be meaningful, the Padavan law should offer more specific standards for determining when the nature and character of a community would be substantially altered by the addition of a community residence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that amends the Padavan law to provide meaningful guidance on what would be considered such a concentration of community residential facilities that the nature and character of an area would be substantially altered.

Referred to the Committee on Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse & Disability.

Int. No. 1035

By Council Members Williams, Fidler, Comrie, Gennaro, Gentile, Greenfield, King, Koo, Lander, Palma, Rose and Arroyo.

A Local Law to amend the administrative code of the city of New York, in relation to the mandatory license revocation of an amusement arcade or gaming cafe license for offering cash prizes or engaging in other unlawful gambling activity.

Be it enacted by the Council as follows:

Section 1. Paragraph three of subdivision c of section 20-214 of title twenty of the administrative code is amended to read as follows:

(3) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. *Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked where the owner or operator of such arcade or cafe permits the following on the premises of such arcade or cafe: (i) the offering or distribution of money prizes or awards, or such other prizes or awards as restricted in the preceding sentence; or (ii) any other unlawful gambling activity as defined in section 225 of the state penal law.*

§ 2. This local law shall take effect one hundred twenty days after its enactment 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.

Referred to the Committee on Consumer Affairs.

Preconsidered L.U. No. 789

By Council Member Recchia:

Linden Harman, Block 3278, Lot 36, Block 3322, Lot 28, Brooklyn, Community District No. 4, Council District Nos. 34 and 37

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 790

By Council Member Comrie:

Application no. 20135272 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Café Argentino Inc., d/b/a Café Argentino, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 499 Grand Street, Borough of Brooklyn, Community District 1, Council District 34. 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. 791

By Council Member Comrie:

Application no. 20135340 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of L Plus L Productions LLC, d/b/a Ofrenda, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 113 7th Avenue South, Borough of Manhattan, Community District 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. 792

By Council Member Comrie:

Application no. 20135376 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Tin Marin Bar & Lounge Inc, d/b/a Tin Marin Restaurant & Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3708 Riverdale Avenue, Borough of Bronx, Community District 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.

L.U. No. 793

By Council Member Comrie:

Application no. N 120200 ZRM submitted by MTM Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to Zoning Resolution Section 74-712, concerning special permits for developments in historic districts in M1-5A and M1-5B districts, Borough of Manhattan, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 794

By Council Member Comrie:

Application no. C 120201 ZSM submitted by MTM Associates, LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-712 of Zoning Resolution to modify use regulations (ZR Sections 42-00 and 42-14) and height and setback requirements (ZR Section 43-43) at 150 Wooster Street, Borough of Manhattan, Community District 2, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 795

By Council Member Comrie:

Application no. N 130105 ZRM submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, concerning Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7, and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens), and various other Sections, modifying the regulations governing off-street parking and loading in Manhattan Community Districts 1 through 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 796

By Council Member Comrie:

Application no. C 130007 MMM submitted by Cornell University and New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the establishment of certain streets and legal grades necessitated on Roosevelt Island, including authorization for any disposition or acquisition of real property related thereto, in the Borough of Manhattan, Community District 8, Council District 5. 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. 797

By Council Member Comrie:

Application no. C 130076 ZMM submitted by Cornell University and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section Nos. 8d and 9b, changing an R7-2 District to a C4-5 District and establishing a Special Southern Roosevelt Island District to facilitate development of an academic and commercial research campus on Roosevelt Island, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 798

By Council Member Comrie:

Application no. N 130077 ZRM submitted by Cornell University and NYC Economic Development Corporation, pursuant to Section 197-c and 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, creating a new special district as Article XIII, Chapter 3 (Special Southern Roosevelt Island District) for the Cornell NYCTech proposal, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 799

By Council Member Comrie:

Application no. C 130078 PPM submitted by the NYC Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition to the New York City Land Development Corporation of city-owned property located on Block 1373, Lot 20 and p/o Lot 1, to facilitate development of an academic and commercial research campus on Roosevelt Island, Borough of Manhattan, Community District 8, Council District 5. 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. 800

By Council Member Comrie:

Application no. 20135449 HAM submitted by the New York City Department of Housing Preservation and Development for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 151-53 West 145th Street (Block 2014, Lot 11), 155-57 West 145th Street (Block 2014, Lot 10), 2468-70 Seventh Avenue (Block 2029, Lot 33), Community District 10, Council Districts 7 and 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 801

By Council Member Comrie:

Application no. 20135361 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sugar and Plumm (Upper West) LLC, d/b/a Sugar and Plumm, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 173 West 78th Street, Borough of Manhattan, Community District 7, Council District 6. 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:

Wednesday, April 10, 2013

Committee on **TRANSPORTATION**.....1:00 P.M.
Int. 591 - By Council Members Chin, Vacca, Brewer, Cabrera, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rose, Van Bramer, Williams, Nelson and Koo - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department to post on its website information concerning passenger carrier safety ratings.
Proposed Int. 813-A - By Council Members Chin, Vacca, Barron, Brewer, Dickens, Dromm, Fidler, Gentile, Gonzalez, Jackson, James, Koo, Koppell, Koslowitz, Lander, Palma, Recchia, Rose, Williams, Rodriguez and Halloran - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision and posting of safety information for motor coach passengers.

Int. 1026 - By Council Member Garodnick - **A Local Law** to amend the administrative code of the city of New York, in relation to the enforcement of motor scooter provisions.

Int. 1030 - By Council Member Lappin - **A Local Law** to amend the administrative code of the city of New York, in relation to the prohibition of motor scooter use by businesses.

Res. 1710 - By Council Member Chin - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation requiring intercity buses to visibly identify the destination, operator, and operator's contact information on the exterior and in one window of each bus.

Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Thursday, April 11, 2013

★ Deferred

~~Committee on **EDUCATION**.....10:00 A.M.~~

~~**Res. 1394** – By Council Members Jackson, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Gonzalez, James, Lander, Mendez, Rose, Vann, Williams and Wills – **Resolution** calling upon the New York State Education Department, the New York State Legislature, and the Governor to re-examine public school accountability systems and to develop a system based on multiple forms of assessment which do not require extensive standardized testing.~~

~~**Oversight** – The Impact of Standardized Testing on NYC Public Schools and Students~~

~~Committee Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson~~

★ Note Topic Addition

Committee on **CIVIL RIGHTS**10:00 A.M.

Int. 857 - By Council Members Lander, Dromm, Comrie, Barron, Brewer, Chin, Dickens, Eugene, Ferreras, Garodnick, Gonzalez, Jackson, James, Koppell, Mark-Viverito, Mendez, Palma, Recchia, Reyna, Rose, Vann, Williams, Wills, Levin, Arroyo, Cabrera, Rodriguez, Nelson, Foster, Van Bramer, Gentile, Lappin, Koslowitz, King and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's consumer credit history.

Committee Room– 250 Broadway, 14th FloorDeborah Rose, Chairperson

Committee on **HOUSING AND BUILDINGS** 1:00 P.M.

Tour: Capsys Corp.

Location:Brooklyn Navy Yard, Building 2 63 Flushing Avenue, Unit 240 Brooklyn, NY 11205

Details Attached.....Erik Martin-Dilan, Chairperson

Friday, April 12, 2013

★ Note Topic Addition

Committee on **HEALTH**..... 10:00 A.M.

Oversight – The Department of Health and Mental Hygiene's Compliance with Local Law 59: Improving Animal Care and Control

Committee Room – 250 Broadway, 16th Floor

..... Maria del Carmen Arroyo, Chairperson

Monday, April 15, 2013

Committee on **AGING** 10:00 A.M.

Oversight - Harassment of Elderly Tenants

Committee Room – 250 Broadway, 14th Floor Jessica Lappin, Chairperson

★ Note Location Change

Committee on **PUBLIC SAFETY** jointly with the

Committee on **EDUCATION** and the

Committee on **JUVENILE JUSTICE** 1:00 P.M.

Oversight - Examining School Climate and Safety.

Council Chambers – City Peter Vallone, Chairperson

..... Robert Jackson, Chairperson

..... Sara Gonzalez, Chairperson

★ Note Topic Addition

Committee on **GENERAL WELFARE** 1:00 P.M.

Oversight - Examining HRA's Public Assistance Enrollment

Committee Room– 250 Broadway, 14th Floor Annabel Palma, Chairperson

Tuesday, April 16, 2013

Subcommittee on **ZONING & FRANCHISES**.....9:30 A.M.

See Land Use Calendar Available Thursday, April 11, 2013

Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Committee on **YOUTH SERVICES** jointly with the

Committee on **COMMUNITY DEVELOPMENT**.....10:00 A.M.

Oversight - DYCD's Neighborhood Development Area Concept Paper

Committee Room – 250 Broadway, 14th Floor Lewis Fidler, Chairperson

.....Albert Vann, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING**

& MARITIME USES11:00 A.M.

See Land Use Calendar Available Thursday, April 11, 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, April 11, 2013

Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, April 17, 2013

★ Note Committee and Topic Additions

Committee on **HEALTH** jointly with the

Committee on **TRANSPORTATION**..... 10:00 A.M.

Int. 1025 - By Council Member Garodnick – **A Local Law** to amend the administrative code of the city of New York, in relation to creating designated mobile food truck locations.

Oversight - Food Truck Vendors: Examining an Emerging Industry.

Committee Room – 250 Broadway, 16th Floor

..... Maria del Carmen Arroyo, Chairperson

.....James Vacca, Chairperson

★ Deferred

~~Committee on **PARKS AND RECREATION**..... 10:00 A.M.~~

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 14thMelissa Mark-Viverito, Chairperson~~

★ Note Topic Addition

Committee on **CONTRACTS** 1:00 P.M.

Oversight - Revisiting Vendex

Committee Room – 250 Broadway, 14th Floor Darlene Mealy, Chairperson

Thursday, April 18, 2013

★ Note Topic Additions

Committee on **CONSUMER AFFAIRS**.....10:00 A.M.

Int. 1035 - By Council Members Williams and Fidler – **A Local Law** amend the administrative code of the city of New York, in relation to the mandatory license revocation of an amusement arcade or gaming cafe license for offering cash prizes or engaging in other unlawful gambling activity.

Oversight - Preventing Illegal Gambling in New York City's Gaming Cafes

Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

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

★ Note Topic Addition

Committee on **TRANSPORTATION**..... 1:00 P.M.

Proposed Int. 433-A - By Council Members Koppell, Arroyo, Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, James, Koslowitz, Mark-Viverito, Mealy, Nelson, Rose, Williams, Foster, Jackson, Barron, Lander, Rodriguez, Mendez, Van Bramer, Greenfield, Vann, Gonzalez, Levin, Rivera, Reyna, Ferreras, Palma, Lappin, Garodnick, Dickens, Crowley and Halloran - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities.

Committee Room – 250 Broadway, 16th FloorJames Vacca, Chairperson

★ *Deferred*

Committee on **JUVENILE JUSTICE** **1:00 P.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 14th Floor Sara Gonzalez, Chairperson

Friday, April 19, 2013

★ *Addition*

Committee on **GENERAL WELFARE** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Annabel Palma, Chairperson

Monday, April 22, 2013

Committee on **VETERANS** **1:00 P.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 14th Floor Mathieu Eugene, Chairperson

Tuesday, April 23, 2013

Committee on **WOMEN’S ISSUES**. **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

Committee on **HIGHER EDUCATION** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Ydanis Rodriguez, Chairperson

Committee on **WATERFRONTS** jointly with
 Committee on **ECONOMIC DEVELOPMENT** **1:00 P.M.**
Oversight - New York City Cruise Terminals
 Committee Room – 250 Broadway, 16th Floor
 Peter Koo, Chairperson
 Karen Koslowitz, Chairperson

★ *Addition*

Committee on **FINANCE** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor
 Domenic M. Recchia, Chairperson

Wednesday, April 24, 2013

Committee on **ECONOMIC DEVELOPMENT** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor
 Karen Koslowitz, Chairperson

Committee on **LOWER MANHATTAN REDEVELOPMENT** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Margaret Chin, Chairperson

Committee on **CIVIL SERVICE AND LABOR** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor James Gennaro, Chairperson

Thursday, April 25, 2013

Stated Council Meeting *Ceremonial Tributes – 1:00 p.m.*
 *Agenda – 1:30 p.m.*
Location *~ Council Chambers ~ City Hall*

MEMORANDUM

March 28, 2013

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON HOUSING AND BUILDINGS

Please be advised that all Council Members are invited to attend a tour:

**Capsys Corp.
 Brooklyn Navy Yard, Building 2
 63 Flushing Avenue, Unit 240
 Brooklyn, NY 11205**

The tour will be on **Thursday, April 11, 2013 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:30 p.m. sharp.**

Council Members interested in riding in the van should call Guillermo Patino at **212-788-9056.**

Erik Martin-Dilan, Chairperson
 Committee on Housing and Buildings
 Council

Christine C. Quinn
 Speaker of the
 Council

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 Thursday, April 25, 2013.

MICHAEL M. McSWEENEY, City Clerk
 Clerk of the Council

Editor’s Local Law Note: *Int Nos. 866-A, 945-A, 1014, 1019 (all adopted at the March 20, 2013 Stated Meeting) and 964, 965, 1007-A, 1016, and 1017 (all adopted by the Council at the March 13, 2013 Stated Meeting), were signed into law by the Mayor on April 2, 2013 as, respectively, Local Laws Nos. 23, 24, 25, 26, 27, 28, 29, 30, and 31 of 2013.*